

affirmatively, in the certified probate and exemplification of the said last will and testament, that the said last will and testament is executed according to the laws of the State of North Carolina in such case made and provided. It is now, on motion of V. S. Lusk, attorney for the propounder of said last will and testament, considered and adjudged by the Court that the said paper writing produced and exhibited before me, is a true copy and exemplification of its last will and testament of its said A. Heber, deceased, duly certified and authenticated by Joseph W. Cancell, Clerk of the Surrogate Court, for the County of Kings in the State of New York under his official seal, and that the said last will and testament has been duly proven and allowed in said County of Kings in said State of New York according to the laws thereof. And it is further considered and adjudged that said last will and testament contains a devise of real estate, to Cleophea, nee Plumer, wife of the said A. Heber, deceased, situate, lying and being in the County of Buncombe in the State of North Carolina, and it appearing affirmatively, in the certified probate and exemplification of said last will and testament that the same is executed according to the laws of North Carolina, be and the same is proved and allowed before me as if the original had been produced, and is ordered to be filed and recorded in the Book of Wills for Buncombe County.

J. P. O'Leary, Esq.

successor

✓ The State of South Carolina

I, J. J. L. Clark, being of sound and disposing mind and memory do make public and declare the following as and for my last will and testament hereby revoking any former wills by me at any time heretofore made.

Item - I direct my Executors hereinafter named to pay all my just debts and liabilities out of any moneys coming to his hands from my estate.

Item - I give devise and bequeath to John and Fanny, colored persons living in Charles ton, S. C. formerly servants of my father, the sum of fifty dollars to each of them.

Item - I give devise and bequeath unto the Presbyterian Church in Gainesville, Florida, the sum of one thousand dollars; - unto Mrs. Jane Hobard wife of Dr. (Hobard of Gainesville, Florida, the sum of one thousand dollars; unto Mrs. Hoyt wife of Rev. Thomas A. Hoyt of Nashville, Tennessee the sum of one thousand dollars; - unto Mrs. Margaret C. Shaw, wife of Mr. B. Shaw of New York the sum of three thousand dollars. The said legacies being to the said legatees respectively, to them and their respective heirs, Executors, Administrators and assigns forever.

Item - I give devise and bequeath unto my uncles John C. Chamber and Benjamin R. Chamber of Marion County, Florida, all my right, title and interest in and to a tract of land known as the Payne Place, and situate in the said Marion County, lately owned by Gen. Wm. S. Ludlow of New York, whether such interest be in the hands of

a mortgage held by me on the said place, as by my trustee, Robert Ledges, as in the shape of any other interest, direct or indirect, therein.

This devise being, and to be considered as in full settlement and discharge of any and all claims of any nature or kind whatsoever which they may have against me.

I term - All the rest residue and remainders of my estate, of any and every kind, real, personal and mixed, of which I may die seised and possessed I give devise and bequeath unto my relative Robert Ledges of the City of Charleston, S.C. to him and his heirs, Executors, Administrators and assigns forever, as a token of my regard and appreciation for his many acts of kindness to me.

I term - I nominate, constitute and appoint Robert Ledges of Charleston S.C., Executor of this my last will and testament and hereby invest him with full power and authority to sell and dispose of any and every part, or the whole of my estate on such terms and in such manner as he may deem best, for any purpose he may judge necessary, and proper deeds and conveyances to execute to the purchasers thereof. In testimony whereof I have hereunto set my hand and seal, (the words "Sadler" wife, being erased on the first page), this nineteenth day of June, in the year eighteen hundred and seventy eight at Charleston, So. Cal.

J. Ledges Clark (L.S.)

Signed sealed published and declared as and for his last will and testament by the above named J. Ledges Clark in our presence, who in his presence, and at his request, and in presence of each other have subscribed our names as witnesses thereto. Augustino T. Smyth, R. M. O'Donoghue.

State of South Carolina }
County of Charleston } S.S.

