

one, this 2nd day of
November, 1874.
J. H. Hunter,
Probate Judge.

State of North Carolina,
Lenoir County.

In the Probate Court.

A paper purporting to be the last Will and Testament of Nancy Kines, deceased, is exhibited before me, the undersigned Judge of Probate for said county, by J. M. Kines, Jr. and Lovit Kines, the executors therein named, and J. M. Kines, Jr. declines to qualify as such, and the due execution thereof by the said Nancy Kines, by the oath and examination of C. J. Pate and T. M. Aldridge, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and say, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Nancy Kines, that the said Nancy Kines 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 23rd day of February, 1874.

And the deponent further saith, that the said Nancy Kines the testatrix aforesaid, did at the time of subscribing her name as aforesaid, declare the said paper writing as 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 the 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 Nancy Kines 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.

C. J. Pate, (Test)
T. M. Aldridge, (Test)

Severally sworn and sub-
scribed this 1st day of Sep-
tember, 1874, before me.
J. H. Hunter,
Probate Judge.

I, Nancy Kines 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 executors 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 the moneys that first come to their hands out of my estate.

Item 1. I give, devise and bequeath to my children, to wit: William E. Kines, Lovit Kines, Sarah E. Kines, Amelia E. Kines, Julia E. Kines, Waitman T. Kines, Kittie M. Kines and Susan C. Kines, all my little interest and share which I have as one of the heirs and distributives in the real estate of my father, Waitman Thompson, late of Wayne County, and also, all my interest, share and portion of the personal estate which I have or may have in the estate of my said father Waitman Thompson, deceased, subject to the following conditions and stipulations: 1st my will and desire is that the following children named above, to wit: Julia E. Kines, Waitman T. Kines, Kittie M. Kines & Susan C. Kines be each educated to the extent of a good English education, such as any other children have received, and my said Executors hereinafter named are by this, my last Will and Testament authorized to apply enough of the proceeds of my estate, from time to time as may be necessary, to effectuate the education of each one to the extent before expressed. 2nd. my will and desire is and I so order and direct that my said executors shall hold and manage said estate to the best advantage, and as each of my said children left to be educated as hereinbefore expressed, arrives of age, my said executors shall pay over to such an one his share of said estate to wit: one equal part thereof, and if any one of said children shall marry before they are twenty-one, then and in that case, they are to have their share allotted to him or her. 3rd. I direct my said executors as soon after my death as they can, to pay over and deliver to Sarah E. Kines, her share of said estate, and also, to pay over to Amelia E. Kines, her share likewise, as soon as they can conveniently do so. 4th. My desire is, and I so direct that my two sons W. E. Kines and Lovit Kines, are to come in for an equal share of my said estate above described, but in doing so they are to account for the value of all the real and personal estate which their father, my said husband, James M. Kines hath given to them by

of gift and by parcel, and if the share which they have had from their father is more than an equal share of my estate to the other devisees and distributees, then they must account for the same, if not they are to be excluded.

Item 2nd. My will and desire is, and I do devise and bequest that my husband, James M. Kines, in the event he survives me shall have his life estate in a tract of land known as the Mitchel Tract, which my said husband paid for, and had the deed made to me; and after the death of my said husband, said tract of land is to be equally divided between Sarah E. Kines, Amelia E. Kines, Julia E. Kines, Keltie M. Kines, and Susan E. Kines and their heirs.

Item 3. In order to prevent all misunderstanding as to the foregoing disposition of my estate, I hereby express my wish and intention to be that my object has been, that my said children shall share equally in my estate, by those who have been advanced by their said father, accounting for the same in the division of my estate.

And lastly, I do hereby constitute and appoint my two trusty sons, James M. Kines, Jr. and Lovit Kines 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 Nancy Kines, do hereunto set my hand and seal, this the 23rd day of February, A.D. 1874.
Nancy Kines, (Seal)

Signed, sealed, published and declared by the said Nancy Kines, 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.
C. J. Pate.
L. M. Aldridge.

Lenoir County - In the Probate Court. Nov. 2nd, 1874.

