

Owen Throude, one of the defendants in said petition, being sworn, alleges that the same is true as to his own knowledge, and those otherwise stated he believes to be true.

Owen Throude.

Sworn and subscribed to
before me this August 5, 1884.
W. H. Hume,
C. S. C.

Lenoir County - Superior Court

Sarah Mooring et al.

vs.
Lott Throude et al.

This cause coming on to be heard, and the defendants having appeared by their Attorney, W. J. Raspberry, Esq., and filed an answer admitting the truth of the complaint; It is considered, adjudged, and decreed that the paper writing, a copy of which is set out in the complaint, is the last will and testament of Barney Stanley, as the same was proven and recorded as set out in the complaint, and that the original and record thereof has been destroyed by fire; and it is further considered, adjudged and decreed that the will, as set up in the complaint, be set up and declared to be the last will and testament of Barney Stanley, and it, together with these proceedings, are hereby ordered to be substituted in lieu of the original will, together with the probate and record thereof, with the same force and effect of the original last will and testament of said Barney Stanley, with the probate and the record thereof. It is further ordered that said will, as set out in the complaint and the probate thereof, together with these proceedings be recorded in the record of wills as the last will and testament of Barney Stanley.

August 5, 1884.

W. H. Hume, C. S. C.

Enrolled in the office of the Clerk of the Superior Court of Lenoir County, the 10th day of June, 1885.

W. H. Hume, C. S. C.
W. H. Hume, C. S. C.

North Carolina, } Superior Court,
Lenoir County. } May 5th, 1885.

In the matter of the last
Will and Testament
of
John H. Pebles, dec'd. } Affidavit.

- 1 N. E. H. Pebles, being duly sworn, deposes and says:
That John H. Pebles died in the County of Lenoir on the 27th day of October, 1864, after having duly executed and published his last will and testament.
- 2 That the said will and testament was duly probated and recorded according to law in the said County of Lenoir.
- 3 That the original and record of said Will and Testament were destroyed by fire in some of the recent burnings of the records of said County.
- 4 That this affiant has no certified copy of said Will and Testament nor has any one else to her knowledge.
- 5 That the paper writing hereto attached, marked "A", is an exact copy of the said Will and Testament of the said John H. Pebles, dec'd, which this affiant desires to make a part of this affidavit.
- 6 That this affiant, Ann C. Pranks, wife of W. H. Pranks, Henry C. V. Pebles, Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman are the persons interested in the said Will and testament and the record thereof.
- 7 That Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman, are the children of Elizabeth H. Coleman, dec'd, wife of W. A. Coleman, and are all now living in Kingston, Lenoir County.
- 8 That she desires to have the said Will and Testament of the said John H. Pebles, dec'd, set up and recorded and to that end asks the Court to issue notices to all persons interested in said will and testament, and the record thereof, viz.: W. H. Pranks and wife Ann C., Henry C. V. Pebles, Mattie P. Coleman, William B. Coleman, Vienna C. Coleman, Irene S. Coleman, and William A. Coleman to show cause why said Will and Testament should not be set up and recorded in accordance with Chapter 328, Laws of the General Assembly of North Carolina, 1881.

Sworn to and subscribed

before me this 5th day
of May, 1885.
W. H. Munns
C. S. C.

North Carolina, } Superior Court,
Lenoir County. } May 5th, 1885.

In the matter of the last
Will and Testament

John H. Pebles, dec'd.

Notice.

You are hereby notified that for the causes set forth in the annexed affidavit you are required to show cause before me at my office in Winston within twenty days from the service of this notice on you why said will and testament of said John H. Pebles, dec'd, and the record thereof, should not be set up and recorded as prayed for in said affidavit.

W. H. Munns,
C. S. C.

"A"

I, John H. Pebles, 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 herein after named Executrix and Executor 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, out of monies that shall first come into their hands as a parcel of my estate.