I hereby certify that on this 18 day of February 1891, personally appeared before me, Frank P. Frost, a Commissioner appointed on the 14th day of February 1891, by J. P. Cochran, Clerk of the Superior Court of Sumner County, North Carolina, to administer the following oath to Robert Ledges, the Executor named in the within last will of J. Ledges Clark, deceased, the said Robert Ledges, who being first duly sworn says that he believes this writing to be and contain the last will and testament of J. Ledges Clark, deceased, and that he will well and truly execute the same by first paying the debts and then his legacies as far as said estate shall extend or the law shall charge you, and that he will faithfully and honestly execute the office of executor agreeably to the trust and confidence reposed in him, and according to law.

Robt. Ledges.

Sworn to and subscribed before me this 18 day of February, 1891.

Frank P. Frost.

Commissioner.

Filed for probate, February 14, 1891

J. P. Cochran
Clerk Superior Court of Sumner
Co.

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

In the matter of the will
of } Before J. P. Coathery,
J. Adger Clark } Clerk Superior Court.

John P. Arthur being duly sworn says that J. Adger Clark, late of the County of Buncombe, is dead. Having first made and published his last will and testament charging and disposing of property within the County and State aforesaid, and that Robert Adger, who resides in the City of Charleston, South Carolina, is the executor named therein. That the said Robert Adger is old in years and infirm in health and cannot safely appear before the Clerk of the Superior Court in the County and State aforesaid, but wishes nevertheless to qualify as such executor and to give the necessary undertaking required by law of foreign Executors. That the said will of J. Adger Clark was made without the State of North Carolina, to wit in the City of Charleston in the State of South Carolina. Further, that the property of the said J. Adger Clark in the aforesaid County of Buncombe and in the State of North Carolina, consists of jewelry, silverware and wearing apparel and is worth about seven hundred and fifty dollars so far as said is ascertained at this date; and that Augustine T. Smythe, D. M. O'Dusee and Charles C. West are the subscribing witnesses to the said will and reside in the City of Charleston, South Carolina. That Solomon and Fanny, two persons who are described in said will as follows: "Solomon and Fanny, colored persons living in Charleston, S. C. formerly servants of my father", and whose names are unknown to the deponent; The

Presbyterian Church in Gainesville, Florida; (Mrs. Jane Noland, wife of Dr. Noland, of Gainesville, Florida; Mrs. Hoyt, wife of Rev. Thomas C. Hoyt, of Nashville Tennessee; Mrs. Margaret C. Shaw, wife of William B. Shaw of New York, John C. Chambers and Benjamin B. Chambers, of Marion County, Florida, and Robert Adger of Charleston, S. C. are the parties entitled under said will to the said property, John P. Arthur.
Sworn to and subscribed before me
this 14th February 1891

J. P. Coathery, J. C.

State of North Carolina. In the Superior Court.
County of Buncombe E. & S.

In the matter of the will of } Before J. P. Coathery, Clerk.
J. Adger Clark.

Whereas, it has been suggested to me, the Clerk of the Superior Court of Buncombe County, North Carolina by the affidavit of John P. Arthur, of date February 14th 1891, that a will has been made without the State of North Carolina disposing of property within the State, to wit: by J. Adger Clark whose will was made in Charleston, South Carolina, in which said will has been filed in this office, on Feb. 14th 1891, for probate and disposal of property in Buncombe County in the State of North Carolina, where said Clark resided at the time of his death: and

Whereas, it has been further suggested to the said clerk by said affidavit of John P. Arthur that the subscribing witnesses to the said will are Augustine T. Smythe, D. M. O'Dusee and Charles C. West and that they reside in the City of Charleston, South Carolina, and that Robert Adger is named in said will as the executor thereof and that he resides in said City of Charleston but that he is old in years and of infirm

health and cannot safely appear and
qualify in person before me in the above
County and State, but is prepared to give
bond as a foreign executor of said will.
Therefore,

To Frank R. Frost, Charleston, South
Carolina,

Greeting:

We, reposing special trust and confidence
in your integrity, do authorize and empower
you to cause Augustine T. Smythe, D.W.
O'Druswell and Charles C. Frost, to
appear before you at such time and
place as you may appoint, and there and
oath to examine touching all such matters
and things as they shall know of con-
cerning the execution of the annexed
paper writing purporting to be the last
will and testament of J. Adged Clark,
which paper writing was marked by me
"Filed for probate, February 14th 1891." And the
deposition in writing by you taken, the
same to transmit, sealed with your seal
to the Clerk of the Superior Court of Buncombe
County, at Asheville, (North Carolina).
And further:

You are hereby authorized
and empowered to cause Robert Adger
to appear before you at such time and place
as you may appoint, and administer
unto him the following oath, to be sub-
scribed by him and attested by yourself
as commissioned and attached to the paper
writing purporting to be the will of J.
Adged Clark, deceased.

