

promanor or agent of said defendant, and  
further these deponents say, that

D. N. Curtis Qual  
F. W. O'Kelly Qual  
Several sworn and sub-  
scribed this 3rd day of  
December 1894 before me  
J. L. Cuthy C.S.C.

Bencombe County, Va.  
Bencombe County, Va.

J. H. Johnston being duly sworn  
doth say, that he is a grandson of Andrew  
H. Johnston, and that his father died before  
said A. H. Johnston, and that he was a  
person interested in the estate of said  
Andrew H. Johnston.

That he doth present for probate the  
paper writing purporting to be the will of  
Andrew H. Johnston, from the records of  
Bencombe County opened for probate by  
W. F. Johnston the Executor named therein -

That said Executor is dead and no  
person has been appointed administrator  
cum testaments annexo d. b. n. as offiant  
is informed and believes, and that therefore  
no notice has been served there being  
no person on whom the same could be  
served.

That the value of the testator's property  
as near as can be ascertained was about  
\$1200<sup>00</sup> of personal property and as offiant  
is informed and believes, and the value  
of the real estate at the time of the death  
of the testator in 1868, was about five or  
six thousand dollars, as nearly as offiant  
can estimate the same: the property is  
now of greater value. The nature of the  
personal property was cattle, stock, money  
and household property, and the nature  
of the real estate was farm and wood lands.  
The names and residences of the heirs, devisees  
and legatees, are as follows as known to  
offiant, 1. James H. Johnston, Indiana  
2. W. W. Johnston Bencombe County  
3. Honey Hunter Bencombe County  
4. The Children of W. F. Johnston Robert Johnston,  
Leah Britt, in Bencombe County, and Thomas  
Johnston Haze Johnston, and Gabe Johnston  
and Feller Johnston in Clay County,  
5. The Children of Franklin Johnston, F. F.  
Johnston, Honey Runer, J. V. Johnston, in  
Bencombe County, and Franklin A. Willis  
in Henderson County

6. The children of Mary E. Bird. deceased.  
Minta Birdland, Clay Co. W. S. Bird. Elbert  
Bird, Mary M. Bird, in Buncombe County,  
7. The child of Harriet Johnston, James H.  
Willis Buncombe Co.

All the children of W. S. Johnston except Robert  
Johnston and Liah Burt are minors;  
there are no other infants as affiant is  
informed and believes, S. S. W. County and Wife Solina County,  
Buncombe County.  
Sworn and Subscribed before me this 12th day  
of December 1894 J. D. Cathey, C.S.C.

State of North Carolina.

Buncombe County.

J. S. Rice being duly sworn deposes and says  
that the day after the burial of Andrew H.  
Johnston, in November 1868, he saw the will  
and testament of said Andrew H. Johnston found  
by the widow of said Johnston among and  
taken from a small chest in his residence  
in which was contained the valuable papers  
and effects of said Johnston, to wit: his deeds  
money and other property and papers and  
further the paper writing now shown affiant  
and here attached is the will and testament  
found as aforesaid, by said widow and  
said will when found was in the same  
apartment among the deeds, money and  
other papers and effects as aforesaid,  
this December 12th 1894

John S. Rice

Sworn to and Subscribed before me this  
12th day of December 1894

J. D. Cathey  
Clerk Superior Court of Buncombe County

North Carolina  
Buncombe County

Affidavit and testimony of J. S. Rice  
J. S. Hummer, J. M. Enail and  
W. R. Yarnall.  
J. S. Rice, J. S. Hummer, J. M. Enail and W. R.

Young, being by me duly sworn both before and  
after, each for himself that he was well  
acquainted with the handwriting of the late  
Andrew H. Johnston, and that each of them  
has frequently seen said Andrew H. Johnston  
write, and has examined papers written by  
him; that they verily believe that the  
paper writing submitted to them and here  
attached and every part ~~thereof~~ of the same  
down to and including the signature of A. H.  
Johnston, but not including the name of  
probate and once thereon is in the  
handwriting of Andrew H. Johnston,

John S. Rice  
J. S. Hummer  
J. M. Enail  
W. R. Yarnall

Sworn to and Subscribed before me the  
12th day of December 1894

J. D. Cathey, Clerk.  
Superior Court,

In the name of God amen

I A. H. Johnston of the County of Buncombe  
and State of North Carolina being of sound  
mind and memory but considering the  
uncertainty of my earthly existence do make  
and declare this my last will and testament  
in manner and form following that is to  
say first that my Executor hereafter  
named shall provide for my body a  
decent burial, suitable to the wishes of my  
relations and friends, and pay all funeral  
expenses together with my just debts, however  
and to whomsoever owing, and out of the  
money that may first come into his  
hands, as a part or parcel of my estate

