

her to sign her name as witness to said Will in the presence of the said Council Phillips, and at his request: that the said Council Phillips at the time of the Execution of the said paper writing was twenty one years of age - that he was of sound mind and disposing memory: that James L. Canaday the other subscribing witness to said Will, is now dead: that she is well acquainted with the hand writing of the said James L. Canaday, having often seen him write, and says under oath that the name of James L. Canaday, the other subscribing witness to said will is in the hand writing of the said James L. Canaday: that she and the said James L. Canaday and the said Council Phillips died, all signed the said paper writing in the presence of each other, and that all of the aforesaid signatures are genuine. W. H. Coleman being sworn says; that he is well acquainted with the hand writing of James L. Canaday, one of the subscribing witnesses to the paper writing, offered in this Court as the last Will and Testament of Council Phillips, having often seen him write and that the name of the said James L. Canaday subscribed as a witness to the said Will is in the hand-writing of the said James L. Canaday and that the said James L. Canaday is now dead.

J. C. Price, being duly sworn, says - that he is one of the subscribing witnesses as to the Codicil to the last Will and Testament of Council Phillips, died, now offered in this Court for probate, (said Codicil attached to the said will) that the said Council Phillips signed his name to the said Codicil in his presence; that the said signature of the said Council Phillips is genuine; that he, at the request of the said Council Phillips, signed as one of the witnesses to the said Codicil in the presence of the said Council Phillips; that the said Council Phillips declared the said Codicil to be a part of his last Will and Testament to which it is annexed - that the said Council Phillips at the time of the Execution of the said Codicil was twenty one years of age, of sound mind and disposing memory; that the said Council Phillips died on the 10th day of April, 1852, in the County of Lenoir. Bettie V. Price, being duly sworn, says: - that she is one of the subscribing witnesses to the Codicil to the last Will and Testament of Council Phillips, died, that the signature of the said Council Phillips attached to the said Codicil is genuine: that he signed his name in her presence - that he was of sound mind and disposing memory at the time he executed said Codicil

and declared it to be a part of his last Will and Testament to which it is attached, and that he was twenty one years of age - that she signed her name as one of the witnesses to the said codicil in his presence and at his request - that the said Council Phillips died in Lenoir County on the 10th day of April, 1852.

B. B. Stroud being duly sworn says; that he is one of the subscribing witnesses of the Codicil to the last Will and Testament of Council Phillips, died: that said Council Phillips signed said Codicil in his presence; that he subscribed as witness thereto, in the presence of said Council Phillips, and at his request - that the said Phillips was of sound mind and disposing memory at the time of Execution of said Codicil and declared the said Codicil to be a part of his will.

Sworn to and subscribed
this 14th day of April 1852
before me. W. H. Coleman
C. J. C.

W. H. Coleman,
B. B. Stroud,
Susan W. Canaday,
J. C. Price,
Bettie V. Price.

Will.

I, Council Phillips 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 Executors, (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 hereafter and to whomsoever owing, out of the moneys that may first come into her hands as a parcel of my Estate.

Item, 2nd - I give and bequeath to my daughter, Barbary, wife of Melchings Bates, One Cow, to be hers and at her disposal absolutely forever.

Item, 3rd. I give and bequeath to my ~~grand~~ daughter, Margaret, wife of Joshua Bird one cow to be hers and at her disposal absolutely forever.

Item 4th. I give and bequeath to my grand daughter, Mary Phillips, one dollar to be paid by my wife within two years after my death.

to be hers and at her disposal absolutely forever.
 Item 5th. I give and bequeath to my son Thomas Phillips
 three children, three dollars to be paid them within two years
 from my death by my wife, to be theirs, and at their disposal
 absolutely forever.

Item 6th. I give and devise to my beloved wife July Ann, all
 of my land and all of my personal property not heretofore
 disposed of during her natural life time or widowhood
 after either ceases. I give and devise the said lands and personal
 property to my wife July Ann's children to be equally divided
 between them. To have and to hold to them and their heirs
 in fee simple forever. And lastly, I do hereby constitute
 and appoint my trusty wife, July Ann, my lawful Executor
 to all intents and purposes, to execute 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 her-
 tofore made. In witness whereof, I the said Council Phillips
 do hereunto my hand and seal this 7th day of April 1882.

Council ^{his} Phillips 
 mark

Signed, sealed, published
 and declared by the said
 Council Phillips 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.

James L. Canaday
 Susan C. Canaday

I, Council Phillips the
 testator named in this Will, do declare this Codicil to be
 a part of my last Will and Testament, and do direct
 that it shall be so considered. Wherein, my sons Joseph
 Phillips, Charles Phillips and Harlow Phillips having
 married since the making of the above Will, do direct
 that the clause providing for them shall be changed, giving
 them only a life interest in my land and then to descend
 to their lawful children, or nearest heirs, to be theirs ab-
 solutely forever. Given under my hand and seal this 22nd
 day of June, in the year of Our Lord, 1880.

Signed in presence of
 J. C. Price, Bettie V. Price
 B. B. Stroud.

Council ^{his} Phillips
 mark

North Carolina, } Probate Court.
 Lenoir County } April 14, 1882.

