

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. 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. 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. 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

and provisions, and every thing else belonging to me except my trunk I give to my granddaughter Belinda Phillips, to be equally divided between them to be theirs at their disposal absolutely forever.

And lastly I do hereby constitute and appoint my trusty son in law William Bull Clay 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, and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I, the said Margaret Phillips do hereunto set my hand and seal this August 11th, 1879.
Margaret ^{the} Phillips, ^{mark}

Signed sealed published and declared by the said Margaret Phillips to be her last will and testament in the presence of us who at her request and in her presence, do subscribe our names as witnesses thereto.

James L. Canaday.
B. W. Canaday.

Recorded in the office of the Superior Court Clerk and Probate Judge of Lenoir County the 23rd day of Nov., 1879.
Wm. W. Hunted,
Judge & Clerk.

Job Smith.
Will.

Mrs. Hugh Maxwell.

Dear Sir.

You will please take notice, that I as a devisee of the last will and testament of Job Smith, decd., will apply to the Judge of Probate of Lenoir County, to probate the said will, on the 25th day of Dec., 1879, you having failed to make such application for more than sixty days since the death of said testator.

November 12th, 1879.

Witness:
Wm. W. Hunted,

Elizabeth ^{the} Smith,
^{mark}

To Thomas W. Smith, Julia Stroud, wife of Jonas A. Stroud, Isaac Smith, Zilpha Stroud, wife of Wm. Stroud, Leah Smith, and Francis M. Smith.

You will please take notice, that on the 25th day of December, 1879, I shall apply to the Judge of Probate of Lenoir County, to probate the will of the late Job Smith, when and where you can attend and take such proceedings as you may see fit &c. Nov. 10th, 1879.

Witness:
Wm. W. Hunted,

Elizabeth ^{the} Smith,
^{mark} Devisee.

North Carolina, } In Probate Court
Lenoir County }

1. Be it remembered, that an application is this day made to the Honorable Judge of Probate of said County, in open Court, by Elizabeth Smith widow of Job Smith and devisee for the probate of the last will and testament of the said Job Smith, the executor, Hugh Maxwell, having failed to apply for the probate of the same for more than sixty days since the death of the testator, and having been served with ten days' notice of this application, the applicant most respectfully representing to the Court that the said testator was a citizen of said County at the time of his death, and that all the heirs at law and devisees under the will of said testator are citizens and residents of said County, all of whom are of full age.
2. The said applicant further represents, that the property of said estate consists of 180 acres of land, or thereabouts, 2 horses, some hogs and cattle, farming tools, household furniture, and some provisions on hand, the whole worth about the sum of Twelve Hundred Dollars.
3. The following are the devisees, or heirs at law, of said testator, to-wit: Thomas W. Smith, Julia Stroud, wife of Jonas A. Stroud, Isaac Smith, Zilpha Stroud, wife of Wm. Stroud, Leah Smith, and Francis M. Smith, all of whom are residents of said County and of full age.

Elizabeth ^{the} Smith,
^{mark}

Sworn to and subscribed before me, this 25th day of December, 1879.

Wm. W. Hunted,
Probate Judge.