

Claudius M. Kennedy
Will.

In the matter of
Clandius M. Kennedy. } Probate Court
June 12th, 1880.
decd.

C. H. Kennedy being duly sworn, doth say: That Clandius M. Kennedy, late of said county is dead, having made and published his last will and testament dated June 5th, 1880, and that he thereby appointed the said C. H. Kennedy, his Executor.

That said C. H. Kennedy desires to qualify as executor of said last will and testament. That the value of the personal estate so far as can be ascertained at the date of this application is about \$2000 or \$2500, and that H. J. Kennedy, J. L. Kennedy, Wm. J. Kennedy, C. H. Kennedy, Victoria Kennedy and E. B. Kennedy are the legatees under said last will and testament and the said C. H. Kennedy respectfully asks that said last will and testament be admitted to probate according to law.

Sworn and subscribed before
me, this June 12th, 1880.

C. H. Kennedy.

W. H. H. Hunted,
Probate Judge.

State of North Carolina,

Lenoir County. } ss. In the Probate Court.

A paper purporting to be the last Will and Testament of Clandius M. Kennedy, deceased, is exhibited before me the undersigned Judge of Probate for said county, by C. H. Kennedy, the executor therein named and the due execution thereof by the said C. H. Kennedy by the oath and examination of R. L. West and J. B. Loftin, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him purporting to be the last will and testament of Clandius M. Kennedy, that the said Clandius M. Kennedy, in the presence of this deponent, subscribed his name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 5th day of June, 1880.

And the deponent further saith, that the said Clandius

M. Kennedy, the testator aforesaid, at the time of subscribing his name, as aforesaid, declare the said paper writing as subscribed by him, and exhibited to be his last will and testament, and this deponent did thereupon subscribe his name at the end of said will, as an attesting witness thereto, and at the request and in the presence of said testator. And this deponent further saith, that at the time when the said testator subscribed his name to the said last will as aforesaid, and at the time of the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Clandius M. Kennedy, was of sound mind and memory, of full age to execute a will, and was not under any restraint to the knowledge, information or belief of this deponent: And further these deponents say not.

J. B. Loftin. (Seal)
R. L. West. (Seal)

Severally sworn and subscribed
this 12th day of June, 1880, before me.
W. H. H. Hunted,
Probate Judge.

Lenoir County— Probate Court June 12th, 1880.

On reading and considering the application of C. H. Kennedy to probate a paper writing purporting to be the last will and testament of Clandius M. Kennedy, dec'd, and to be qualified as executor thereof, according to the nomination and appointment therein made, and having examined on oath, J. B. Loftin and R. L. West, the two subscribing witnesses thereto as to the execution thereof: It is adjudged by the court, that the said paper writing and every part thereof, is the last will and testament of the said Clandius M. Kennedy, dec'd, and the same, as such is ordered to be recorded and filed. And thereupon C. H. Kennedy, the executor aforesaid, comes forward and takes and subscribes the following oath:

State of North Carolina,

Lenoir County. } In the Probate Court

I, C. H. Kennedy, do solemnly swear, that I believe this writing to be and contain the last will and testament of Clandius M. Kennedy, deceased, and that I will well and truly execute the same by first paying his debts and then his legacies as far as the said estate

shall extend or the law will charge me, and that I will well and faithfully execute the office of an executor agreeable to the trust and confidence reposed in me, and according to law so help me God.

Sworn and subscribed
before me this 12th day
of June, 1880.

W. H. K. Hunter,
(Probate Judge.)

whereupon letters testamentary are issued to the said
C. H. Kennedy, as executor of the said last will
and testament.

W. H. K. Hunter,
(Probate Judge.)

I, Claudius M. Kennedy of the county of Lenoir
and state of North Carolina, being of sound mind
and memory, but considering the uncertainty of
my earthly existence do make and declare this
my last will and testament in manner and
form following, that is to say

First, that my executor hereinafter named,
shall provide for my body a decent burial,
suitable to the wishes of my relations and friends
and pay all funeral expenses together with my
just debts to whomsoever owing out of the mon-
ey that may first come into his hands as a
part of my estate.

Item. I give and bequeath to my beloved moth-
er, H. D. Kennedy, one black mare, Gipsy, also my
buggy and harness, to her and her personal repre-
sentatives forever.

Item. I give and bequeath to my brother, James
L. Kennedy, the sum of two hundred and fifty
dollars, to him and his personal representatives forever.

Item. I give and bequeath to my brother, W. J.
Kennedy the sum of three hundred dollars, to him
and his personal representatives forever.

Item. I give and bequeath to my brother, Oscar
H. Kennedy, the sum of two hundred and fifty dollars
to him and his personal representatives forever.

Item. I give and bequeath to my beloved sister,
Victoria Kennedy the sum of five hundred dollars

to her and her personal representatives forever.

Item. I give and bequeath to my brother, E. B. Kennedy,
my gold watch and chain. And it is my will and de-
sire that all the rest and residue of my estate after pay-
ing the legacies above mentioned, shall be paid over to
my said youngest brother, E. B. Kennedy, to him his
heirs and personal representatives forever.

It is my will and desire that my executor, herein-
after named shall at my death take possession of my
stock of merchandise at falling creek in said county
and sell and dispose of the same either publicly or pri-
vately, as in his judgment may be for the best interest
of my estate, and that he collect all notes, book ac-
counts and debts due me, when the same shall be
due and payable, and with the moneys arising there-
from, pay off the debts and legacies above mentioned
and any surplus, pay to my said youngest brother
E. B. Kennedy as hereinbefore directed.

And lastly, I do hereby constitute and appoint my
trustworthy friend and beloved brother, Oscar H. Kennedy
my lawful executor to all intents and purposes, to ex-
ecute this my last will and testament, according to
the true intent and meaning of the same, and every
part and clause thereof, hereby revoking and declaring
utterly void all other wills and testaments by me
heretofore made. In witness whereof, I the said
Claudius M. Kennedy, do hereunto set my hand
and seal, this the 5th day of June, 1880.

Claudius M. Kennedy, (Seal)

Signed, sealed, published and
declared by the said Claudius
M. Kennedy to be his last will
and testament, in the presence
of us, who at his request and in
his presence, do subscribe our
names as witnesses thereto.

R. L. West
J. B. Loftin.

Recorded in the office of the Superior Court Clerk and
Probate Judge of Lenoir County, June the 15th, 1880.

W. H. K. Hunter,
(Probate Judge.)

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the true intent and meaning of the same, and every
part and clause thereof, hereby revoking and declaring
utterly void all other wills and testaments by me
heretofore made. In witness whereof, I the said
Claudius M. Kennedy, do hereunto set my hand
and seal, this the 5th day of June, 1880.

Claudius M. Kennedy, (Seal)

Signed, sealed, published and
declared by the said Claudius
M. Kennedy to be his last will
and testament, in the presence
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R. L. West
J. B. Loftin.

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