

for probate in open Court, by Susan Cannady, the Executrix therein named, and the due execution thereof by said James L. Cannady, is proved by the oath and examination of A. J. Loftin and H. E. Perry being the subscribing witnesses thereto.

It is, therefore, considered by the Court, that the said paper writing and every part thereof, is the last will and testament of the said James L. Cannady, and the same is ordered to be recorded and filed.

And thereupon the said Susan Cannady, Executrix as aforesaid, duly qualifies as such by taking the oath required by law. This 2nd day of March A. D. 1882.

W. H. H. Hunter,
Probate Judge.

State of North Carolina)

Senioir County: } Probate Court

I, Susan C. Cannady, do solemnly swear that I will execute the trusts reposed in me by the last will and testament of James L. Cannady, dec'd, and that in all things, (according to law) I will comply with the provisions thereof, by first paying his just debts and then pay out, as the will of said dec'd directs the legacies mentioned therein, to the legatees, as said will directs.

March 1, 1882.

Sworn to and subscribed
before me, Mar. 2, 1882

W. H. H. Hunter,

Probate Judge:

whereupon Sellers Testamentary are issued to the said Susan C. Cannady, as Executrix of the said last will and testament.

W. H. H. Hunter,
Probate Judge.

I, James L. Cannady, of the town of Kinston, County of Senioir and State of North Carolina, declare this to be my last will and testament.

Item 1st It is my will that my funeral shall be conducted quietly and without parade and that my funeral expenses and all of my just debts

shall be fully paid but it is my express wish that there shall be no sale of any of my property for that purpose, except as may be hereinafter described.

Item 2nd. I give, devise and bequeath to my beloved wife, Susan C. Cannady, in lieu of dower, if she should so elect, all of my real estate in the County of Senioir, with the exception hereinafter mentioned, for life, but upon this special trust that she will, during her life, rent out all of the said real estate, and one third of the net proceeds of which, after expending what may in her judgment be necessary to keep the property in a proper state of repair. She is to retain as her own individual property, and the other two thirds of the net proceeds is to be turned over to my daughter, Nancy E. Davis, wife of Jas. H. Davis.

And after the death of my said wife Susan C. Cannady, I give and devise all of my aforesaid real property, with the exception to be hereafter mentioned to my daughter, Nancy E. Davis, and her heirs in fee.

Item 3- I give and devise to Spencer Phillips, son of Stephen C. Phillips, the following described part or portion of the Barney Phillips tract of land lying and being in the County of Senioir in Contentnea Neck Township and bounded as follows: Beginning at a red oak stump on the edge of the Great Marsh, Pittman's corner, and runs with his line north 55 west 12 3/4 poles to a pine - thence south 25 west 10 poles - thence south 27 west 22 poles, thence south 55 west 40 poles, thence south 23 west 12 poles - thence south 50 west 11 poles thence south 28 west 23 poles, then North 54 west 19 3/4 poles to a pine on a path - then south 26 west 16 7/8 poles to a pine - Bond's corner - thence south 28 west 20 8 poles - thence south 31 east 6 7/8 poles to a cluster of water oaks - then south 79 1/4 East 68 poles to a small sweet gum - thence north 28 1/2 east 96 poles to the road - thence with said road north 49 west 15 poles - thence north 38 1/4 west 42 1/2 poles, then north 29 1/4 west 58 1/2 poles to the canal bridge, then down the canal north 36 1/4 east 44 poles to a small pond thence down the canal north 59 1/2 east 10 poles to the north 17 east 14 poles thence north 35 1/4

poles to a gum, thence to the beginning—containing 401 $\frac{3}{4}$ acres more or less—to have and to hold to him, the said Spencer Phillips his heirs and assigns forever.

Item 4. I give and devise to Hannah Gilbert daughter of Stephen C. Phillips, the entire tract of land known as the Stephen C. Phillips plantation, including the Stephen C. Phillips old homestead, lying in the county of Senoio, and in Constantine Neck Township To have and to hold to her, the said Hannah Gilbert her heirs and assigns forever.

Item 5. I give and devise the balance of the Barney Phillips plantation not herein devised to Spencer Phillips to Mary Jones and Martha Phillips, daughters of Stephen C. Phillips, to be equally divided between them, to have and to hold to them, the said Mary and Martha their heirs and assigns forever.

Item 6. It is my will and desire that the said Spencer Phillips and Hannah Gilbert shall support their father, said Stephen C. Phillips, during his life out of the rents and profits of the lands herein devised to them and the obligation to do so on their part is herein made a condition upon which they shall take the lands herein devised to them.

