

Buncombe County

In the Probate Court
of Buncombe County
A paper purporting to be the last will and
testimony of Hugh Pinney deceased is produc-
ted before me the undersigned Judge of Probate
for said County. Leander Pinney the executor
therein named, and the due execution thereof,
W^t Brown and Robert Green, the subscribing
witnesses thereto, who being duly sworn doth
depose and say and each for him self deposeth
and saith, that he is a subscribing witness to
the paper writings now shown him purport-
ing to be the last will and testament of
Hugh Pinney, that the said Hugh Pinney in
the presence of this deponent subscribed his
name at the end of said paper writings
which is now shown as aforesaid, and
which bears date on the 28th day of January
A D 1869. And the deponent further saith
that the said Hugh Pinney, the testator aforesaid
did at the time of subscribing his name as
aforesaid, declared the said paper writings so
subscribed by him, and to be his to be to be
his last will and testament, and this
deponent did thereupon subscribe his
name at the end of said will as 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 subscribing
his name as attesting witness thereto as aforesaid
the said Hugh Pinney, was of sound
mind and memory of full age to execute
a will, and was not under any restraint
to the knowledge of deponent or because
of this deponent, found further that
deponent saith not W^t Brown
sworn & subscribed
before me for me
Probate Judge

Buncombe Co. NC Wills, Bk B, 1868-1899

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In the name of God, Amen,

I Adam Eller of the County of Buncombe
and State of North Carolina being of sound
and perfect mind and memory blessed be
God, do this 20th day of November in the year
of our Lord one thousand eight hundred and
sixty nine make and publish this my
last will and testament in manner
and forme following viz

I am first My three Sons Adam & William C. and
John C. have each received their portion
and hence I bequeath them nothing more
than my blessing.

I am second To my daughter Eliza Fox I will and
bequeath that part of a tract of land lying
grate to John Eller lying West of the
ball mountain Road begining at the
northeast corner of the Fresh field
Known as the Penkins field and running
a north westerly course with my line to
to the North corner of said field then south
to the South line of said tract

I am third To my daughter Christina Rice I will and
bequeath all that part of my land lying
west of the begining in the preceding. I am
fourth To my daughter Martha Patton and Rebecca
Eller I will and bequeath no tract of land
on which the said Martha Patton now residing
each to have an equal share

I will and desire that my personal
property be equally divided between my
four Daughters after my eldest Son
receive the value of twenty five
Dollars said Son Joseph P. Eller having
heretofore received the part intended for
him

I desire that my two Sons William C.
Eller and John C. Eller act as executors of this
my last will & testament, believing they will
sticke to observe my requests this 20th day
November A.D. 1870

A. Eller

W^t Brown
Robert Green
mark

Buncombe County, on the Probate Court
A Paper purporting to be the last will
and Testament of A. Eller dec'd. is exhibited
before me the undersigned Judge of Probate
for said County by William C. Eller and
John C. Eller, the Executors therein named
and the day execution thereof by the said
A. Eller, by the oath and examination of
Harriet Roberts and W. H. Jones. The
Subscribing witnesses thereto who being
Daley, sworn doth depose and say,
and each for him self deposes the said
Sayeth that he is a subscribing witness
to the paper writing now shown him
purporting to be the last will and Testa-
ment of A. Eller dec'd. That the said
A. Eller did in the presence of these deponents
in acknowledgement his signature affixed at the
end of said paper writing which is now shown
as aforesaid and bears date on the 4th day of
November A.D. 1869, did in the presence of these
deponents acknowledgement the signature the said
paper writing, and the deponents further sayes
that the said A. Eller the testator aforesaid did
at the time of acknowledging his signature as
aforesaid declare the said paper writing to
be subscribed by him and exhibited to be
his last will and testament and that the
deponents did thereupon subscribe their
names at the end of said will as attesting
witnesses thereto, and at the request and in
the presence of the said testator, and these
deponents further sayes that at the said
time when the said testator acknowledged his
signature to the said last will as aforesaid and
at the time of the deponents subscribing their
names as attesting witnesses thereto as aforesaid
the said A. Eller was of sound mind and
having memory of full age to execute a will and was
not under any restraint to the aforesaid informa-
tion or belief of these deponents
The deponent Sayeth not
Buncombe Co. NC Wills, Bk B, 1868-1899
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North Carolina
Buncombe County } in the Probate Court.

To the Judge of said Court:

The undersigned respectfully shows-

1. That he is the Executor named in the last will and Testament of J. H. Smith, deceased.
2. That the property of the said decedent consists in real estate and is worth about One thousand Dollars.
3. That the only person entitled under said will to the testator's property is his mother, Mrs Margaret R. Smith, wife of Samuel Smith who now resides in the County of Buncombe.
4. That the subscribing witnesses to said will, Green Rollins and Roxana Smith both reside out of the State.

Wherefore your petitioner prays that the said will may be admitted to Probate and that he be allowed to qualify as executor of the same, according to law.

The said J. A. Fagg being duly sworn, says: That the foregoing facts are true to the best of his knowledge and belief.

J. A. Fagg
Sworn & Subscribed before me this the 18th day of Feb'y
1871.

J. E. Reed Judge of Probate

To the Judge of Probate for Buncombe County:

I hereby renounce the office of Executor under the last will and testament of J. H. Smith, within described.

This 17th day of February 1871. W. M. Weaver

North Carolina Buncombe County }

W. M. Weaver being duly sworn, says: That he is acquainted with the handwriting of J. H. Smith dec'd, the testator of the will hereunto annexed, that he is also acquainted with the handwriting of the subscribing witness to said will Roxana Smith, and that the signature of J. H. Smith and also that of Roxana Smith, to said will are the genuine signatures of

W. M. Weaver