"You swear that you believe this writing to be
and contain the last will and testament
of J. Adged Clark, deceased, and that you
will well and truly execute the same
by first paying the debts and then his
legacies so far as the said estate shall
extend or the law shall charge you, and
that you will faithfully and honestly re-
turn to the office of executor agreeable to the

trust and confidence reposed in you
and according to law. So help you God."
In your return to me you will certify that you
have administered said oath to Robert
Adger, and that he took the said oath be-
fore you and subscribed his name to
said oath after the same had been read
ed to writing and attached it to the paper
writing purporting to be the last will of
J. Adged Clark, deceased.

Witness my hand, Clerk of the Superior
Court of Buncombe Co., at Asheville this
14th day of February, 1891.

Seal.

J. P. Clatter,
Clerk. Buncombe Co. NC.

State of North Carolina } In the
County of Buncombe } Superior Court.

In the matter of } Before J. P. Clatter
The will of J. Adged Clark } Clerk.

And now comes Frank R. Frost, of the
city of Charleston and State of South Car-
olina who under a commission and
dedimus of the said Clerk hereto attached,
has been duly appointed authorize and
empowered to call Augustine T. Smythe,
D.W. O'Druswell, and Charles C. Frost, to appear
before him at such time and place as he
might appoint, and there and oath to
examine touching all such matters and
things as they should know of and concerning
the execution of the annexed paper writing,
purporting to be the last will and testament
of J. Adged Clark, deceased, which paper
writing was marked by the said clerk, filed
for probate, February 14th 1891.

And also to cause Robert Adger to appear
before him at such time and place as he
might appoint and administer unto

him the oath described in the said dedimus and commission, to be subscribed by him the said Robert Adger and attested by him the said Frank B. Frost, as commissioner and attached to the paper writing purporting to be the will of J. Adger Clark, deceased. And for a return to the said commission, the said Frank B. Frost does hereby certify that on the eighteenth day of February, A. D. 1891, in the city of Charleston and State of South Carolina, he did cause to appear before him, the said Frank B. Frost, commissioner, the said Augustus T. Smythe, D. M. O'Driscoll and Charles C. Frost and that at such time and place he did first duly administer to them an oath to testify, and depose truly, the truth, the whole truth, and nothing but the truth, as to matters and facts connected with the said last will and testament of J. Adger Clark, deceased, and after administering such oath, he did thereupon examine them, touching all such matters and things as they should know of and concerning the execution of the said annexed paper writing, purporting to be the last will and testament of J. Adger Clark, which deposition in writing so taken, by the said Frank B. Frost, he does here by transmit, sealed with his seal, and annexed to this certificate as part and parcel thereof. And the said Frank B. Frost doth further return and certify that under the authority and power conferred upon him by the said commission, he caused the said Robert Adger to appear before him, in the city of Charleston, State of South Carolina, on the eighteenth day of February A. D. 1891 and thereupon administered to him the oath prescribed and set forth in the said dedimus and commission, which said oath was thereupon subscribed by him, the said Robert Adger, and attested by him the said Frank B. Frost, as commissioner, and attached to the paper writing purporting to be the will of J. Adger Clark, deceased, and the said

Frank B. Frost does specially return to the said J. P. Cathey, Clerk, and hereby certifies that ~~by~~ the said Frank B. Frost, administered the said oath to the said Robert Adger, in person, and that he the said Robert Adger took the said oath before him, the said Frank B. Frost, and subscribed his name to said oath, after the same had been reduced to writing, and that he the said Frank B. Frost attached it to the paper writing purporting to be the last will of J. Adger Clark, deceased. Witness my hand and seal.

Frank B. Frost,
Commissioner. (L. S.)