Item. Being deeply impressed with the uncertain value of all the property and estate with which I am now seized and possessed; and being desirous to make ample provision for my wife Harriet E. A. Pebles, in every future contingency, that may arise, I will and decree that she shall have absolute power and control over the said property, both real and personal, of whatever nature and kind, to manage it as I might, could, or would do if I were living, and to sell and dispose of any part of it from time to time, whenever I may be deemed necessary, at the discretion of her, the said Harriet E. A. Pebles and her co-executor; and whenever any of

my children Sam. W. Pebles, Elizabeth H. Pebles, and Henry W. Pebles shall marry, or arrive at lawful age, that, then, and in that event, the whole of said property and estate be apportioned by three competent and disinterested persons, and one third allotted and set apart to her the said Harriet E. A. Pebles, to whom, and whose heirs or assigns, I give and bequeath the same absolutely and forever; the remaining two thirds to be common stock among my said three children share and share alike to be allotted and set apart to each one of them from time to time as they shall marry, or arrive at lawful age. To whom and each of whose heirs or assigns I give and bequeath the same absolutely forever. And, lastly, I hereby nominate, constitute and appoint my trusty friend and brother-in-law William H. Cobb, and my wife, the said H. E. Pebles, as Executor and Executrix to this my last will and testament to carry out my intentions in executing the same, and every part and clause thereof according to its true intent and meaning; hereby revoking and declaring utterly void all other wills and testaments by me heretofore made, and ratifying and confirming this, and this only, to be and contain my last will and testament.

In testimony whereof the said John H. Pebles hath hereunto set his hand and affixed his seal this 3rd day of May, eighteen hundred and sixty-four.

John H. Pebles (Seal)

Signed, sealed, and published, and declared by the testator to be and contain his last will and testament in presence of us, who, at his request and in his presence, and in the presence of each other, subscribe our names as witnesses thereto.

P. Harder
R. H. King.

I constitute and appoint in this my codicil my brother-in-law W. H. Cobb, as Executor, with my already named Executor and Executrix in the body of my will.

Sept. 10th, 1864.

John H. Pebles.

Received May 8th, 1885. Given to May 8th, 1885, by delivery to, and leaving with H. W. Pebles, Hattie P. Pebles, and

to Coleman, Irene S. Coleman, and William A. Coleman, copies, each, of their affidavit and notice.

J. D. Sutton,
Shff. Lenoir Co.

North Carolina, } Superior Court,
Lenoir County. } May 5, 1885.

In the matter of the Last
Will and Testament }
John H. Pebles, dec'd. } Affidavit.

N. E. A. Pebles, being duly sworn, deposes and says:

1 That John H. Pebles died in the County of Lenoir on the 28th day of October, 1864, after having duly executed and published his last will and testament.

2 That the said Will and Testament was duly probated and recorded, according to law, in said County of Lenoir.

3 That the original and record of said will and testament were destroyed by fire in some of the recent burnings of the records of said County.

4 That this affiant has no certified copy of said Will and Testament nor has any one else to her knowledge.

5 That the paper writing hereto attached, marked "A," is an exact copy of the said Will and Testament of the said John H. Pebles, dec'd, which this affiant desires to make a part of this affidavit.

6 That this affiant, Ann C. _____, Frank's wife of M. H. Franks, Henry C. V. Pebles, Nattie P. Coleman, William B. Coleman, Vienna C. Coleman, Irene S. Coleman, are the persons interested in the said Will and Testament and the record thereof.

7 That Nattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman are the children of Elizabeth H. Coleman, dec'd, wife of M. H. Coleman, and are all minors living in Kinston, Lenoir County.

8 That she desires to have the said Will and Testament of the said John H. Pebles, dec'd, set up and recorded, and to that end asks the Court to issue notice to all persons interested in said will and testament and the record thereof, viz: M. H. Franks and wife Ann C., Henry C. V. Pebles, Nattie P.

Coleman, William B. Coleman, Vienna C. Coleman, Irene S. Coleman, and William A. Coleman to show cause why said will and testament should not be set up and recorded in accordance with Chapter 328 Sec. 2, Acts of the General Assembly of North Carolina, 1881.
N. E. A. Pebles.

Sworn to and subscribed
before me this 5th day of
May, 1885.

M. H. Munro,
C. S. C.

North Carolina, } Superior Court,
Lenoir County. } May 5, 1885.

In the matter of the Last
Will and Testament }
John H. Pebles, dec'd. } Notice.

