

Oscar H. Kennedy, }
 North Carolina, } Probate Court,
 Lenoir County. } Dec. 11, 1882.

In the matter of the last Will and Testament of
 Oscar H. Kennedy, dec'd.

Wm H. Darden being duly sworn deposes and says:
 That Oscar H. Kennedy, late of said County, is
 dead having made and published his last Will
 and Testament, dated Oct. 7th, 1882, and that he
 thereby appointed Nathie D. Kennedy and this depo-
 nent his Executors and Executor.

That Nathie D. Kennedy and this deponent both
 desire to qualify as Executors and ~~Executors~~ of
 said last Will and Testament.

That the value of the personal estate as far as can be
 ascertained at the date of this application is about three
 thousand dollars.

That the legacies named in said will are bequeathed
 to Oscar H. Kennedy, Jr. and that Claudius
 D. Kennedy and Oscar H. Kennedy, Jr. are minors un-
 der twenty-one years of age, and without guardian.

And the said Wm H. Darden respectfully asks that
 the said Will and Testament be admitted to probate
 according to law, and that the said Nathie D. Kennedy
 and himself, Executors and Executor named be
 permitted to qualify according to law.

Wm H. Darden

Sworn and subscribed
 before me.

W. H. Dunn,
 Judge of Probate.

North Carolina, } Probate Court,
 Lenoir County. } Dec. 12, 1882.

In the matter of the last Will and Testament }
 of Oscar H. Kennedy, dec'd }

A paper writing purporting to be the last will and test-
 ament of Oscar H. Kennedy, dec'd, before me W. H. Dunn,
 Judge of Probate for said County by Nathie D. Kennedy
 and Wm H. Darden the Executors and Executor therein

named, and the due execution thereof by the said Oscar H. Kenne-
 dy is proved by the oath and examination of J. B. Lyttle and
 Geo. P. Gray the subscribing witnesses thereto who being duly
 sworn doth depose and ^{swear} for himself depose and sayeth
 that he is a subscribing witness to the paper writing now
 shown him purporting to be the last will and Testament of
 Oscar H. Kennedy, dec'd; that said Oscar H. Kennedy 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 Oct. 7th, 1882.

And these deponents further say that said Oscar H. Kennedy
 the testator aforesaid, died, at the time of subscribing his name
 as aforesaid, declare the said paper writing, so subscribed,
 to be his last will and Testament; and these deponents did
 thereupon subscribe their names at the end of said will as
 an attesting witness, and at the request and in the presence
 of said testator.

And these deponents say further that at the said time when
 the said testator subscribed his name to said last will and
 Testament as aforesaid, and at the time of these deponents sub-
 scribing their names thereto the said Oscar H. Kennedy was
 of sound mind and memory of full age to execute a
 will, and was not under any restraint to the knowledge
 information of these deponents.

And further these deponents sayeth not.

J. B. Lyttle
 Geo. P. Gray.

Sworn and subscribed before
 me this day and year above mentioned
 W. H. Dunn,
 Probate Judge.

I, Oscar H. Kennedy, of the County of Lenoir in the State of
 North Carolina, being of sound mind and memory but con-
 sidering 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 my Executors and 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 first moneys that may come into their hands as a
 part or parcel of my estate.

Item. It is my will and desire that my Executrix and Executor, hereinafter named shall as soon as possible after my death sell and dispose of all my personal estate except my gold watch and chain at public sale as required by law, and apply the proceeds to the payment of my just debts, and it is also my desire that the moneys arising from the proceeds of insurance on my life in the N. C. State Life Insurance Co. shall be considered assets in the hands of my Executrix and Executor for the purpose of paying my debts should my personal estate prove insufficient.

Item. It is my will and desire that my Executrix and Executor hereinafter to be named shall out of the first moneys that shall come into their hands as a part of my estate, after the payment of my just debts use and expend the sum of Six Hundred Dollars in erecting tombstones to the memory of my beloved father and mother my brothers Claudius and Frank, also to my sister Victoria and myself: the former are all resting in our family grave yard near my residence, and it is my desire further that they shall also erect a substantial iron fence around our said graveyard, and I hereby constitute discharge a lien on my estate to the amount of the said \$600.00.

