

last will as aforesaid, and at the time of the
deponent's subscribing his name as an attesting witness
thereto, as aforesaid, the said Catherine Ellen 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.
And further that deponent says not.

J. B. Polard
James M. Jones
W. L. Jones

Specially sworn and Subscribed,
This 24th day of Feb'y 1903.

Before me

A. Secor,
Clerk of Superior Court

North Carolina } In the Superior Court.
Graham County }

It is shewn and considered and
adjudged by the Court that the said paper containing and
expressing part of the last will and testament of
Catherine Ellen, deceased.

Is the said will, together with the probate of
same, and filed.

This 24th day of Feb'y 1903.

A. Secor,
Clerk of Superior Court.

North Carolina, Ashe County -

I, John W. Allen of the aforesaid County and state, being of
sound mind, but considering the uncertainty of my earthly
existence, do make and declare this my last will and
testament.

First, My Executor, hereinafter named, shall give my body
a decent burial, suitable to the wishes of my friends and rela-
tives, and pay all my just debts, and funeral expenses, out
of the first moneys which may come into his hands be-
longing to my estate.

Second, I give and ~~devise~~ to my wife Betsey Ann, the
sum of One dollar only, said devise of One dollar only,
is by reason of agreement and understanding before our
marriage. My said wife at the time of our marriage
was the owner in fee simple of a Farm, and also
personal property, over which I was never allowed
any control, whatever, and that, together with much
and continued harsh and ill treatment has caused the
action as above stated in this my will.

Third, To my daughter Sally Brown, I give and be-
queath the sum of Fifty dollars, to be paid by my executor
within two years from ~~my~~ the date of my death, out of the
moneys belonging to my estate, not otherwise disposed of,
which together with sundry advancements will make
her a fair and equitable portion according to the value
of my estate.

Fourth, To my son Constantine, I give One dollar.

Fifth, To my daughter, Maurine Surber I give and
devise the sum of twenty five dollars which together
with sundry advancements makes her a just and
equal portion of my estate, which is to be paid by
my executor within the time set forth in Item Third
of this my will.

Sixth, To my son James I give and devise the re-
mainder of my estate entire, and I do hereby
constitute and appoint my trusty son James
Allen, 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 re-
voking and declaring utterly void all other wills
and testaments by me heretofore made.

In witness whereof I the said J. W. Allen

do hereby set my hand seal this Apr. 28th 1897.
J. W. Allen. (Seal)

Signed sealed published and declared by the said John W. Allen to be his last will and testament in the presence of us, who at his request and in his presence do subscribe our names as witnesses thereto.

A. S. Witherspoon
R. P. Witherspoon

State of North Carolina, In the Superior Court.
Ashe County

A paper purporting to be the last Will and Testament of J. W. Allen died, as exhibited before me, the undersigned clerk of the Superior Court for said County, by R. P. Witherspoon and the due execution thereof by the said J. W. Allen by the oath and examination of A. S. Witherspoon and R. P. Witherspoon the subscribing witnesses thereto: who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of J. W. Allen, that the said J. W. Allen 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 28th day of April, 1897.

And the deponent further saith, that the said J. W. Allen, 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 said testator. And this deponent further saith that at the same 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 J. W. Allen 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

R. P. Witherspoon
A. S. Witherspoon.

Solemnly sworn and subscribed,

This 2. day of Mch. 1903 before me.

A. S. Eller, Clerk Sup. Court.

Per W. E. Johnson, D.C.

North Carolina, In the Superior Court.
Ashe County,

It is therefore ^{considered and} adjudged by the Court that the said paper writing and every part thereof is the last will and Testament of J. W. Allen, deceased. Let the said Will together with the probate, be recorded and filed.
This 5th day of Mch. 1903.

A. S. Eller,
Clerk Sup. Court.

Dissent made by Widow Caroline Allen
see papers filed in will.