You are hereby notified that for the causes set forth in the annexed affidavit you are required to show cause before me at my office in Kinston within twenty days from the receipt of this notice on you why said will and testament of said John H. Pebles, dec'd, and the record thereof, should not be set up and recorded as prayed for in said affidavit.

M. H. Munro,
C. S. C.

A.

I, John H. Pebles, 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 herein after named Executors and Executor 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, out of monies that first come into their hands as a parcel of my estate.

Item. Being deeply impressed with the uncertain value of all the property and estate with which I am now seized and possessed, and being desirous to make ample provision for my wife, Harriet E. A. Pebles, in every

future contingency that may arise, I will and desire that she shall have absolute power and control over the said property, both real and personal, of whatsoever nature and kind to manage it as I might, could, or would do, if I were living, and to sell, and dispose of any part of it from time to time, whenever it may be deemed necessary, at the discretion of her, the said Harriet E. A. Pebles, and her co-executor, and whenever any of my children Ann C. Pebles, Elizabeth H. Pebles, and Henry C. V. Pebles, shall marry, or arrive at lawful age, that then, and in that event, the whole of said property and estate be apportioned by three competent and disinterested persons, and one third allotted and set apart to her the said Harriet E. A. Pebles, to whom, and whose heirs or assigns, I give and bequeath the same absolutely and forever, the remaining two thirds to be common stock among my said three children, share and share alike to be allotted and set apart to each one of them from time to time as they shall marry, or arrive at lawful age. To whom and each of whose heirs or assigns I give and bequeath the same absolutely forever. And, lastly, I hereby nominate, constitute and appoint my trusty friend and brother-in-law William L. Cobb and my wife, the said Harriet E. A. Pebles, as Executor and Executrix to this my last will and testament, to carry out my intentions in executing the same, and every part and clause thereof according to its true intent and meaning, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made, and satisfying and confirming, this and this only, to be and contain my last will and testament.

In testimony whereof, the said John H. Pebles hath hereunto set his hand and affixed his seal this third day of May, eighteen hundred and sixty-four.

John H. Pebles (Seal)

Signed, sealed, and published, and declared by the testator to be and contain his last will and testament, in presence of us, who, at his request, and in his presence and in the presence of each other, subscribe our names as witnesses thereto.

L. Hardee
W. H. King

I constitute and appoint, in this my codicil, my brother-in-law, W. L. Cobb, as co-executor, with my already named Executor and Executrix in the body of my will.

Sept. 10th, 1864.

John H. Pebles.

Received May 28th, 1885.

S. C. Noone,

Shff.

Proved by reading and delivering a copy of written notice to W. L. Franks and Ann C. Franks his wife. May 28th, 1885.

S. C. Noone,

Shff.

North Carolina, } Superior Court,
Lenoir County. } May 28th, 1885.

In the matter of the Last Will and Testament } Affidavit.

John H. Pebles, dec'd. }

N. E. A. Pebles, being duly sworn, deposes and says:

- 1 That John H. Pebles died in the County of Lenoir on the 28th day of October, 1864, after having duly executed and published his last will and testament.
- 2 That the said will and testament was duly probated and recorded, according to law, in the said County of Lenoir.
- 3 That the original and record of said will and testament were destroyed by fire in some of the recent burnings of the records of said County.
- 4 That this affiant has no certified copy of said will and testament nor has any one else to her knowledge.
- 5 That the paper writing hereto attached, marked "A", is an exact copy of the said will and testament of the said John H. Pebles, dec'd, which this affiant desires to make a part of this affidavit.
- 6 That this affiant, Ann C. Franks, wife of W. L. Franks, Henry C. V. Pebles, Mattie P. Coleman, William B. Coley, mah, Winna C. Coleman, and Jane S. Coleman are the persons interested in the said will and testament and the records thereof.

7 That Hattie P. Coleman, William B. Coleman, Vienna C. Coleman, and Lucie S. Coleman, are the children of Elizabeth H. Coleman, dec'd, wife of H. A. Coleman, and are all minors living in Kingston, Lenoir County.