State of North Carolina } In the
County of Buncombe } Superior Court.

In the matter of } Before J. P. Cathey
The will of J. Adger Clark } Clerk.

And now, on this eighteenth day of February A. D. 1891, before Frank B. Frost, Special commissioner, personally appears Robert Adger, of the city of Charleston, and State of South Carolina, named and designated in the will of J. Adger Clark, as the executor thereof, and having been by the said Frank B. Frost, first duly sworn, does here by take and subscribe to the following oath, to wit: "You swear that you believe this writing to be and contain the last will and testament of J. Adger Clark, deceased, and that you will well and truly execute the same by first paying the debts and then his legacies, as far as the said estate will extend, as the law shall charge you; and that you will faithfully and honestly execute the office of executor, agreeably to the trust and confidence reposed in you, and according to law, so help you God" Robert Adger.

And the said Frank B. Frost does hereby return and certify that the said Robert

Oath to the said oath above written, before him, and subscribed his name to the said oath, after the same had been reduced to writing this eighteenth day of February, A.D. 1891.

Frank R. Frost,
Commissioner.

State of North Carolina } In the
County of Buncombe } Superior Court.

In the matter of the will } Before J. H. Clardy
of J. Adged Clark } Clerk,

And now comes Frank R. Frost, of the city of Charleston and State of South Carolina, Commissioner, acting under and by the power and authority conferred upon him by the clerk of said court, and returns that the paper purporting to be the last will and testament of J. Adged Clark, deceased, and hereto attached, being duly exhibited before him, the undersigned Frank R. Frost, by Robert Adged, the executor thereof mentioned for probate, by the oath and examination of Augustine T. Smythe, Charles C. Frost and D. M. O'Driscoll, subscribing witnesses thereto.

And the said Augustine T. Smythe, Charles C. Frost and D. M. O'Driscoll, the said witnesses being now duly present, to wit: on the eighteenth day of February A.D. 1891, in the City of Charleston, State of South Carolina, and being each 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. Adged Clark, deceased.

That the said J. Adged Clark in the presence of these deponents, and each and every of them subscribed his name at the end of said paper writing, which is now shown as aforesaid and which bears date the

19th day of June A.D. 1878 at Charleston, S. C.

And the deponents further say, and each for himself depose and saith, that the said J. Adged Clark, the testator aforesaid, did at the time of subscribing his name as aforesaid, declare the said paper writing, so subscribed by him and qualified, to be his last will and testament, and that the deponents and each of them 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 in the presence of each other, and these deponents each for himself, further saith, that at the same time, when the said testator, J. Adged Clark, subscribed his name to the said last will and testament as aforesaid, and at the time of each of the deponents subscribing his name as an attesting witness thereto, as aforesaid, the said J. Adged Clark 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 these deponents, and further these deponents say not.

Augustine T. Smythe,

D. M. O'Driscoll

Charles C. Frost,

And the said Frank R. Frost, Commissioner as aforesaid, doth hereby certify and return that he duly administered the said oath to the said Augustine T. Smythe, Charles C. Frost, and D. M. O'Driscoll, and that each took the said oath before him and each subscribed his name to the above deposition after the same had been reduced to writing by the said Frank R. Frost, and thereupon the same, has been subscribed and sealed by him, the said Frank R. Frost, and attached by him, to the paper writing purporting to be the last will of J. Adged Clark, deceased, this eighteenth day of February A.D. 1891 - The words "and in the presence of

of each other" being subscribed before signing.
Frank B. Frost
down's side
State of North Carolina In the Superior Court
County of Buncombe
s.c.

