

Last Will and Testament of John Shute,

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I, John Shute, of the Town of Monroe, County of Union and State of North Carolina, being of sound mind and body, but remembering the uncertainty of life, and the certainty of death, and being desirous to indicate my will as to how the property with which God has blessed me shall be disposed of at my death, do make, ordain and establish this my Last Will and Testament in manner and form following, that is to say:-

Item 1st. It is my will and desire that my body shall receive a Christian burial, suitable to the wishes of my family and friends.

Item 2nd. That my Executors, hereinafter named, shall pay any and all debts which I may justly owe, out of the first money that shall come into their hands.

Item 3rd. It is my will and desire that the various business enterprises now conducted in the name of J. Shute and Sons, to-wit, the mercantile business, the milling, carding, planing, sawing, black smith, brick making & other businesses of the said firm shall, after my death, be continued under the same

business enterprises now conducted in the name
of J. Shute and Sons, to-wit, the mercantile business,
the milling, carding, flanning, sawing, black smith,
brick making & other businesses of the said firm
shall, after my death, be continued under the same
name and style so long as they shall exist.
And in as much as it was by and through the
labor, attention and management of my sons
H. A. Shute, J. R. Shute and J. I. Shute that the
said business enterprises of J. Shute and Sons
have assumed their present proportions, it is
my will and desire, in recognition of this
fact, that my said three sons above-named,
H. A., J. R. and J. I. Shute shall succeed to
all my right, title, interest and estate in said
firm; and in furtherance thereof I hereby
devise, will and bequeath to my three said sons,
to-wit, H. A., J. R. and J. I. Shute in fee simple
absolute, and equally between them, all my
said right, title interest and estate in and to
all sorts, kinds and descriptions of property be-
longing to the said firm of J. Shute & Sons,
whether the same be real, personal or mixed
property, or of a legal or equitable nature,

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Last Will and Testament of John Shute, deceased,

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consisting of land, Town Lots, merchandise, store furniture and fixtures, mills, machinery, belonging to or connected with any of the business enterprises of the said J. Shute & sons, together with all material, stock on hand, notes, mortgages, accounts or other evidence of debt, money, cotton or other thing of value, of any kind or description whatsoever, belonging to, connected with or in any manner, the remotest affecting the said firm of J. Shute & sons, in any of its business enterprises, whether the same has been mentioned herein or not. It is the object and purpose of this paragraph, and such is hereby declared to be my will and desire, that at my death all my interest, of every kind and description, in the firm of J. Shute & sons, shall, at once, descend upon and vest in my said ~~three~~ sons H. A., J. R., and J. T. Shute, free and discharged of any and all claims whatsoever, and as fully and effectually, as if I had sold and delivered the same to them absolutely in my life time. I also devise to my said sons, equally between them, and in fee simple, any and all lands in which I am jointly interested with them, any or either of them.

Item 4. I also devise will and bequeath to my said

all claims whatsoever, and as fully and effectually, as if I had sold and delivered the same to them absolutely in my life time. I also devise to my said sons, equally between them, and in fee simple, any and all lands in which I am jointly interested with them, any or either of them.

Item 4. I also devise, will and bequeath to my said three sons H. A., J. R. and J. I. Shute, equally between them, and in fee simple, the two store Houses & Lots adjoining the Stevens & Phifer store-house; that part of the mill and Lin Lot on La Fayette Street, which now belongs to me individually, the same being the northern part of the said Lot; also the Lot on which the Seaboard Air Line Lodging House is now situated, including the improvements thereon; also the Town Lot bought of Rev. W. C. Owen and lying near to, if it does not adjoin, the said Lodging House Lot; also my grey horse, Charlie, my bay horse, Rowdy, one black mare/mule named Huldah, one black horse/mule named Dave, one brown mule named Brown, and all my Jacks and Jennetts - to have and to hold all of the said property unto my said three sons, H. A., J. R. and J. I. Shute, in fee simple and equally between them.

Last Will & Testament of John Shute, decd. Contd.

