

Judge of Probate for said County, by Mingo H. Kennedy, the Executor therein named, and the due execution thereof by the said Walter Kennedy is proved by the oath and examination of J. P. Hodges and John A. Pollock, the subscribing witnesses thereto: who being duly sworn each 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 Walter Kennedy; that the said Walter 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 of the 23rd day of March, 1876.

And the deponent further saith that the said Walter Kennedy, the testator aforesaid, did, at the time of subscribing his name 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 at the end of said will as an attesting witness thereto, and at the request and in the presence of the said testator. And this deponent further saith that at the said time when the said testator subscribed his 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 Walter Kennedy 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.

John A. Pollock. *Sworn*
J. P. Hodges. *Sworn*

Severally sworn and
subscribed this 7th day of
July, 1876, before me,
W. H. Hunter,
Probate Judge.

Lenoir County: Probate Court July 7, 1876.

On reading and considering the application of Mingo H. Kennedy to admit a paper writing purporting to be the last will and testament of Walter Kennedy, dec'd, to probate, and to be qualified as Executor thereof according to the appointment thereby made, and having examined on oath John A. Pollock and J. P. Hodges, the two subscribing 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 the said Walter Kennedy, deceased, and the same, as such, is ordered to be recorded and filed, and thereupon the said Mingo H. Kennedy, the Executor, as aforesaid, comes forward and takes and subscribes the following oath:

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

I, Mingo H. Kennedy, do solemnly swear that I believe this writing to be and contain the last will and testament of Walter Kennedy, deceased, and that I will well and truly execute the same by first paying his just 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 agreeably to the trust and confidence reposed in me, and according to law, as help me God.

Mingo H. Kennedy.

Sworn and subscribed
before me, this 7th day of
July, 1876.

W. H. Hunter,
Probate Judge.

whereupon letters testamentary are issued to the said Mingo H. Kennedy as Executor of the said last will and testament.

W. H. Hunter,
Probate Judge.

State of North Carolina, }
Lenoir County. }

In the name of God, Amen, I, Walter Kennedy of the County and State aforesaid, 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 relatives and friends and pay all funeral expenses together with my just debts however and to whomsoever owing out of the moneys that may first come into his hands as a part and parcel of my estate.

Item 1st. I give and devise to my son Jesse H. Kennedy's three children, being my grand children, to wit: John Thomas Kennedy, Hester H. Kennedy and Nettie Eliza Kennedy 2 1/2 acres of land described as follows, to wit: one piece or parcel of land commencing at Reddy Branch where the new road crosses, and

that with the new road to a stake in the public road leading to wheat swamp church, thence from said stake with said public road to Cabin branch, then with Cabin branch up the run to a fork on the same, and from thence a southerly direction on to the beginning so as to make the 20, of 25 acres of land, and I wish it understood that I hereby give said land to my said grand children upon the express condition and consideration that they shall not set up any claims to any monies or part of monies that was paid over to me by Thomas J. Kennedy, Executor of Jesse Kennedy, which was coming to my children by my wife Eliza daughter of the said Jesse Kennedy, Sr., deids, by virtue of the 8th item and residuary clause of the said Jesse Kennedy's will and testament, now of record in Lenoir County.

Item 2. I give and devise to my son James E. Kennedy 275 acres of land, bounded as follows, viz.: commencing at Reddy Branch where the new road crosses, and runs thence with James M. Parrott's line back to a short strawed line in the corner said Parrott's corner, thence a north-east direction to run far enough so as to make 275 acres, and from thence to Reddy Branch and from thence to the beginning, being the land upon which said James E. Kennedy now lives; and I wish it distinctly understood by this my will that I give and devise the said 275 acres in this the 2nd item of my will and testament to said James E. Kennedy upon the express understanding and condition that he will set up no claim against my executor or estate for any monies or part of monies that was left in the 8th item of Jesse Kennedy's will as referred to in the second item of this my last will and testament which was paid over to me the undersigned testator by Thomas J. Kennedy, Executor of the said Jesse Kennedy, Sr., and if he the said James E. Kennedy claims said money or any part thereof out of my estate then the devise of said land is to be void.

Item 3. I give and devise all the residue and balance of my real estate to my children by my present wife, viz.: Eliza A. Haly, Harriet C. Haly, George H. Kennedy and Malissy E. Kennedy to them and their heirs equally to be divided subject to my wife's dower.

Item 4th. I give and bequeath to my beloved wife Elizabeth H. Kennedy all my household and kitchen furniture, (except one bed, stead and furniture,) one horse called Tom, one mule called Peta, one Buggy, one

Rockaway and harness, one note on my son George H. Kennedy for the sum of \$276., also I leave her one hundred dollars in cash, all the corn and fodder and provision of every kind on hand at my death, also two cows and calves her choice.

