

nents subscribing his name as an attesting witness thereto as aforesaid, the said Knight Phillips 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 severally sworn and subscribed this 23rd day of August, 1873, before me.

Wm. H. Hunter,
Probate Judge.

State of North Carolina,
County of Lenoir.

I, Knight 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 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 here with my just debts, however and whomever owing, out of the moneys that may first come into his hands, as a part or parcel of my estate.

Item 1. I lend to my wife Elizabeth Phillips, all of my entire property, namely, house and kitchen furniture, all of my stock and land of every description, during her natural life and widowhood.

Item 2. And I give to her to do as she thinks proper, two beds and furniture, one cow and calf, one bay horse one cow and pigs.

Item 3. I give and bequeath and alien to my son Richard Phillips, one bed and steed and furniture, one chest heifer yearling and parrel mare, and one set of farming tools for one horse farm, at the death of my wife.

Item 4. I give and bequeath and alien to my grandson Joseph M. Phillips at the death of my wife, one bed and furniture, one trunk and one chest, one steer yearling, and support for one year, at the death of my wife, if on hand.

Item 5. I lend to my son Richard Phillips and my grand son, Joseph M. Phillips, at the death of my wife, currently five acres of land, around my dwelling house, in common

and if either of them shall die without leaving lawful children I want the other one to have all of the land, and if both should die without leaving lawful children my desire is that it shall go to my sons, J. A. H. Phillips and Pinckney Phillips.

Item 6. I give the balance of all of land to my two sons, J. A. H. Phillips and Pinckney Phillips, to be equally divided between them, if Pinckney Phillips dies without children, then to J. A. H. Phillips and children.

Item 7. I give to my daughter, Elizabeth Crosseney, one dollar to be paid her in money, by my executor.

Item 8. The remainder of my property, if any, to be sold, and after paying all debts to be divided between my three sons equally and grand son J. M. Phillips.

Item 9. I appoint my trusty friend J. T. Freeman, to act as trustee for my wife, and my son Richard Phillips, and my grand son Joseph M. Phillips, to all intents and purposes.

Lastly— I do hereby constitute and appoint my trusty friend John T. Freeman, 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, every part and clause thereof, hereby revoking and declaring utterly void, all other wills and testaments, made by me heretofore. In testimony whereof, I, the said Knight Phillips do hereunto set my hand and seal this 13th January, Anno Domini one thousand eight and sixty eight

signed and sealed
in the presence of
Joshua Rouse.
J. C. Phillips.

Knight Phillips.
mark.

Lenoir County. In the Probate Court
Having considered the renunciation of J. T. Freeman, the executor named in a paper writing purporting to be the last will and testament of Knight Phillips, dead, and having given notice to the next of kin of said dead, to appear and show cause why they should not be deemed to have renounced their right to administer on the estate of said dead. Therefore, on reading the application of W. L. Shields, to admit said paper writing to probate, and to be appointed administrator with the will annexed of said dead, and having examined on oath, J. C. Phillips and Joshua Rouse, the two subscribing witnesses thereto, as to the contents thereof. It is adjudged that the said paper writing is the last will and testament of the said Knight Phillips; it is further

adjudged that the said next of kin have renounced their right to administer on the estate of said dead, inasmuch as they failed to appear and show cause, as they were notified to do; and it is further adjudged that the said W. L. Shields be, and he hereby is appointed Admin. with the will annexed of the said Wright Phillips, dec'd, by entering into bond in the sum of six hundred dollars.

Whereupon, he, the said Shields, comes forward, enters into the required bond, and takes and subscribes the oath required by law, and thereupon letters of administration with the will annexed are issued to him.

W. L. Shields,
Probate Judge.

Recorded in the office of the Probate Judge and Clerk of the Superior Court in Kingston, Senois County, North Carolina, the 18th day of August, 1874.

W. L. Shields,
Probate Judge & Clerk.

Isaac Warters.

