

Application
for
Letters
Testamentary

State of North Carolina
Lincoln County

In the matter of the last will & Testament
of Elizabeth Phillips } Before E. H. Bizzell
Clerk Superior Court.

Joseph M. Phillips being duly sworn, doth say:
That Elizabeth Phillips, late of said County, is dead,
having first made and published her last Will
and Testament; and that he Joseph M. Phillips and
C. H. Howard are the executors named therein.

Further, that the property of the said Elizabeth
Phillips consisting of Real and personal property
is worth about \$2000. so far as can be ascertained
at the date of this Application; and that Richard
Phillips, Variza E. Causby, and Joseph M. Phillips
all of Lincoln County, are the parties entitled under
said will to the said property.

Sworn to and subscribed before
me the 19th day of September 1889 } J. M. Phillips
E. H. Bizzell
Clerk Superior Court

Examination
of
Witnesses

State of North Carolina } In the Superior Court
Lincoln County

A Paper purporting to be the last Will and
Testament of Elizabeth Phillips deceased, is ex-
hibited before me, the undersigned, Clerk of the
Superior Court for said County, by Joseph M. Phillips
and C. H. Howard the executors therein mentioned,
and the due execution thereof by the said Elizabeth
Phillips by the Oath and examination of E. L. Hazleton
and C. H. Howard the subscribing witnesses thereto;
who, being duly sworn, doth depose and say, and each
for himself depose and swear that he is a sub-
scribing witness to the paper-writing now shown
purporting to be the last will and Testament of Elizabeth
Phillips; that the said Elizabeth Phillips, in the presence
of this deponent, subscribe her name at the end of
said paper-writing, which is now shown as aforesaid
and which bears date of the 5th day of March 1889.

And the deponent further saith, that the said Elizabeth
Phillips the testatrix aforesaid, did, at the time of subscribing
her name as aforesaid, declare, the said paper-writing as
subscribed by her and exhibited, to be her last Will and
Testament, and this deponent did thereupon subscribe
his name at the end of said will as an attesting wit-
ness thereto, and at the request and in the presence
of the said testatrix. And this deponent further saith,
that at the said time when the said testatrix sub-
scribing her name to the said last will as aforesaid,
and at the time of deponent's subscribing his name
as an attesting witness thereto, as aforesaid, the
said Elizabeth Phillips was of sound mind and mem-
ory, 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.

C. H. Howard (Sworn)

E. L. Hazleton (Sworn)

Sworn to and subscribed
this 19th day of September 1889 before
me. E. H. Bizzell
Clerk Superior Court

Oath

State of North Carolina } In the Superior Court
Lincoln County

We Joseph M. Phillips and C. H. Howard do solemnly
swear (or affirm) that we believe this writing to be and
contain the last Will and Testament of Elizabeth Phillips
deceased; and that we will well and truly execute
the same by first paying her debts and thus her legacies,
as far as the said estate shall extend, or the law will
charge us; and that we will well and faithfully ex-
ecute the Office of Executors agreeable to the trust
and confidence reposed in us, and according
to law. So help me God.

Sworn and subscribed before
me, this 19th day of September
1889

E. H. Bizzell
Clerk Superior Court

J. M. Phillips
C. H. Howard

The Will
of
Elizabeth Phillips

North Carolina
Perdue County

I Elizabeth Phillips of the County and State aforesaid, 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:

Item 1st. 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, however and to whomsoever owing, out of the moneys that may first come into their hands as a part or parcel of my estate.

Item 2nd. I give to Richard Phillips and Vainzer E. Cosby and Joseph M. Phillips a life estate, and to Julia A. Cosby while she remains single, a life estate in the buildings and yard garden and the lane which leads to the public road;

Item 3rd. I give to Richard Phillips my son, one third part of the land on which I now live, to him and his, if at his death he shall leave no children, the property conveyed in this item shall go to my Grandson Joseph M. Phillips.

Item 4th. I give to my daughter Vainzer E. Cosby one third of the land on which I now live, during her lifetime, and at her death it shall go to my Granddaughter Julia A. Cosby and her children, and if she should die without children, or if she should have children and they die without children, then it shall go to my Grandson Joseph M. Phillips, if living, if dead, then to Julia A. Cosby's Grand children if she have any.

