

349
Last Will and Testament of
W. E. Perkins deceased.

North Carolina Ashe County

I W. E. Perkins of the above named County and State being of sound mind and memory but considering the uncertainty of life, do hereby make and declare this my Last Will and Testament.

1st My Executor herein after named shall give me such burial as is suitable to my family, relations, and friends and pay all funeral expenses.

2nd I give and devise to my daughter Katie J. One tract of land lying on the waters of Big Nelson Creek in above named County, containing seventy seven acres known as the Long Bottom land. The same however to be used and enjoyed by my wife Lucy J. until the said Katie arrives at the age of twenty five years. Should my wife die before Katie arrives at the age of twenty one then I appoint as her Guardian Robert Queckes of Grayson County Va Without surety to manage and Control said lands to the use and benefit of my said daughter Katie. I further give and bequeath to her the sum of two thousand two hundred and fifty three dollars and ninety eight cents deposited in the North Western Bank at four per cent interest for which I hold certificate of deposit and appoint as her Guardian the said Robert Queckes Without surety to place the said money at the best obtainable interest for her use and benefit and manage the same to her best advantage until she arrives at the age of twenty one.

3rd All the residue of my estate both personal and real, I give devise and bequeath to my beloved wife Lucy J. including all my interest in the flouring mill owned by my Bro W. J. Perkins and myself, and all my interest in the partnership business of Perkins Waller and Company to be used and managed by her so long as she lives or remains my widow for her own comfort and the comfort and maintenance and education of my children provided however she shall not sell nor in any wise transfer or dispose of any part or parcel of real estate. At the death of my wife

all my property both personal and real is to be divided equally among my four children Arthur H. Perkins, James P. and Katie J. (except that part of real estate already hereinbefore devised to Katie) which is to remain her sole and absolute property) subject however to such amounts as they or any of them are hereinafter charged with. The real estate to be divided equally among all my children (except that already hereinbefore devised to Katie) by four competent judges who are in no wise interested one of whom must be a competent surveyor and Katie shall have choice of lots the others shall draw for lots. All debts, money, and personal property of every description shall be divided equally as above directed.

4th All my interest in the lands of the estate of J. Perkins deceased when sold shall be divided equally among my four children heretofore named and I appoint W. H. Hamilton with power of attorney to make sale of said lands when sold and turn over the proceeds of such sale to my children in the manner above described such sale to be made to the best possible advantage of said heirs.

5th The note which I hold against Arthur H. Perkins dated Feb 29th 1896 of the amount of ~~six~~ sixteen hundred dollars (which is not to draw interest) must be deducted from his part and interest in the estate and all the accounts charged on my books to each of my said children must be deducted from their respective interests in my estate, and no public sale of any property whatever shall be made by my Executor.

6th If any of my children die without issue having any property inherited by them from my estate then the same shall revert back to my estate and be divided equally among the remaining heirs.

7th My one half interest in wool remaining in the wool house at the old factory near Auburn of which is about Thirteen thousand pounds owned jointly by my Bro W. J. Perkins and myself I give and bequeath to my beloved wife Lucy J. Perkins to use and manage for the benefit of herself and my children.

84 I hereby constitute and appoint my wife Lucy J. Perkins my lawful Executor without surety 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 thereof. In Witness Whereof I the said W. E. Perkins do hereunto set my hand and seal this the 28th day of Aug. 1896
W. E. Perkins

Signed sealed published and declared by the said W. E. Perkins 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

W. J. Perkins
Jacob Ellen

State of North Carolina } the Superior
Ashe County } Court

A paper purporting to be the last Will and Testament of W. E. Perkins deceased is exhibited before me the undersigned Clerk of the Superior Court for said County by W. J. Perkins brother of the deceased and the due execution thereof by the said W. E. Perkins is proven by the oath and examination of W. J. Perkins and Jacob Ellen the subscribing witnesses thereto, who being duly sworn do both 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 W. E. Perkins that the said W. E. Perkins 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 August 1896

And the deponent further saith. That the said W. E. Perkins the testator aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing as 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 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 W. E. Perkins 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.

W. J. Perkins
Jacob Ellen

Solemnly sworn and subscribed this the 2nd day of June 1898 before me

P. Blevins C.S.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 W. E. Perkins deceased.

Let the said Will together with the probate be recorded and filed

This the 2nd day of June 1898

P. Blevins C.S.C.