On reading the application of Lovit Kines to admit a paper writing purporting to be the last will and testament of Nancy Kines, dead, to probate, and to be qualified as executor to said paper writing according to the appointment made by same.

and having examined on oath C. J. Pate & L. M. Aldridge the two subscribing witnesses thereto as to the execution thereof;

It is adjudged that the said paper writing is the last will and testament of the said Nancy Kines, and thereupon, the said Lovit Kines the executor therein appointed, comes forward and takes and subscribes the following oath.

Whereupon, Letters Testamentary are issued to the said Lovit Kines, as the executor of the said last will and testament.

H. H. Hunter,
Probate Judge.

State of North Carolina. }
Lenoir County. } ss.

I Lovit Kines, do solemnly swear that I believe this writing to be and contain the last will and testament of Nancy Kines 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, agreeably to the trust and confidence reposed in me, and according to law, as help me God.

Sworn and subscribed before me, this 2nd day of November, 1874.
H. H. Hunter,
Probate Judge.

Lovit Kines.

Recorded in the office of the Probate Judge and Clerk of the Superior Court of Lenoir County, Kingston, North Carolina, the 12th day of August, 1874.

H. H. Hunter,
Probate Judge & Clerk.

Nancy Kithersault

Lenoir County - In the Probate Court.
In the matter of the will of Nancy Kithersault. } Before H. H. Hunter,
Chauncey Gray being sworn doth say: } Judge of Probate.

That Nancy Kithersault, late of said county, is dead, having first made and published her last will and testament, and that Chauncey Gray is the Executor named therein.

Further, that the property of the said Nancy Nethercutt consisting of real estate, 4 mules, wagon, buggy, hogs, & cattle & household and kitchen furniture, is worth about \$1000.00 so far as can be ascertained at the date of this application; and that Julia E. Gray and her heirs, lawfully begotten of her by her husband, Chauncey Gray, and Chauncey Gray, are the parties entitled under said will to the said property.
C. Gray.

Sworn to and subscribed
before me, this 18th day
of August, 1874.
W. H. Hunter,
Probate Judge.

Lenoir County—In the Probate Court.
A paper writing purporting to be the last will and testament of Nancy Nethercutt, deceased, is exhibited before me, the undersigned Judge of Probate for said county, by Chauncey Gray, the executor therein named, and the due execution thereof, by the said Nancy Nethercutt, is proved by the oath and examination of Joseph M. White, one of the subscribing witnesses thereto, who being duly sworn, doth depose and say, that he and Wm. C. Brown are subscribing witnesses to the paper writing now shown him, purporting to be the last will and testament of Nancy Nethercutt, that the said Nancy Nethercutt, in the presence of this deponent and the said Wm. C. Brown subscribed her name at the end of said paper writing, which is now shown him as aforesaid, and which bears date of the fourth day of March, A. D. 1869. This deponent further saith, that the said Wm. C. Brown, the other subscribing witness to said last will and testament is now dead; that he is acquainted with the handwriting of the said Wm. C. Brown having seen him write and that the name of the said Wm. C. Brown subscribed as a witness to the said will is in the handwriting of the said Wm. C. Brown who subscribed his name at the end of said will as an attesting witness thereto, in the presence of this deponent. And this deponent further saith that at the time when the said testatrix subscribed her name to the said last will as aforesaid, and at the time of the deponent and the said Wm. C. Brown's subscribing their names as attesting witnesses thereto as

aforesaid, the said Nancy Nethercutt 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, this deponent saith not.
Joseph M. White, Seal.

Sworn and subscribed
this 18th day of August
1874, before me.
W. H. Hunter,
Probate Judge.

I, Nancy Nethercutt, 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 my just debts, howsoever and to whomsoever owing, out of the money that may first come into his hands as a part and parcel of my estate.

Item—I give and devise to Julia E. Gray, wife of Chauncey Gray, my entire estate, both real and personal, during the term of her natural life, and after her death, then it is my request that it should go to her children, lawfully begotten by her said husband, Chauncey Gray, in fee simple, absolutely, and forever, subject nevertheless, to the entire control of the said Chauncey Gray, during his life without any accountability to any one, and not subject to the payment of his debts. And lastly, I do hereby constitute and appoint my trusty friend and son, Chauncey Gray, 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 Nancy Nethercutt, do hereunto set my hand and seal this 4th day of March, 1869.
Nancy Nethercutt, Seal.

Signed, sealed, published and
declared, by the said Nancy
Nethercutt to be her last will