Item. I give and bequeath to my son Claudius F. Kennedy my gold watch and chain to his only use and behoof.

Item. I give and devise to my two sons Claudius F. Kennedy and Oscar H. Kennedy, Jr., all of my real estate as follows: One tract of land conveyed to me by my mother H. D. Kennedy in her will which bears date Oct. 27, 1881, one other tract conveyed to me by my mother H. D. Kennedy, bearing date 1875, and recorded in Bk. 43, pages 465 and 466 in the office of Register of Deeds for Lenoir County, also one other tract conveyed to me by H. D. Sutton and wife and bearing date 1st day of May, 1874, and recorded in Bk. 43, pages 390 & 391 in the office of Register of Deeds for Lenoir County, to them, their heirs and assigns forever in fee simple share and share alike, provided however that should either of my said sons die before reaching the age of twenty-one years, then and that case I desire that his share shall go and descend to the survivor; and provided further that should both my said sons

die before reaching the age of twenty-one years then and in that case it is my will and desire that my beloved wife Hattie D. Kennedy shall take all the above named lands to her, her heirs and assigns in fee simple forever.

Item. It is my will and desire that in a convenient time after my death my Executrix and Executor shall proceed, according to law, to lay off and set apart to my beloved wife Hattie D. Kennedy her year's support, and dower out of my real estate.

And, lastly, I hereby constitute and appoint my beloved wife Hattie D. Kennedy and my trusty friend W. M. Darden my lawful Executrix and 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 Oscar H. Kennedy do hereunto set my hand and seal this 7th day of Oct., 1882.

Oscar H. Kennedy (Seal)

Signed, sealed, published and declared by the said Oscar H. Kennedy to be his last Will and Testament in presence of us, who, at his request and in his presence do subscribe our names as witnesses thereto.

Geo. P. Gray
P. B. Lofgren.

State of North Carolina, } Probate Court,
Lenoir County. } Dec. 12, 1882.

The foregoing paper writing purporting to be the last will and testament of Oscar H. Kennedy, dec'd, is exhibited for probate by Hattie D. Kennedy and W. M. Darden, the Executrix and Executor therein named, and the due execution thereof by the said Oscar H. Kennedy is proved by the oath and examination of Geo. P. Gray, and P. B. Lofgren, the two subscribing witnesses thereto. It is therefore considered by the Court that the said paper writing and every part thereof is the last will and testament of the said Oscar H. Kennedy, and the same is ordered to be recorded and filed. And thereupon the said Hattie D. Kennedy and W. M. Darden, Executrix and Executor therein named, duly qualify as such by taking the oath

required by law.

Letters Testamentary issued.

W. H. Dunn,
Probate Judge.

North Carolina, } Probate Court,
Lenoir County, } Dec. 12, 1882.

In the matter of the last Will
and Testament of Oscar H. Kennedy, dec'd, } Oath of Executor
and Executor. } and Executor.

We Hattie D. Kennedy and M. M. Harden do solemnly swear that we believe this writing to be and contain the last will and testament of Oscar H. Kennedy, dec'd, and that we will well and truly execute the same by first paying his debts, and then the legacies as far as said estate will admit, and that we will faithfully execute the office of Executor and Executors agreeable to the trust and confidence reposed in us according to law. So help us God.

M. M. Harden
Hattie D. Kennedy.

Sworn and subscribed
before me the day and
year above written.
W. H. Dunn,
Probate Judge.

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

To all whom these presents

shall come:— Greeting:

It being satisfactorily proven to the undersigned, Judge of Probate for Lenoir County that Oscar H. Kennedy, late of said County, is dead, having made his last Will and Testament, which has been admitted to probate (a true copy whereof is hereto annexed) and Hattie D. Kennedy, the Executor and M. M. Harden, the Executor, therein named, having qualified as such according to law;

Now these are therefore to empower the said Executor and Executor to enter in and upon all and singular the goods and chattels, rights and credits of the said Oscar H. Kennedy, and the same to take into possession wheresoever to be found

and all the just debts of the said deceased to pay and satisfy, and the residue of said estate to distribute according to the directions of said Will.

Witness my hand and the seal of said Court
this 11th day of 12th day of Dec., 1882.