8 That she desires to have the said will and testament of the said John H. Pebles dec'd, set up and recorded, and to that end asks the Court to issue notices to all persons interested in said will and testament and the record thereof, viz.: H. H. Franks and wife Ann C., Henry C. V. Pebles, Hattie P. Coleman, William B. Coleman, Vienna C. Coleman, Lucie S. Coleman, and William A. Coleman, to show cause why said will and testament should not be set up and recorded in accordance with chapter 328 Sec. 2, Acts of the General Assembly of North Carolina, 1851.
H. C. A. Pebles.

Sworn to and subscribed
before me this 5th day of
May, 1855.
H. H. Hunt,
C. J. C.

North Carolina, } Superior Court,
Lenoir County. } May 5th, 1855.

You are hereby notified that for the causes set forth in the annexed affidavit, you are requested to show cause before me at my office in Kingston within twenty days from the service of this notice on you why said will and testament of said John H. Pebles, dec'd, and the record thereof should not be set up and recorded as prayed for in said affidavit.

H. H. Hunt,
C. J. C.

"I"
I, John H. Pebles, 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 hereinafter named Executrix and Executor 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, out of monies that shall first come into their hands

hands as a parcel of my estate.

Item. Being deeply impressed with the uncertain value of all the property and estate of which I am now seized and possessed, and being desirous to make ample provision for my wife Harriet E. A. Pebles in every future contingency that may arise, I ——— will and desire that she shall have absolute power and control over the said property, both real and personal of whatever nature and kind, to manage it as I might, could or would do if I were living, and to sell and dispose of any part of it from time to time whenever it may be deemed necessary at the discretion of her the said Harriet E. A. Pebles and her co-executor, and whenever any of my children Ann C. Pebles, Elizabeth H. Pebles, and Henry C. V. Pebles shall marry, or arrive at lawful age, that, then, and in that event the whole of said property and estate be apportioned by three competent and disinterested persons, and one third allotted and set apart to her the said Harriet E. A. Pebles to whom, and whose heirs or assigns I give and bequeath the same absolutely and forever, the remaining two thirds to be common stock among my said three children share and share alike to be allotted and set apart to each one of them from time to time as they shall marry or arrive at lawful age. To whom and each of whose heirs or assigns I give and bequeath the same absolutely forever. And, lastly, I hereby nominate, constitute and appoint my trusty friend and brother-in-law William A. Cobb, and my wife, the said Harriet E. A. Pebles, as Executor and Executrix to this my last will and testament to carry out my intentions in executing the same and every part and clause thereof according to its true intent and meaning, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made, and ratifying and confirming this and this only to be and contain my last will and testament.

In testimony whereof the said John H. Pebles hath hereunto set his hand and affixed his seal this third day of May, eighteen hundred and sixty-four.

John H. Pebles (Seal)

Signed, sealed and published and declared by the testator to be and contain his last will and testament, in presence of us, who, in his presence, and in the presence of each other subscribe our names

as witness thereto.

E. Hardee
R. H. King.

I constitute and appoint, in this my codicil, my brother-in-law, Mr. R. H. Cobb, as co-executor with my already named Executor and Executrix in the body of my will.
Sept 10th, 1864.

John H. Peebles.

Received May 30th, 1885. Served May 30th, 1885, by delivering a copy of within to H. A. Coleman, Guardian, ad litem of Nathie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman.

J. H. Sutton
Shff.

North Carolina, } Superior Court,
Lenoir County. } May 29, 1885.

In the matter of the Last
Will and Testament } Application
for
John H. Peebles, dec'd. } Guardian ad litem.

To the Clerk of the Superior Court of Lenoir County:
H. E. A. Peebles, the affiant in the above entitled cause, respectfully sheweth to the Court that Nathie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman, infant defendants in the above entitled proceeding to set up and record the last will and testament of the said J. H. Peebles, dec'd, are minors and without general or testamentary Guardian; and that the said minors have been duly served with notices in said proceeding, and have failed to apply to the Court, themselves for the appointment of a Guardian ad litem,

Therefore, the said H. E. A. Peebles, the affiant hereby makes application to the Court to appoint some suitable person to act as Guardian ad litem for said minors and to represent their interests in said proceeding.

J. H. Sutton, Atty.,
for H. E. A. Peebles,
the affiant.

North Carolina, } Superior Court,
Lenoir County. } May 29, 1885.

