

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

and testament in the presence of us, who, at her request, and in her presence, do subscribe our names as witnesses thereto.

Wm. C. Brown.
Joseph M. White.

Lenoir County. In the Probate Court Aug. 18th, 1874.
On reading the application of Chauncey Gray, to admit a paper writing purporting to be the last will and testament of Nancy Nethercutt, to probate, and to be qualified as executor to said paper writing, according to the appointment made by same, and having examined, on oath, Joseph M. White, one of the subscribing witnesses to said paper writing—Wm. C. Brown, the other subscribing witness, being dead—as to the execution thereof, and having examined him, the said Joseph M. White, as to the signature of the said Wm. C. Brown;

It is adjudged that the said paper writing is the last will and testament of the said Nancy Nethercutt, and thereupon, the said Chauncey Gray, the executor therein appointed, comes forward and takes and subscribes the following oath, to-wit:

State of North Carolina, }
Lenoir County, } In the Probate Court.
I, Chauncey Gray, do solemnly swear, that I believe this writing to be and contain the last will and testament of Nancy Nethercutt, deceased, and that I will well and truly execute the same, by first paying her debts and then her legacies, so 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 18th day of August, 1874.

Wm. H. Hunter,
Probate Judge.

Whereupon Letters Testamentary are issued to the said Chauncey Gray, as executor to the said last will and testament—

C. Gray.

Wm. H. Hunter,
Probate Judge.

Recorded in the office of the Probate Judge and Clerk of the Superior Court in Kinston, Lenoir County, North Carolina, the 18th day of August, 1874.

Wm. H. Hunter,
Probate Judge & Clerk.

Knigh Phillips.

Lenoir County. In the Probate Court.
Wm. C. Shields }
To } Notice to Executor
The Court } of Knigh Phillips, decd.

To Thomas Freeman,
Snow Hill,
N. C.

You will take notice that William C. Shields, one of the creditors of Knigh Phillips, decd., will, within ten days after the service of this notice, apply to the Probate Court of Lenoir County, for letters of administration with the will annexed, of the said Knigh Phillips, and you are hereby further notified to produce the said last will and testament of the said Knigh Phillips, decd., before the Probate Judge of Lenoir County, within ten days from the service of this notice, to the end, that the same may be admitted to Probate.

Munroe & Munroe,
Attorneys for W. C. Shields.

Sheriff's Return.

Served April 1st, 1875, by delivering a copy of the within notice to J. T. Freeman.

W. J. Taylor, Sheriff.

North Carolina,
Lenoir County.

I, J. T. Freeman, do hereby renounce the office of Executor to the last will and testament of Knigh Phillips, of Lenoir County, in favor of William C. Shields, one of the largest creditors of the said deceased. Witness my hand and seal, this 1st day of April, 1875.

Signed in my presence,
Res. With. J. H., 1875.
Jas. B. Krimley, C. L. C.

J. T. Freeman.