I give and devise to my Beloved wife  
Mary all my land from lower line  
of the home tract up to the big ditch  
above the old meadow field. That  
runs from the river to the Road  
including any dwelling house & all out

James supposed to be about two hundred  
acres to have and to hold to her the  
said Mary for and during the term of  
her natural life in satisfaction for and in  
lieu of her dower and thirds of and in all  
my real estate

I give & devise to my daughter Nancy  
wife of John Hunter a portion of my  
home tract lying on the west side of the  
river including 12 acres bought from J.B.  
Sitten beginning on forked Black oak the  
south east corner of the home tract and  
runs north to Jarvis, at the edge of the  
swamp then with the fence to the Church  
& turn corner on the river bank. Then  
down the meanders of the river to the  
mouth of the Spring Branch that Bishop  
used water out of then up the branch  
passing the spring a short corner to where  
the road crosses the fence at the gap of  
the ridge about P.M. lands then crossing the  
Big Road the same direction to the east and  
west line of the home tract. then east with  
that line to the beginning containing about  
seventy five acres more or less, to have and  
to hold to her the said Nancy and her heirs  
free and independent of her said husband John  
Hunter to have and to hold to her the said  
Nancy & her heirs of her body in fee simple  
forever.

I give and devise to my son James all  
that portion of my home tract that I have  
given to my wife for and during her natural  
life and he the said James is to have full  
possession at death of my wife to have and  
to hold in fee simple forever.

I give and devise to my daughter Harriet  
all my tract of land known as the James  
Piercy tract joining the home tract below  
containing seventy five acres to have and to hold  
to her the said Harriet and her heirs in fee  
simple forever.

I give and bequeath to my beloved wife  
Mary all my household and kitchen fur-  
niture except one bed and its mattress furniture

now in my house during her natural life  
I also give my one horse tract her own  
choise. one two horse wagon and harness  
two cows her own choise. 24 sheep her own  
choise, & all the poultry.

I give and bequeath all the above articles  
during her her lifetime.

I give and bequeath to my daughter Harriet  
one Bed Bedstead and mattress furniture  
one side saddle one cow and calf. 4 head  
sheep one sow and pigs.

My will and desire is that all the  
residue of my estate if any after taking  
out the debts and legacies above men-  
tioned shall be sold once the debt owing  
to me collected and if there should be  
any surplus over and above the payment  
of debts expenses and legacies that such  
surplus should be equally divided between  
my wife and all my children.

Next James he is to have nothing out  
of my estate any the land I give him.  
Now therefore my will and desire is  
that my son W.D. Johnston is hereby  
constituted and appointed 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.

Heavily avowing and declaring utterly void  
all other wills and testaments by me  
heretofore made. In witness whereof I set  
my hand and seal.

W.D. Johnston

State of North Carolina, Office of Probate Judge  
Buncombe County

I James E. Reid Judge of Probate Court  
in and for the County of Buncombe do  
hereby certify that on this the 4th day of  
December 1868, there appeared before me at  
my office, William F. Johnston who being  
duly sworn stated that the said will  
was found among the valuable papers of the

was further proven by the oath of A. S. Summey, W. R. Murrey and W. R. Young, three credible witnesses that they and each of them are acquainted with the handwriting of the said Andrew H. Johnston having often seen him write and being well that the name of the said Andrew H. Johnston subscribed to the said will and the said will itself, and every part thereof, are in the proper handwriting of the said Andrew H. Johnston and that the said handwriting is generally known to the acquaintances of the said Andrew H. Johnston as well more fully and at large appears from the affidavits of said witnesses now on file in my office.

In testimony whereof I have hereunto set my hand the day and date above written.

J. E. Ruel,  
Probate Judge.

State of North Carolina  
County of Buncombe

\* paper writing purporting to be the last will and testament of Andrew H. Johnston deceased, is exhibited to the undersigned Clerk of the Superior Court of Buncombe County by J. V. Johnston a grandson and heir of Andrew H. Johnston and a person interested in the estate. No notice having been served upon the executor, W. F. Johnston because he is dead and there is no one administration with the will annexed. The application of J. V. Johnston is hereto appended.