Item 5th. I give to my Grandson Joseph M. Phillips one third of the land on which I now live, to him and his children and if at his death he should leave no children, then it shall go to my son Richard Phillips and to his children, and should he have no children then to Julia A. Cosby and her children. I also give to my Grandson Joseph M. Phillips the houses yard and garden and lane, subject to the provisions made in item second.

Item 6th. I give to my son J. A. E. Phillips children each five cents.

Item 7th. I give to my Grandson Joseph M. Phillips one black mare, saddle and my buggy and harness, one bed and furniture, one chest, one table and 2 chairs, shot gun and best sythe and one half of my farming implements.

Item 8th. I give to my son Richard Phillips the young mare and cart and one half the farming utensils, one bed and furniture, one chest and one table and two chairs.

Item 9th. I give to my daughter Vainzer E. Cosby one bed and furniture one chest and one table and the balance of my chairs, except one, my closet and press.

Item 10th. I give to my Grand daughter Julia A. Cosby one bed and furniture one chest and one table and one rocking chair.

Item 11th. I give the balance of my personal property to-wit: One Oxen and all my hog stock, to be equally divided between my son Richard and my daughter Vainzer E. Cosby and my grand children Joseph M. Phillips and Julia A. Cosby, except the clock and looking glass which are to remain in the dwelling house.

And lastly. It is my express desire that there shall be no sale of any of my property either personal or real, and I do hereby appoint my Grandson Joseph M. Phillips and my trusty friend W. H. Howard my lawful executors 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 void all other wills and testaments by me heretofore made.

In witness whereof I the said Elizabeth Phillips, do hereunto set my hand and seal, this 5th day of March 1855.

Signed & sealed in
the presence of
E. L. Hazelton
C. H. Howard

Elizabeth ^{her} Phillips ^{mark}

Probate of
Will

State of North Carolina } In Superior Court
Lenoir County }

In the matter of the last will of Elizabeth Phillips.

It appearing to the Court by the oath and examination of C. C. Hayleton and L. M. Howard the subscribing witnesses, is thereto, that the paper writing propounded by the Executors therein named, is the last will and testament of Elizabeth Phillips and that the same was duly executed by said Elizabeth Phillips in the presence of said witnesses and that the time of signing of the same the said Elizabeth Phillips was of sound mind.

It is thereupon adjudged that the said paper writing be admitted to Probate as the last will and testament of the said Elizabeth Phillips and the Executors therein named qualify as such. It is further ordered that the said will together with the foregoing proceedings thereof be recorded and filed and that Letters Testamentary issue.

This 19th day of September 1889.

E. H. Riggall

Clk. Superior Court.

Recorded in the office of the Clerk Superior Court
of Lenoir County. Oct. 11th 1889.

E. H. Riggall

p.s.c.

Application

State of North Carolina }
Lenoir County }

In the matter of the last will of James H. Davis. } Before E. H. Riggall
Clerk Superior Court

Elkanah Davis being duly sworn, doth say:

That James H. Davis late of said County, is dead, having first made and published his last Will and Testament, having named no executor therein, and that he is one of the legates named therein.

Further, that the property of the said James H. Davis consisting of Real and personal property is worth about \$3500. so far as can be ascertained at the date of this application; and that the Elkanah Davis, Almshanda Howard wife of Wm Howard, Gobreiah Noble wife of R. H. Noble, Elizabeth Layton wife of John Layton, Isariah Noble wife of J. H. Noble, Susan B. Canady and J. Herman Canady. (The last named a minor and lives with his father R. H. Canady) all of Lenoir County, are the parties entitled under said will to the said property.

Sworn to and subscribed
before me the 29th day of October
1889

E. H. Riggall

Clerk Superior Court

Elkanah Davis

Examination
of
Witnesses

State of North Carolina } In the Superior Court
Lenoir County }

A paper purporting to be the last will and testament of James H. Davis deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Elkanah Davis, and the due execution thereof by the said James H. Davis by the oath and examination of W. O. Hyatt and W. E. Hyatt the subscribing witnesses thereto who, being duly sworn, doth depose and say and each for himself depose and swear that he is a subscribing witness to the paper writing now shown him purporting to be the last will