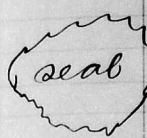
In the matter of the will of } Before
of } J. P. Cathey Clerk.
J. Adged Clark.

the foregoing paper writing purporting to be
the last will and testament of J. Adged Clark,
deceased, having been exhibited before me,
the undersigned Clerk of the Superior Court
for the aforesaid County, by J. P. Martin, Atto-
ney for Robert Adges, the Executor named in
the said will and testament of the said
Clark having been duly proved by the oath and
affirmation of Augustine F. Conyette, D.M.
Darius Cobb and Charles C. Frost, the subscribing wit-
nesses thereto, and the said Robert Adges, ex-
ecutor, having qualified as Executor of said last
will and testament by taking the oath required
by law; and it appearing to my satisfaction that
the value of the personal estate of the said J. Adges
Clark in North Carolina is not more than
one hundred and fifty dollars; and the
said Robert Adges having entered into an
undertaking in writing in the sum of fifteen
hundred dollars with two good and sufficient
sureties, both of whom have justified before
me; and the said will having been approved
by me and filed and recorded in my office
as required by law in cases of foreign or non-
resident executors. It is therefore
Adjudged and decreed:

that the said paper writing and encyclopaedia
thereof is the last will and testament of J. Adged
Clark, and the same is hereby ordered to be filed
and registered in this office, and that letten
testamentary be issued to Robert Adges as
the Executor of said last will and testament,
with my hand and the seal of the

court this 2nd day of March, 1891

J. P. Cathey
Clerk of the Superior Court of Buncombe
County, N.C.



State of North Carolina In the Superior Court
County of Buncombe
s.c.

Know all men by these presents, that we,
Robert Adges, of Charleston, South Caro-
lina, and J. G. Martin and W. Talbot Bur-
rissan of Asheville, North Carolina, and
held and firmly bound unto the State of
North Carolina, in the sum of fifteen
hundred dollars, to the payment whereof,
we bind ourselves, and each of us, our
heirs, executors and administrators, jointly
and severally, firmly by these presents.
Signed and Sealed, this 2nd day of March,
1891.

The condition of this obligation is such
that if in above bounden Robert Adges,
foreign executor of the last will and tes-
tament of J. Adged Clark, deceased, does
make a true and perfect inventory, and
account of sales, of all the real es-
tate, and of all the goods and chattels,
rights and credits of the deceased, which
have or shall come to his possession or
knowledge, and the possession of any other
person for him in the State of North Caro-
lina, and the same do exhibit into the office
of the Clerk of the Superior Court of Buncombe
County within ninety days after the date
of these presents, and do well and truly ad-
minister according to law all the goods and chat-
tels, rights and credits of the deceased, and
the proceeds of his real estate, that may be
sold for the payment of his debts, which
shall at any time come into his possession
or into the possession of any other person for
him in North Carolina; and further,
do make a true and just account of

his executorship within two years after the date of these presents, and all the rest and residue of said proceeds of real estate, goods, chattels and credits which shall be found remaining upon his account (the same being first examined and allowed by the Clerk of the Superior Court) shall he deliver and pay to such persons and persons as the same shall be due unto, pursuant to law, and shall in all respects execute the trusts reposed in him as such executor and obey all orders of the Clerk of the said Court touching said will and estate, then this obligation to be void and of no effect.

Robt. Adger *Execd*
J. J. Martin *Execd*
W. G. Talbot Penniman *Execd*

State of North Carolina
County of Buncombe } S. P.

J. J. Martin, make the oath that he is a resident and freeholder in North Carolina and is worth over and above his liabilities and his property exempted by law the sum of fifteen hundred dollars; and W. G. Talbot Penniman make the oath that he is a resident and freeholder in North Carolina and is worth over and above his liabilities and his property exempted by law the sum of fifteen hundred dollars.

Sworn to before me this 2nd day of March A.D. 1891.

J. P. Cathey
Clerk of the Superior Court of
Buncombe County, N.C.

North Carolina } In Superior Court
Buncombe County } S. P.

The State of North Carolina to all to whom these presents shall come - Greeting.
It being satisfactorily proven to the undersigned, Clerk of the Superior Court for Buncombe County, that J. Adger late of said County, is dead, having his last will and testament, and I do hereby certify, that J. Adger, the Executor therein named, having qualified as such Executor, filed his bond as required by law. Now, therefore, these are to empower said administrator to enter in and upon all and singular the goods and chattels, rights and credits of the deceased, and the same to take into his possession, wherever they shall be found, all the just debts of the said deceased pay and satisfy, and the residue of said estate to distribute according to said will. Witness my hand and the seal of said Court this 2nd day of March, 1891.

J. P. Cathey, Clerk
Superior Court, Buncombe County