Item 7. It is my will and desire that before the said Spencer Phillips, Hannah Gilbert, Mary Jones and Martha Phillips shall come into possession of the lands herein devised to them, that the said Spencer Phillips and Hannah Gilbert shall pay to my executrix hereinafter named or my personal representative for the benefit of my estate fifteen hundred dollars without interest the payment of which is herein made a condition upon which they the said Spencer and Hannah are to take the lands herein devised to them, and the said fifteen hundred dollars is hereby made a charge upon the said land herein devised to the said Spencer, Hannah, Mary and Martha.

Item 8. It is my will and desire that my

executrix hereinafter named or my personal representative shall hold possession of the lands herein devised to Spencer Phillips, Hannah Gilbert, Mary Jones, and Martha Phillips until the said fifteen hundred dollars are paid as aforesaid and shall rent it out and apply the proceeds to the keeping of the said lands in a state of cultivation and repair, and the surplus to be applied to the payment of the said fifteen hundred dollars.

Item 9. It is my will and desire that when the said fifteen hundred dollars shall have been paid off as aforesaid, either by the said Spencer Phillips and Hannah Gilbert, or by the rents and profits as stated in Item 8th above; then the said Spencer, Hannah, Martha and Mary shall take immediate possession of the lands herein devised to them, discharged of all conditions except that condition imposed on Spencer and Hannah of supporting Stephen C. Phillips during his life.

Item 10. It is my will and desire that all of the stock, farming utensils &c. on the said lands herein devised to said Spencer, Hannah, Mary and Martha at the time of my death shall remain on said lands under the control of my executrix, hereinafter named, or my personal representative, and shall be used on said lands for the purpose of cultivating the same until the said fifteen hundred dollars shall have been paid off as aforesaid—and then the said stock, farming utensils &c. then on the said lands shall become the absolute property of the said Hannah Gilbert.

Item 11. It is my will and desire that if I should die at any time during the year 1882 and rents coming to me from said lands herein devised to said Spencer, Hannah, Mary and Martha will be sufficient together with the value of the stock, farming utensils &c. on said land so devised at my death to pay off the said fifteen hundred dollars then and in that event, it is my will and desire, if my Executrix, hereinafter named, or my personal representative shall elect, that said stock, farming utensils &c. shall be sold by my executrix hereinafter named, or personal representative, and the

proceeds of said sale of the stock, farming utensils &c., together with the said rent for the year of 1882, shall be applied to pay off the said sum of fifteen hundred dollars and discharge the said lands from the charge of fifteen hundred dollars.

Item 12. I bequeath to my beloved wife Susan L. Cannady, all of my household and kitchen furniture in the town of Kinston for the term of her natural life, and after her death to my daughter, Nancy E. Davis.

Item 13. It is my desire that all of my personal property, not otherwise disposed of, consisting of choses in action &c shall be equally divided between my wife, Susan L. Cannady and my daughter, Nancy E. Davis.

Item 14. I hereby constitute my beloved wife Susan L. Cannady to be the executrix of this my last will and testament, revoking and annulling all former wills by me made, and ratifying and confirming this, and no other, to be my last will and testament

James L. Cannady

Signed, sealed, published and declared by the abovenamed James L. Cannady, as and for his last will and testament, in presence of us, who at his request have signed as witnesses to the same.

Kinston, N. C. Feb. 9th, 1882.

A. J. Loftin.
H. E. Perry.

Recorded in the office of the Superior Court Clerk and Probate Judge of Lenoir County, March 15, 1882.

W. H. N. Hunter
Clerk & Judge.

Lenoir County. In the Probate Court
In the matter of the Will } Before W. H. N. Hunter
of Wm. F. Loftin } Judge of Probate.

E. F. Gilbert being sworn doth say: That Wm. F. Loftin, late of said County, is dead, having first made and published his last will and testament; and that E. F. Gilbert is one of Executors named therein and that Evan ~~Shatt~~ the other Executor named is dead, as he is informed and believed; further, that the property of the said Wm. F. Loftin, consisting of personal property is worth about \$1350.⁰⁰ and real estate is worth about \$10,000.⁰⁰ so far as can be ascertained at the date of this application; and that Josephine E. Loftin of Lenoir County, N. C. is the party entitled under the said Will to the said property.

Sworn to and subscribed } E. F. Gilbert
before me this 10th day of } Executor
April 1882. }
W. H. N. Hunter,
Probate Judge.

North Carolina } In the Probate Court
Lenoir County } Before W. H. N. Hunter
Probate Judge

In the matter of W. F. Loftin }
To } Renunciation.

The Court }
In this matter Mr. E. F. Gilbert, the Executor in the said will and testament of W. F. Loftin, deceased, came into Court and renounced his right to qualify as Executor of the last will and testament of the said W. F. Loftin, dec'd in favor of Mrs. Josephine E. Loftin, and asks that she be appointed as administratrix with the will annexed

April 10, 1882.
W. H. N. Hunter,
Probate Judge.

E. F. Gilbert.