Senois County. In the Probate Court,
In the matter of the will of Isaac Warters. } Before W. L. Shields,
Judge of Probate.

John Shields being sworn, doth say: That Isaac Warters, late of said county, is dead, first made and published his last will and testament, and that John & William Shields are the executors named therein. Further, that the property of the said Isaac Warters, consisting of real and personal estate, is worth about \$1000. as far as can be ascertained at the date of this application; and that John Shields, Susan Shields and Sarah Holland are the parties entitled under said will to the said property.

John X. Shields
mark.

Subscribed to and subscribed before me, this 28th day of January, 1873.

W. L. Shields,
Probate Judge.

State of North Carolina. }
Senois County. } 38. In the Probate Court.

A paper writing purporting to be the last will and testament of Isaac Warters, deceased, is exhibited before me, the undersigned, Judge of Probate for said county, by John Shields, the executor therein named, and the due execution thereof by the said Isaac Warters by the oath and examination of Abner Rouse and A. J. McIntyre, the subscribing witnesses thereto: who being duly sworn, doth depose and say, and each for himself depose and oath, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Isaac Warters, that the said Isaac Warters 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 28th day of November, 1864. And the deponent further oath, that the said Isaac Warters, the testator aforesaid, did 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, then upon, 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 testator. And this deponent further oath that at the said 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 Isaac Warters 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 the deponent. And further these deponents say, oath severally sworn and subscribed, this 18th day of November, 1873, before me.

Abner Rouse, (Seal)
A. J. McIntyre, (Seal)

W. L. Shields,
Probate Judge.

I, Isaac Warters, of the county of Senois 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

for my body a decent burial, suitable to the wishes of my relations and friends, and pay all funeral expenses, together with all my just debts, howsoever and whomever owing out of the money that may first come into their hands, as a part or parcel of my estate.

Item 2nd. After my decease, I lend unto Mrs. Mary Fields (relict of Shadrach Fields) deceased) all my real & personal property of every kind whatsoever, during her natural life, with the understanding, she make way, with no part of the same whatever, as as it be misplaced or destroyed at her decease.

Item 3rd. My will and desire is after the death of Mrs. Mary Fields, that all my real and personal property be equally divided between her children as follows, (viz.) John Fields, Susan Fields, and Sarah Hall ~~and~~, to have and to hold to them and to their heirs forever.

And lastly, I do hereby constitute and appoint Mr. Fields and John Fields 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 all other wills and testaments by me made. In witness whereof, I the said Isaac Warters do hereunto set my hand and seal, this 28th 1864.

Signed, sealed and declared by the said Isaac Warters, to be his last will and testament in presence of us, who at his request subscribe our names as witnesses.

Wm. Rouse.
J. J. McHenry.

Isaac Warters, Test.

Senioir County— In the Probate Court.
On reading the application of John Fields to admit a paper writing, purporting to be the last will and testament of Isaac Warters, dec'd, to probate, and to be qualified as executor to said paper writing, according to the appointment made by same, and having examined on oath Wm. Rouse and J. J. McHenry, the two

subscribing witnesses to said paper writing as to the execution thereof. It is adjudged that the said paper writing is the last will and testament of the said Isaac Warters, and thereupon the said John Fields, the executor therein appointed, comes forward and takes and subscribes the following oath, to-wit:

State of North Carolina,
Senioir County.

I, John Fields do solemnly swear that I believe this writing to be and contain the last will and testament of Isaac Warters, 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 truly execute the office of an executor, agreeable to the trust and confidence reposed in me, and according to law, as help me God.

Sworn and subscribed before me this 24th day of November, 1873.

H. H. Hunter,
Probate Judge.

John x Fields.
mark.

Whereupon letters testamentary are issued to the said John Fields, as executor to the said last will and testament.

Probate Judge.

Recorded in the office of the Probate Judge and Clerk of the Superior Court, in Kingston, Senioir County, North Carolina, the 18th day of August, 1874.

H. H. Hunter,
Probate Judge & Clerk.