

Recorded in the office of the Probate Judge and Superior Court clerk of Senois County, in Kingston, N.C., the 7th day of December, 1876.

W. H. K. Hunter,
Judge & Clerk.

Senas Davis.

State of North Carolina,
Senois County.

Probate Court.
June 30th, 1876.

In the matter of the will
of Senas Davis, dec'd.

An application for letters testamentary having been made to me, W. H. K. Hunter, Judge of Probate of Senois County, by J. K. Davis, Exr. of the last will and testament of Senas Davis, dec'd., on the estate of said Senas Davis, dec'd., and upon the exhibit of the said will &c, it appearing that I am one of the subscribing witnesses thereto, and therefore under the 419 Sec. of C.C. P. subdivision 3, I am disqualified to act as Judge of Probate in the premises, and thereupon refused to act in obedience of said law. This 30th day of June, 1876.

W. H. K. Hunter,
Judge Probate.

(S. S.)

North Carolina,
Senois County.

Application of J. K. Davis, Exr. to remove proceedings in the case of the Probate of S. Davis, dec'd. will.

To his Hon. Judge A. L. Seymour of the 3rd Judicial District of N.C.

The application of J. K. Davis, Exr. of Senas Davis, dec'd., respectfully, shows to your Honor:

- I That Senas Davis, late of the County of Senois, N.C., departed this life at his residence in said county and state on the 27th day of June, 1876.
- II That prior to his death, to-wit, on the 9th day of April, 1875, he made, executed and published his last will and testament in writing, whereby he appointed your applicant his executor, and also by said will devised certain real and personal estate therein mentioned to your said applicant.
- III That Nancy Davis, relict of said Senas Davis, dec'd., Izariah Noble, Zebediah Davis, Elkanah Davis, Almah Hindy Davis and Elizabeth Taylor are the other devisees mentioned in said will.
- IV That H. P. Burton and W. H. K. Hunter, of Senois County, N.C., are the only subscribing witnesses to said will.
- V That W. H. K. Hunter is the Probate Judge of the said County of Senois, N.C., and by reason of his said office, is disqualified to act as Probate Judge in the Probate of the said will, under the 419 Sec. of the C.C. P.
- VI That a waiver of said disqualification cannot be had for want of count of the infirmity of some of the devisees) as is provided in the

the uncertainty of my earthly existence, do make and publish this my last will and testament, in manner and form following, viz:

It is my will and desire that my body be buried in a decent manner, suitable to the wishes of my relations and friends, and my funeral expenses together with all my just debts, I desire and direct to be paid by my Executors hereinafter named, out of the first monies that may come into his hands as a part or parcel of my estate.

Item 1. I loan to my beloved wife, Nancy Davis, during her natural life, a part of the land upon which I now live, including all of the buildings thereon, said part of land beginning at the bars at the "big persimmon tree" and runs westwardly with the ditch till it strikes a ditch that runs northwardly through "the orchard," then with the ditch that runs northwardly as aforesaid around the orchard to the road, then with the old ditch to the beaver dam canal, then with the said canal to the road, then with the road to the beginning, together with the privilege of using wood and timber off of all my lands hereafter disposed of. I also loan to my said wife during her natural life, two beds, bedsteads and furniture, her choice, and all of my farming and cooking implements.

At the death of my said wife, it is my will and desire that the personal property in this item loaned her during her natural life, (or all that may be on hand at the time of her death) be equally divided between my children, James K. Davis, Jozzariah Noble, Zobediah Davis, Elkanah Davis, and Almah Hendy Davis, to share and share alike, and in case one or more of my said children mentioned in this item should die leaving no lawful heirs, then and in that case, it is my will and desire that the survivors or survivor, his, her, or their heirs shall have her, or their share or shares as the case may be, to be equally divided between them. The land loaned in this item to my wife, during her natural life will be hereafter hereby finally disposed of.

Item 2. I give, bequeath, and devise to my son, James K. Davis, his heirs and assigns, in fee simple, absolutely forever, the following tract or parcel of land, (a portion of which is loaned to my wife, Nancy Davis during her natural life in item 1 of this my will) to-wit: A portion of land whereon I now live, beginning at the canal bridge

in the road and runs with the road to the bars at the big persimmon tree, then with the ditch westwardly to the ditch running northwardly, through "the orchard," the same course to Jesse Tindal's line, then with mine and said Tindal's line to "forked pine corner," then with my line to the canal ditch, then up with the ditch to the bridge, the beginning.