W. H. Dunn,
Probate Judge.

Recorded in the office of the Superior Court Clerk of
Lenoir County March 13th, 1883.

W. W. Dunn,
C. C.

Negakiah Thomas

Lenoir County: In the Probate Court.
In the matter of the Will } Before W. H. Dunn,
of Negakiah Thomas. } Judge of Probate.

John H. Sales being duly sworn doth say:
That Negakiah Thomas, late of said County, is dead
having first made and published his last will and test-
ment, and that John H. Sales is the Executor therein named.
Further, that the property of the said Negakiah Thomas
consisting of Real, Personal, and mixed is worth about \$1000,
so far as can be ascertained at the date of this application, and
that Nancy A. Thomas is the party entitled under said will
to the said property.

Sworn to and subscribed
before me this 2nd day of
March, 1883.

W. H. Dunn,
Probate Judge.

J. H. Sales.

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

A paper purporting to be the last Will and Testament of
Negakiah Thomas, dec'd, is exhibited before me, the under-
signed, Judge of Probate for said County, by John H. Sales,
the Executor therein mentioned, and the due execution thereof by
the oath and examination of J. D. Pries and Daniel Williams,
the subscribing witnesses thereto, who, being duly sworn, doth
depose and say, and each for himself oath that he is a sub-
scribing witness to the paper writing now shown him, pur-
porting to be the last will and testament of Negakiah Thomas.

that the said Hizekiah Thomas, in the presence of this deponent subscribed his name at the end of said paper-writing, which is now shown us aforesaid, and which bears date of the 23rd day of February, 1851.

And the deponent further saith that the said Hizekiah Thomas the testator aforesaid, did, at the time of subscribing witness, as aforesaid, declare the said paper writing so subscribed by him and exhibited to be his last will and testament, and this deponent did thereupon subscribe his name to the said last will as aforesaid, and at the time of deponent's subscribing his name as an attesting witness thereto, as aforesaid the said Hizekiah Thomas 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.

A. B. Poice, *Seal*
Daniel Williams *Seal*

Sworn and subscribed
this 3rd day of January
1853 before me

M. H. Hunt,
Probate Judge.

In the name of God, Amen. I Hizekiah Thomas of Lenoir and State of North Carolina being weak in body and sound mind, memory and understanding, praise be to God for the same, do make this my last will and testament in manner and form following:

I give, devise, and bequeath unto my beloved wife Nancy A. Thomas, her and her assigns forever, all my property—real, personal and mixed of what nature or kind soever and wheresoever the same may be at the time of my death.

If I leave any debts there shall be enough of said property ^{sell} to pay them.

And I do nominate, constitute and appoint my friend M. H. Selig Executor of this my last will and testament hereby revoking and making void all and every other will or wills at any time heretofore made by me, and declare this to be my last will and testament.

In witness whereof the said Hizekiah Thomas have hereunto set my hand this the 23rd day of February,

1851.

Hizekiah Thomas.

Signed, declared and published
by the above named Hizekiah Thomas as and for his last will and testament in the presence of us, who, at his request, and in his presence have subscribed our names as witnesses thereto.

A. B. Poice
Daniel Williams.

North Carolina, } Probate Court,
Lenoir County. } Dec. 23, 1853.

The foregoing last will and testament of Hizekiah Thomas, dec'd, is exhibited before me for Probate by John H. Selig, the Executor therein named, and the due execution thereof by the said Hizekiah Thomas is proved by the oath and examination of J. B. Poice and Daniel Williams, the subscribing witnesses thereto.

It is therefore considered by the court that the said paper writing is the last will and testament of said Hizekiah Thomas, and the said is ordered to be recorded and filed. The said John H. Selig, Executor, duly qualifies as such by taking the oath required by law. Let two Testamentary issues.

M. H. Hunt
Probate Judge.

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

I, John H. Selig do solemnly swear that I believe this writing to be and contain the last will and testament of Hizekiah Thomas, deceased, and that I will well and truly execute the same by first paying his debts and then his 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: So help me God.

Sworn and subscribed before
me this 2nd day of January, 1853.

M. H. Hunt,
Probate Judge.

(Over:—see page 280.)