In the matter of the Last
Will and Testament } Order appointing
Guardian ad litem.
John H. Peebles, dec'd. }

It appearing from the affidavit and application in this proceeding that Nathie P. Coleman, William B. Coleman, Vienna C. Coleman, and Irene S. Coleman, infant defendants, are without general or testamentary guardians, and they failing, by themselves or any other person to come into Court, and ask that any specific person be appointed as their guardian ad litem, to represent them in this proceeding,

It is, therefore, on motion of J. H. Sutton, Attorney for the affiant in said proceeding, H. E. A. Peebles, ordered that H. A. Coleman, the father of said infant defendants, be and he is, hereby, appointed guardian ad litem of the said infant defendants in this proceeding, and is hereby authorized and directed to appear and defend the same on their behalf as such guardian.

H. H. Dunn,
C. S. C.

North Carolina, } Superior Court,
Lenoir County. } June 22, 1885.

In the matter of the Last
Will and Testament } Judgment.
John H. Peebles, dec'd. }

This cause coming on to be heard upon the petition and affidavit of H. E. A. Peebles, and it appearing to the Court that all of the parties interested under the last will and testament of the said John H. Peebles, dec'd, have had legal notice of these proceedings and have failed to controvert or deny, of the facts set forth in the said affidavit.

It is, therefore, adjudged by the Court that the said petition and affidavit are true in regard to the facts therein set forth, and that the said paper writing marked "A", attached to said petition and affidavit be recorded as the

last will and testament of the said John H. Phillips, dec'd, together with these proceedings.

H. H. Munns,
C. S. C.

Enrolled in the office of the Clerk of the Superior Court of Lenoir County, the 23rd day of June, 1885.

H. H. Munns, C. S. C.
H. H. Hunter, D. C.

H. A. Phillips.

Lenoir County: In the Superior Court,

Application
of
J. B. Loftin
for
Letters Testamentary

In the matter of the Will } Before H. H. Munns,
of H. A. Phillips } Clerk Superior Court.

J. B. Loftin being duly sworn, doth say:

That H. A. Phillips, late of said County, is dead, having first made and published his last will and testament, and that J. B. Loftin is the Executor therein named.

Further, that the property of the said H. A. Phillips, consisting of wearing apparel, books &c., and one tract of land, is worth about \$1000, so far as can be ascertained at the date of this application; and that James Harper, Will Pope, Sue Phillips, daughters of Drew Phillips, the two children of H. A. Phillips, Sue Phillips, and the children of Drew Phillips and J. E. P. Harper are the parties entitled under said will to the said property.

J. B. Loftin.

Sworn to and subscribed
before me this 11th day of
July, 1885.

H. H. Munns,
C. S. C.

Examination
of Witnesses.

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

A paper purporting to be the last will and testament of H. A. Phillips, deceased, before me, the undersigned, clerk of the Superior Court for said County, is exhibited by J. B. Loftin, the Executor therein mentioned, and the due execution thereof by the said H. A. Phillips is duly proven by the oath and examination of R. C. West and D. E. Perry, the subscribing

witnesses hereto, who, being duly sworn, doth depose and say, and each for himself aforesaid and each that he is a subscribing witness to the paper writing, now shown him, purporting to be the last will and testament of H. A. Phillips; that the said H. A. Phillips, 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 5th day of June, 1885.

And the deponent further saith that the said H. A. Phillips the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him and exhibited, to be his last will and testament, and this deponent did thereupon subscribe his name at the end of said paper will as an attesting witness thereto, and at the request, and in the presence of said testator. And this deponent further saith, that at the said time when the said testator subscribed his 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 H. A. 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.

D. E. Perry Seal
R. C. West Seal

Solemnly sworn and subscribed
this 11th day of July, 1885, before me.
H. H. Munns,
C. S. C.

Couch of
Executor

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

J. B. Loftin, do solemnly swear that I believe this writing to be and contain the last will and testament of H. A. Phillips, deceased; and that I will well and truly execute the same, by first paying his debts and then his legacies, as far as the estate shall extend, or the law will charge me; and that I will well and faithfully execute the office of an executor agreeable to the trust and confidence reposed in me, and according to law to help me.
J. B. Loftin.

Sworn and subscribed before
me this 11th day of July, 1885.
H. H. Munns, C. S. C.