The foregoing paper writing purporting to be the last Will and
 Testament of Council Phillips, deceased, and a Codicil
 thereto are exhibited before me for probate by July Ann Phillips,
 the Executive therein named, and the due execution thereof
 as to the said last Will and Testament, is proved by the oath
 and Examination of James L. Canaday and Susan C. Canaday
 the subscribing witnesses thereto, and the due execution of
 the said Codicil is proved by the oaths and Examination
 of J. C. Price, Bettie V. Price and B. B. Stroud, the subscri-
 bing witnesses thereto. It is therefore considered by the said
 Court, that the said paper writing, purporting to be the
 last Will and Testament of the said Council Phillips,
 deceased, and that said Codicil is the Codicil thereto, and
 the same are ordered to be recorded and filed.
 And thereupon the said July Ann Phillips, Executive as
 aforesaid, duly qualified as such by taking the oath
 required by law.

Wm. H. Hunter,
 Probate Judge.

Recorded in the office of the Superior Court Clerk of Lenoir
 County. Aug. 3, 1882.

Wm. H. Hunter,
 Clerk & Judge.

tainty of my earthly existence, do make and declare this my last will and testament, in manner and form following, that is to say:-

1st That my entire tract or parcel of land lying in Senoir Institute Township, said county & state, adjoining the lands of Joshua L. Bouse & others, shall be divided equally between my daughters Nancy Susan Sutton, Martha Ellin Sutton, Hildah Hooker Sutton and Louvenia Alice Smith. Giving to Nancy Sutton the lot or tract adjoining the lands that I recently sold to Rich^d Sutton Jr. I bequeath to Martha Ellin Sutton the tract or lot on which the houses now stand, and to Hildah Hooker Sutton and Louvenia Alice Smith I bequeath the other two remaining lots or shares.

2nd In consideration of my daughter Martha Ellin having to care, raise & maintain my grand daughter, Rosa Ella Mewborn I have bequeathed to her (my daughter, Martha Ellen) my entire rents of the farm which I have leased to Richard Sutton for a term of six years, beginning January 1st 1881, together with the residue of my property & effects, not hereafter disposed of, and I give and bequeath to my daughter Louvenia Alice Smith beside the heretofore named lot or share of land, one cow & calf, all of which I leave subject to any debt or debts, that I may or have contracted for the benefit of her husband James M. Smith.

3rd I give and bequeath to my grand daughter, Rosa Ella Mewborn, one bed & furniture, one trunk it being the same allotted to her mother, and one cow & calf.

4th I give and devise, and it is my will & wishes that each of my four daughters, Nancy Susan Sutton, Hildah Hooker Sutton, Martha Ellin Sutton and Louvenia Alice Smith pay to my grand daughter Rosa Ella Mewborn twenty-five dollars which I devise to be applied only in educating her, but in the event my grand daughter should die then my four daughters named above need not pay only up to time of her death and the property heretofore given to my grand daughter, I, in that event give to my daughter Martha Ellin Sutton.

5th Should my daughter Martha Ellin Sutton die before my granddaughter is grown to womanhood, then in that event, I desire my daughter Louvenia Alice Smith to have the care and raising of said grand daughter, and in con-

sideration I bequeath the personal property heretofore given to Martha Ellin Sutton to my daughter Louvenia Alice Smith, and in the event that the daughters above mentioned both should die, then I desire that my daughter Hildah Hooker Sutton, having the care & raising of said grand daughter, and in consideration I bequeath to her the personal property heretofore given to Martha Ellin Sutton to my daughter Hildah Hooker Sutton, but in the event that the above named daughters should all die then I desire that my daughter, Nancy Susan Sutton shall have the care and raising of said child, and in that event I bequeath to her the said Nancy Susan Sutton the personal property heretofore bequeathed to my daughter Martha Ellin Sutton.

6th Should my daughter, Martha Ellin Sutton, after my death, wantonly refuse to maintain & care for said grandchild then, in that event, I bequeath to Louvenia Alice Smith the lot of land bequeathed to Martha Ellin Sutton, and in that event I bequeath to Martha Ellin Sutton the lot of land bequeathed to Louvenia Alice Smith.

7th To be thoroughly understood I have bequeathed to my daughter Martha Ellin my choice lot, or share together with the rents after paying all just debts & accounts, in consideration of the care of my granddaughter Rosa Ella Mewborn, but should she refuse to care for said child then I desire that which one of my daughters that does care for it shall have the choice lot and the personal property bequeathed to Martha Ellin Sutton.

8th My will and desire is that the residue of my estate of whatever kind after taking out the services & legacies above mentioned, shall be, and I do hereby bequeath to my daughter, Martha Ellin Sutton.

9th And lastly I do hereby constitute and appoint my son-in-law Richard Sutton, Jr. my lawful Executor to all intents and purposes, to execute this my last will and testament according to the true intent and meaning of the same, and every part & clause thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I the said Rosa Hardy do hereunto set my hand and seal this the 18th day of March, A.D. 1881.

Rosa Hardy (Seal)
mark.

Signed, sealed, published and declared by the said Rosa Hardy, to be her last