Item 5. I give and bequeath to my daughter Malissy E. Kennedy one mule called Tom, one bed, bedstead and furniture, also one sewing machine.

Item 6. All the residue of my estate not before given away I leave to be divided equally between my wife Elizabeth H. Kennedy and my four children mentioned in the 3rd item of this my last will and testament.

Lastly. I do hereby nominate, constitute and appoint my son George H. Kennedy sole executor of this my last will and testament hereby revoking and making void all and every other will and testament heretofore by me made, and do declare this to be my last will and testament.

In witness whereof, I the said Walter H. Kennedy have hereunto set my hand and seal this 20th day of March, 1876.

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

P. Hodges
John S. Pollock

Walter H. Kennedy (Test)

Recorded in the office of the Probate Judge and Superior Court Clerk of Lenoir County, in Lenoir, N. C., the 7th day of July, 1876.

W. H. J. Hunter,
Probate Judge & Clerk

Samuel C. Webb

Lenoir County: Probate Court

A paper purporting to be the last will and testament of S. C. Webb, deceased, is exhibited before me, the undersigned Judge of Probate for said county, by John H. Howard, the Executor therein appointed, and the execution thereof by the said S. C. Webb is proved by the oath and examination of Boyan McCullough, one of the subscribing witnesses thereto, who, being duly sworn, doth depose and say that he and S. B. Durango are

witnesses to the paper writing now shown him purporting to be the last will and testament of S. G. Abbott, that the said S. G. Abbott, in the presence of this deponent and the said S. B. Durango, subscribed his name at the end of said paper writing, which is now shown him, as aforesaid, and which bears date of the 9th day of June, A. D. 1867.

This deponent further saith that the said S. B. Durango, the other subscribing witness to said last will and testament, is now dead; that he is acquainted with the handwriting of the said S. B. Durango, having seen him write, and that the name of the said S. B. Durango, subscribed as a witness to the said will, is in the handwriting of the said S. B. Durango, 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 testator subscribed his name to the said last will and testament, as aforesaid, and at the time of the deponent and the said S. B. Durango subscribing their names as attesting witnesses thereto, as aforesaid, the said S. G. Abbott 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.

B. McCullen, *Probate Judge*

Sworn to and subscribed
this 9th day of July, 1876,
before me.

W. H. Hunter,
Probate Judge.

Seneca County, Probate Court,

Having examined on oath B. McCullen as to the execution of a paper writing purporting to be the last will and testament of S. G. Abbott,

It is adjudged, that the said paper writing, is the last will and testament of the said S. G. Abbott, and the same is ordered to be recorded and filed.

John H. Howard, the Executor therein named, as aforesaid, declined to qualify as such.

W. H. Hunter,
Probate Judge.

I Samuel G. Abbott of the County of Seneca and State of North Carolina, being of sound mind and memory, do

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 relatives and friends; and pay all funeral expenses, together with my just debts, however, and to whomsoever owing out of the first moneys that may come into his hands as a part or parcel of my estate. Item 1st.

I give and bequeath unto Samuel Houston Dunn son of Jane Dunn the following property (viz.) My Gold Watch, my gold collar button, my gold sleeve buttons, and gold headed walking cane, to him and his heirs forever. Item 2nd.

I give and bequeath unto Samuel Houston Dunn son of Jane Dunn and unto Idellia Jones daughter of Kiriak Jones, and unto a child that will soon be born of Linneaus Dunn daughter of Jane Dunn, all of my negroes and their increase from the date of this will, and all other property that I may be possessed of at my death, and not disposed of in Item 1st in this will to them and their heirs begotten of their bodies forever; and it is further my will and desire that should either one of the children bequeathed to in this Item of my will die leaving no heirs begotten of their bodies then and in that case, it is my will and desire that the surviving one or ones of the said children bequeathed to in this will shall inherit the said negroes and other property;

And lastly I do hereby constitute and appoint my trusty friend John H. Howard 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 Samuel G. Abbott do hereunto set my hand and seal this 9th day of June, A. D. 1867.

Signed, sealed, published, and declared by the said Samuel G. Abbott to be his last will and testament in the presence of us, who, at his request and in his presence, and in the presence of each other do subscribe our names as witnesses thereto.

By John H. Howard.
S. B. Durango.

S. G. Abbott, *Testator*

Recorded in the Superior Court Clerk and Probate Judge's office, Seneca County, North Carolina.