

Recorded in the office of the Probate Judge and Clerk of
the Superior Court of Lenoir County, in Kingston, N. C. the
4th day of July, 1878.

W. H. Hunter,
Clerk & Judge

Henrietta Sutton } State of North Carolina,
Lenoir County. } In the Probate Court.

B. H. Sutton, Jr., } Application for Proving
To the Court. } Will of Henrietta Sutton, dec'd.

- I B. H. Sutton, being duly sworn deposes and says:
That Henrietta Sutton died on the 14th day of
October, 1878, leaving a last Will and Testament, with
appointing an Executor thereof.
- II That Deponent is named in said Will as the prin-
cipal devisee and legatee of said testator.
- III That the following is a list of property devised in
said will: Two tracts of land in Lenoir County consist-
ing of four hundred and forty seven acres, worth about
four thousand dollars— Also about five hundred
dollars worth of personal property, consisting of
horses, onule, household and kitchen furniture, hogs
sheep and farming implements.
- IV That the following is a list of the names of the par-
ties entitled to said testators property under said last
Will & Testament— to wit
S. J. Hooten— La Grange N. C.
B. H. Sutton Jr.
- V That deponent now presents said will for Probate,
it being attested by J. M. Hadley and Charles Shuffy, Jr.
B. H. Sutton Jr.

Sworn to and subscribed
before me this 9th day of
Nov. 1878

W. H. Hunter,
Probate Judge.

North Carolina, } In the Probate Court.
Lenoir County. }

A paper writing purporting to be the last will and testament
of Henrietta Sutton, deceased, is exhibited before me, the undersig-
ed, Judge of Probate in and for said County, by B. H. Sutton, Jr.,
and the due execution thereof by the said Henrietta Sutton, proven
by the oath and examination of Charles Shuffy, Jr., and of J. M.
Hadley, the subscribing witnesses thereto: who being duly sworn,
doth depose and say, and each for himself depose and certify,
that he is a subscribing witness to the paper writing now shown
him, purporting to be the last will and testament of Henrietta
Sutton, deceased. That the said Henrietta Sutton, in the
presence of this deponent, subscribed her name at the end
of said paper writing, which is now shown as aforesaid,
and which bears date on the 20th day of Sept., 1878.

And the deponent further saith that the said Henrietta Sutton,
the testatrix aforesaid, did at the time of subscribing
her name as aforesaid, declare the said paper writing as sub-
scribed by her and exhibited, to be her last will and testa-
ment, 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 the said testatrix.

And this deponent further saith, that at the said time
when the said testatrix subscribed her 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 Henrietta Sutton 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.

Charles Shuffy, Jr. *Real*
J. M. Hadley *Real*

Severally sworn and subscribed
this 21st day of November, 1878,
before me.

W. H. Hunter,
Probate Judge.

I, Henrietta Sutton of Lenoir County North Carolina be-
ing of sound mind and memory but considering the uncer-
tainty of any earthly existence do make and declare the
following to be my last will and testament, in manner
and form following.

Item— I devise unto Shade S. Hooten and his heirs two
tracts or parcels of land situated in said county: one to

ing on the south side of Neuse River, adjoining the lands of J. S. Davis Mrs. Margaret Croom & others bounded as follows, beginning at a stake in the edge of the main road leading from Kinston to White Hall and runs due South 310 poles to a stake, then due east 88 poles to a pine, then due North 500 poles to a red oak, then due east 23 poles to the run of Bull's branch, then down the various courses of said branch to the road then with the road to the beginning containing one hundred and eighty one acres more or less. the other tract on the north side of Neuse River adjoining the lands of Sempsey Wood, Josiah Sutton & others, bounded as follows, beginning at a stake in an agreed upon line between Josiah Sutton and Hardy Sutton and runs south $34\frac{1}{2}$ West 70 poles, then South $37\frac{1}{2}$ West 45 poles to the bridge, then South $86\frac{1}{2}$ West 9 poles to a stake, then North and with the cross fence to an agreed upon line between L. H. Sutton & B. F. Sutton then with said line south $37\frac{1}{4}$ West $71\frac{1}{2}$ poles, then South $42\frac{1}{2}$ West 13 poles to Neuse River, then up the various courses of said river to the mouth of Bear Creek then up the various courses of said Creek to the mill ford, then North $51\frac{1}{4}$ East 92 poles to a stake near Sully's hog pen, then South 62 East 22 poles to a spanish oak, then the same course 59 poles to a pine, then South $55\frac{1}{4}$ East 60 poles to a stake, then South $31\frac{1}{2}$ East $54\frac{1}{2}$ poles to a pine, then South $31\frac{1}{2}$ East to the beginning, containing three hundred acres more or less. To have and to hold said two tracts or parcels of land unto him the said Shade J. Wooten and his heirs. In the special trust and confidence that the said Shade J. Wooten and his heirs will hold said two tracts or parcels of land for the exclusive use and benefit of my beloved husband B. F. Sutton during his life and after his death for the use and benefit of such child or children as he may leave him surviving and the issue of such as may be dead the issue to represent their ancestor and take such part as their ancestor would take if living.

If the said B. F. Sutton leaves no child or children or the issue of such then the said Shade J. Wooten and his heirs are to hold said two tracts of land for the use and benefit of such person or persons as the said B. F. Sutton may appoint by deed or will take said two tracts or parcels of land.

Item. I give and bequeath unto the said Shade J.

Wooten and his heirs all my personal property and estate of every kind and description whatsoever to be held upon the same trust and use declared and expressed in the preceding item of this will - that is to say for the exclusive use and benefit of my husband, the said B. F. Sutton during his life, and after his death to such child or children as he may leave him surviving, and the issue of such as may be dead, said issue to represent their ancestor and take such part as their ancestor would take if living. If the said B. F. Sutton leaves no child or children or the issue of such, then the said Shade J. Wooten and his heirs are to hold said personal property and estate for the use and benefit of such person or persons as the said B. F. Sutton may appoint by deed or will to take the same.

The said Shade J. Wooten and his heirs will allow the said B. F. Sutton to have possession of said two tracts of land and said personal property and estate if he desires them, and in case the said B. F. Sutton takes control and possession of said two tracts of land and said personal property and estate the said Shade J. Wooten and his heirs are not to be responsible for the rents and profits, damage, loss, depreciation or destruction thereof.

In witness whereof, the said Henrietta Sutton have hereunto set my hand and seal this the 20th day of Sept. A. D. 1878.

Witnesses.

Charles Sully, Jr.

J. M. Hadley.

Henrietta Sutton (Seal)

Lenoir County: Probate Court

The execution of the foregoing paper writing, purporting to be the last will and testament of Henrietta Sutton, deceased, being duly proved by the oath and examination of Charles Sully, Jr. and J. M. Hadley the subscribing witnesses thereto, (the said oath and examination of said witnesses being hereto annexed and hereby made a part of this proceeding) it is adjudged that the said paper writing and every part thereof, is the last will and testament of the said Henrietta Sutton, deceased, and will therefore be duly recorded as such.

Witness my hand and official seal, Dec. 16, 1878

W. H. Huntley
Probate Judge.

Recorded in the office of the Superior Court Clerk of Lenoir County, N. C.