I also give, bequeath, and devise, to my said son, James K. Davis and his heirs, one bed, bedstead, and furniture, and it is my will and desire, and I hereby direct that my said son, James K. Davis, pay to my daughter, Jozzariah Noble, out of his own funds, the sum of two hundred dollars. It is my will that that part of the land in this item of my will, not loaned to my wife, Nancy Davis, during her natural life in the first item of this my will, go into the possession of my said son, James K. Davis, immediately upon my death, and that that part of my said land loaned to my wife, is aforesaid, in the first item of this my will, as aforesaid, go into his (my son, James K. Davis) possession immediately upon the death of my said wife and not before.

Item 3. I give, devise, and bequeath to my daughter, Jozzariah Noble, and her heirs and assigns, absolutely forever, the following lands, viz: The three tracts of land bought by my father, James Davis, deceased, from John T. Hosten, W. & L. in E., Braddock Taylor, and John S. Howard respectively, as on reference to the deeds from said Hosten, W. & L. in E., Taylor, and Howard, respectively, on the records in the office of the Register of Deeds of Co. nois County, N. C. will fully show. I also give, devise, and bequeath to my said daughter, Jozzariah Noble, and her heirs and assigns, forever, one bed, bedstead and furniture.

Item 4. I give, devise and bequeath to my daughter, Zobediah Davis, and her heirs and assigns in fee simple, forever, absolutely, the following lands, to-wit: The tract of land bought by my father, James Davis, deceased, from John S. Howard, known as the Daniel Boyett land; also, part of the tract of land, whereon I now live, beginning at the "Daniel Boyett line" at the canal and runs up the canal to the "big branch ditch," then with the ditch the same direction, to the road, then with the road to the Daniel Boyett line, then with that line to the canal, the beginning.

I also give, devise and bequeath to my said daughter, Zobediah Davis, and her heirs and assigns, forever, one bed, bedstead and furniture.

Item 5. I give, devise to my son, Elkanah Davis, and his heirs and assigns, in fee simple, absolutely, forever, the

ing lands, to wit: A tract of land known as "the Jess Phillips land," also, a part of the tract of land whereon I now live, beginning at the canal at the road and runs with the road to the bars at "the big persimmon tree," then with the ditch westwardly, to the ditch running northwardly, through "the orchard"; then the same course to Jess Tindall's line, then with his line to the Moody corner, then with Boyett and Anthony Davis's lines to the haw tree corner; then with the line between me and Anthony Davis to the canal, then with the canal to the beginning. I also give, bequeath and devise to my said son, Elkenah Davis, and his heirs and assigns forever, one bed, bedstead and furniture.

Item 6. I give, devise and bequeath to my daughter, Almah Hendy Davis, and her heirs and assigns in fee simple, absolutely, forever, the following tract of land, to wit: A portion of the tract of land whereon I now live, beginning at the mouth of the big branch ditch, and runs with said ditch and fence, continuing the same direction to the road, then with the road to the mouth of the "Picnic road"; then with said road to the bridge, then down the ditch to the beginning. I also give, bequeath and devise to my said daughter, Almah Hendy Davis, and her heirs forever, one bed, bedstead and furniture.

Item 7. I give and bequeath to my daughter, Elizabeth Taylor, twenty dollars in cash, to be paid by my Executor after my death.

Item 8. It is my will and desire, and I do hereby direct that the residue of my property, of every description, that I may have at my death, not hereby disposed of, be equally divided between my children, James K. Davis, Jozziah Noble, Zobediah Davis, Elkenah Davis, and Almah Hendy Davis and their heirs, to share and share alike, and in case that one or more of my said last mentioned children, to wit James K. Davis, Jozziah Noble, Zobediah Davis, Elkenah Davis, and Almah Hendy Davis, should die, leaving no lawful heir, then and in that case, it is my will and desire, that the survivors or survivor, his, her or their heirs, shall have his, her, or their share or shares, as the case may be, to be equally divided between them.

