

the tract of land lying in Craven County, formerly belonging to L. M. Harper and purchased by me from James M. Parrott and wife, and from R. H. Bountree, to be disposed of as follows, to wit: that my executor shall sell the same at public or private sale as to him may seem best and from the proceeds of such sale, after deducting the necessary expenses of making the same, he shall pay over to the guardian of John L. Harper, or to John L. Harper if he be twenty one years old, the full amount of money which I, as guardian shall be due said John L. Harper over and above the notes which I shall hold belonging to said John L. Harper: and the remainder of the money arising from the sale of said land my executor shall pay over to the guardian of Lula, Edgar and Frank Harper, who shall hold the same for their use and benefit.

Item I give and devise to my executor hereinafter named my tract of land lying in Lenoir County adjoining the lands of William Kennedy, Noah Rouse, Jesse Wood and others to be disposed of as follows: he shall rent out the same until my grandchild, Frank Harper (son of L. M. Harper) shall become twenty-one years old and shall apply the proceeds of said rent for the education and support of my grandchildren, Lula, Edgar, and Frank Harper (children of L. M. Harper) until they shall become severally twenty-one years of age, to be applied in such sums as my executor shall think best. It is my further will and desire that when the youngest of said children shall become twenty-one years old, that said land lying in Lenoir County shall descend to my heirs in general, according to law.

Item I hereby appoint and constitute James M. Harper 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.

In witness whereof, I the said Charlotte E. Harper do hereunto set my hand and seal this March 1st, A. D., 1871.

Charlotte E. Harper. (Seal)

Signed, sealed and declared by the said Charlotte E. Harper to be her last will and testament in the presence of us, who at her request

in her presence, and in the presence of each other, do subscribe our names as witnesses thereto.

Martha E. Harper,
John L. Harper.

Recorded in the office of the Probate Judge and Superior Court Clerk of Lenoir County the 13th day of June, 1879.

Wm. H. Hunted,
Judge & Clerk.

Margaret Phillips.

Lenoir County: In the Probate Court.

In the matter of the will of Margaret Phillips.

Before Wm. H. Hunted,
Judge of Probate.

W. L. McCoy, being sworn, says:

That Margaret Phillips, late of said county, is dead, having first published her last will and testament, and that W. L. McCoy is the executor therein named.

Further, that the property of the said Margaret Phillips, consisting of household and kitchen furniture, one insolvent note on S. W. Phillips and W. H. Bountree, is worth about \$100.00 and that Orgean Sumrell, Anney Sumrell, Cynthia Moore, Zilpha McCoy, Elizabeth Phillips, and Belinda S. Phillips are the parties entitled under said will to the said property.

William L. McCoy.

Sworn to and subscribed before me, Jy. 26, 1879.
Wm. H. Hunted,
Probate Judge.

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

A paper purporting to be the last will and testament of Margaret Phillips, deceased, is exhibited before me, the undersigned, Judge of Probate for said County, by W. L. McCoy, the executor therein named, and the due execution thereof by the said Margaret Phillips, by the oath and examination of J. L.

Canaday and B. H. Canaday, 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 Margaret Phillips, that the said Margaret Phillips, 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 of the 11th day of Aug., 1874.

And the deponent further saith, That the said Margaret Phillips, the testator aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her and exhibited, to be her 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 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 Margaret Phillips was of sound mind and memory, of full age to execute a will, and was, under any restraint to the knowledge, information or belief of this deponent. And further, these deponents say not.

James L. Canaday, *(deaf)*
B. H. Canaday, *(deaf)*

Severally sworn and
subscribed this 26th day
of November, 1879, before me.
W. H. Hunted,
Probate Judge.

Lenoir County, Probate Court, Nov. 26, 1879.

On reading and considering the application of W. L. McCoy to admit a paper writing purporting to be the last will and testament of Margaret Phillips, dec'd, to probate, and to be qualified as Executor, according to the appointment therein made, and having examined on oath, James L. Canaday and B. H. Canaday, the attesting witnesses thereto as to the execution thereof:

It is adjudged that the said paper writing, and

every part thereof, is the last will and testament of Margaret Phillips, dec'd, and the same, as such, is ordered to be recorded and filed. And thereupon, the said W. L. McCoy, the executor aforesaid, comes forward and takes and subscribes the following oath:

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

I, William L. McCoy, do solemnly swear, that I believe this writing to be and contain the last will and testament of Margaret Phillips, deceased, and that I will well and truly execute the same by first paying her debts and then her legacies, as far as the said 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, as help me God.

Sworn and subscribed
before me, this 26th day
of November, 1879.

W. H. Hunted,
Probate Judge.

William L. McCoy.

Whereupon, letters testamentary are issued to the said William L. McCoy as Executor of the said last will and testament.

W. H. Hunted,
Probate Judge.

I Margaret 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 with all my just debts, howsoever and to whomsoever owing out of the moneys that may first come into his hands as a part or parcel of my estate.

Item 2nd. I give to my daughter Osgan Sumrell one dollar to be paid her by my executor out of any moneys coming into his hands belonging to my estate not already disposed of.

Item 3rd. I give and bequeath to my beloved children, Osgan Sumrell, Cynthia Moore, Zilpha McCoy and Elizabeth Phillips all of my household and kitchen furniture such as of