Item 5. I devise to my daughter Emma L. Shute my house place in the Town of Hallowe, N. C., together with all the house-hold and kitchen furniture to be held by my sons H. A., J. R. and J. P. Shute in trust for her use and benefit; and I hereby charge the said property with such sums as it shall be necessary to furnish for her comfort & support while in the Asylum or while being cared for elsewhere; and it is my will and desire that any and all of my children now single shall be allowed to live at said house place so long as they shall remain single and shall properly demean themselves and that, in consideration thereof they shall provide for the comfort and necessities of my said daughter Emma L. Shute, so long as she be of non-sound mind; and that until she become fully restored to her proper mind, my said House Place shall be left open as a home for my single children, so long as they shall properly demean themselves, or until the death or restoration of my said daughter Emma L. Shute. In case & when my daughter Emma L. Shute shall be re-

single children, so long as they shall properly demean themselves, or until the death or restoration of my said daughter Emma L. Shute. In case & when my daughter Emma L. Shute shall be restored to her proper mind, it is my will, & I so devise, that my said Home Place, shall be immediately turned over to her in fee simple absolute together with the house hold and kitchen furniture. But should my said daughter Emma L. die without being restored to her proper mind, then, and in such event, I will that my said Home Place shall be sold and the proceeds equally divided between all of my children, share and share alike, the children of any deceased child representing their parent.

Item 6. All the balance of my property of every kind and description, not hereinbefore disposed of, I will shall be sold and the proceeds equally divided between my children Mary H. Austin, Amanda E. Brewer, Ellie J. Wilson, Florence M. Houston, Eva B. Shute and S. R. Shute.

Item 7. And finally, I hereby constitute and appoint my three sons W. S., J. R. and P. Shute

Last Will and Testament of John Shute, - Contd.

Executors of this my last Will and Testament, with authority and direction to make the sales herein provided for and to fully execute and carry out this my last Will and Testament according to its true meaning and intent, &

May 30th 1896

John Shute 

Signed and sealed and declared to be his last Will & Testament, by John Shute, the Testator, in the presence of the ~~and~~ ~~undesignated~~ who, at his request, & in his presence, & in the presence of each other, signed and attested the same by subscribing our names as witnesses thereto, May 30th 1896

W. W. Walsh witness

J. R. Winchester Witness

State of North Carolina, }
Union County. } Sd. In the Superior Court.

A paper purporting to be the Last Will and Testament of John Shute, deceased, filed in the Superior Court of Union County, North Carolina, on the 15th day of June, 1896.

State of North Carolina, } Sd. In the Superior Court,
Union County.)

A paper purporting to be the Last Will and Testament of John Shute, deceased, is exhibited before me, the undersigned, Clerk of Court for said County, by H. A. Shute, J. R. Shute and J. I. Shute, the executors therein mentioned, and the due execution thereof by the said John Shute is pro ven before me, by the oath and examination of W. W. Hales and J. R. Winchester the subscribing witnesses thereto; who being duly sworn, doth depose and say, each for himself, that he is a subscribing witness to the paper writing now shown him, purporting to be the Last Will and Testament of John Shute; that the said John Shute in his presence subscribed his name at the end of said paper writing and which bears date of the 30th day of May, 1896; that the said John Shute did at the time of subscribing his name as aforesaid declare the said paper writing to be his Last Will and Testament, and that he 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, that at the time the said testator subscribed his name to the said Last Will as aforesaid,

Last Will ^{and} Testament of John Shute, deceased.

and at the time he subscribed his name as a witness thereto, the said John Shute 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 the deponent. It is therefore adjudged that the said paper writing and every part and clause thereof is the Last Will and Testament of John Shute, deceased, and ordered that the same be recorded and that Letters Testamentary be issued to H. A. Shute, J. R. Shute and J. P. Shute, the Executors therein named, who thereupon take the oath of office required by law and Letters Testamentary are issued to them.

This 26th day of October, 1896

F. H. Volz, etc