Item 9. It is my will and desire that in case of the death of one or more of my said children, James K. Davis, Jozziah Noble, Zobediah Davis, Elkenah Davis and Almah Hendy, leaving to him or heirs, then and in that case, it is my will

and desire, that the survivors or survivor, his, her, or their heirs shall have his, her, or their share or shares, as the case may be, of the lands I have here by bequeathed to them respectively, in this my last will and testament.

And lastly, I hereby nominate, constitute and appoint my trusty son, James K. Davis, my lawful executor, to all intents and purposes, to execute this my last will and testament here by declaring this and this only to be and contain my last will and testament, and declaring utterly void, all other wills and testaments by me heretofore made.

In testimony whereof, I hereunto set my hand and affix my seal, the 9th day of April, 1875.

Senas Davis. (Seal)

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

Jm P. Beeton.
W. K. K. Hunter.

South Carolina, } In the Probate Court
Crazer County. }

A paper writing purporting to be the last will and testament of Senas Davis, deceased, is exhibited before me, the undersigned Judge of Probate, in and for said county, by James K. Davis, the executor therein named, and the due execution thereof by the said Senas Davis, proven by the oath and examination of Jm P. Beeton and W. K. K. Hunter, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Senas Davis. That the said Senas Davis, 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, the 9th day of April, 1875, (or did in the presence of this deponent, acknowledge the signing the said paper writing.

And the deponent further saith that the said Senas Davis, the testator aforesaid, did, at the time of subscribing his name to said, declare the said paper writing as subscribed by him, to be his last will and testament, 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 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 the deponent's subscribing his name as an attesting witness thereto as aforesaid, the said Thomas Davis 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 18th day of August, 1876, before me.

(S.S.) J. E. West,
Probate Judge.

It is ordered that the said will with the foregoing Probate thereof, be recorded and filed, and that a certified copy thereof be transmitted with a copy of the order of this Court, of this date, to the Probate Judge of Senois County, Mo., to be there recorded and filed and Letters Testamentary issued.

(S.S.)

Witness my hand and official seal, at office in New Bern, this 21st day of August, 1876.
J. E. West,
Probate Judge.

North Carolina,
Craven County.

Probate Court.

I hereby certify the foregoing to be a true and perfect copy of the last will and testament of Thomas Davis, deceased, together with the Probate thereof, as recorded & filed in this Court.

(S.S.)

Witness my hand and official seal at office in New Bern, this 21st day of August, 1876.
J. E. West,
Probate Judge.

Recorded in the office of the Superior Court Clerk and Probate Judge of Senois County, in Kingston, N. C. the 18th day of Sept. 1877.
W. H. Hunter,
Clerk & Judge.

Mr. R. Hill.

Senois County— In the Probate Court.

In the matter of the will of } Before W. H. Hunter,
Mr. R. Hill. } Judge of Probate.

John S. Hill and Mary C. Hill being sworn, do say:
That Mr. R. Hill, late of said county, is dead, having first made and published his last will and testament; and that Mary C. Hill is the executrix named therein. Further that the property of the said Mr. R. Hill consisting of land and stock, household and kitchen furniture, farming implements, one horse & one buggy & harness, is worth about \$500., so far as can be ascertained at the date of this application; and that Mary C. Hill, Eunice Hill, Edgar Hill, Mollie, Nan, Nathan, Florence, R. E. Lee Hill, & Annie Pearl Hill, are the parties entitled under said will to the said property.

Sworn to and subscribed before me, this 20th day of May, 1877.
W. H. Hunter,
Probate Judge.

Mary C. Hill.
John S. Hill.

State of North Carolina,
Senois County.

In the Probate Court.

A paper purporting to be the last will and testament of Mr. R. Hill, deceased, is exhibited before me, the undersigned, Judge of Probate for said county, by Mary C. Hill, the executrix therein named, and the due execution thereof by the said Mr. R. Hill is proved by the oath and examination of M. B. Creech and C. J. Pate, the subscribing witnesses thereto: who being duly sworn, do depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Mr. R. Hill, that the said Mr. R. Hill 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 19th day of March, 1877.

And the deponent further saith, that the said Mr. R. Hill, 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 thereupon subscribe his name at the end of said will as an attesting witness thereto, and at the request and in the presence of said testator. And this deponent further