Therefore J. S. Rice a credible witness being by me duly sworn, doth depose and say that the paper writing exhibited and hereto attached purporting to be the last will and testament of Andrew H. Johnston, deceased, was found among the voluminous papers, and effects of said Andrew H. Johnston, deceased, that is, to say that it was found and taken from the chest in which said A. H. Johnston kept his voluminous papers and effects, and in which chest were

money, and voluminous papers. That the will was found by the witness in the presence of affiant, and taken from the chest along with other voluminous papers, all of which will more fully and at large appear in the affidavit of J. S. Rice hereto attached, and A. S. Summey, J. M. Small, W. R. Young and J. S. Rice four credible witnesses being by me each duly sworn, doth depose and say each for himself; that he is well acquainted with the handwriting of the late Andrew H. Johnston having frequently seen him write and examine papers written by him, and each for himself doth say that the said paper writing purporting to be the will of Andrew H. Johnston, and every part thereof down to and including the signature A. H. Johnston (but not including the probate or receipt of J. E. Ruel and the seal thereon) is in the handwriting of Andrew H. Johnston, deceased, as they, being sworn, as fully appears by the testimony of said A. S. Summey, J. M. Small, W. R. Young and J. S. Rice hereto attached.

Upon the foregoing testimony all of the witnesses being credible. It is adjudged that the said paper writing and every part thereof, (not including the order of Probate endorsed thereon by J. E. Ruel, former Clerk) is duly proven as the last will and testament of Andrew H. Johnston, deceased, and it is ordered that the same be admitted to probate and duly recorded in the book of wills of Buncombe County.

It is further adjudged upon an inspection of the record of the testimony entered upon the book of wills B. page 9, by James E. Ruel, the former Clerk of this court, that the said record is sufficient proof of the due execution of the said will and that the same was and is duly proven as the last will and testament of said Andrew H. Johnston, and the former record



Andrew H. Johnston, of the his death; and it was further proven by the oath of J. S. Summey, W. R. Young, and W. R. Young, three credible witnesses that they and each of them are acquainted with the handwriting of the said Andrew H. Johnston having often seen him write and being well that the name of the said Andrew H. Johnston subscribed to the said will and the said will itself, and every part thereof, are in the proper handwriting of the said Andrew H. Johnston and that the said handwriting is generally known to the acquaintances of the said Andrew H. Johnston as well more fully and at large appears from the affidavits of said witnesses now on file in my office.

In testimony whereof I have hereunto set my hand the day and date above written  
J. E. Ruel,  
Probate Judge.

State of North Carolina  
County of Buncombe

\* Paper writing purporting to be the last will and testament of Andrew H. Johnston deceased, is exhibited to the undersigned Clerk of the Superior Court of Buncombe County by J. S. Johnston a grandson and heir of Andrew H. Johnston and a person interested in the estate. No notice having been served upon the executor, W. S. Johnston because he is dead and there is no one administering with the will annexed. The application of J. S. Johnston is hereto appended.

Therefore J. S. Rice a credible witness being by me duly sworn, doth depose and say that the paper writing exhibited and hereto attached, purporting to be the last will and testament of Andrew H. Johnston, deceased, was found among the voluminous papers, and effects of said Andrew H. Johnston, deceased, that is, to say that it was found and taken from the chest in which said A. H. Johnston kept his voluminous papers and effects, and in which chest were

contained at the time of the binding, deeds, money, and voluminous papers. That the will was found by the widow in the presence of affiant, and taken from the chest along with other voluminous papers, all of which will more fully and at large appear in the affidavit of J. S. Rice hereto attached, and J. S. Summey, J. M. Swell, W. R. Young and J. S. Rice, four credible witnesses being by me each duly sworn, doth depose and say each for himself; that he is well acquainted with the handwriting of the late Andrew H. Johnston having frequently seen him write and examine papers written by him, and each for himself doth say that the said paper writing purporting to be the will of Andrew H. Johnston, and every part thereof down to and including the signature A. H. Johnston, (but not including the probate or receipt of J. E. Ruel and thereon) is in the handwriting of Andrew H. Johnston, deceased, as they very well know, as fully appears by the testimony of said J. S. Summey, J. M. Swell, W. R. Young and J. S. Rice hereto attached.

Upon the foregoing testimony all of the witnesses being credible, it is adjudged that the said paper writing and every part thereof, (not including the order of Probate entered thereon by J. E. Ruel, former Clerk) is duly proven as the last will and testament of Andrew H. Johnston, deceased, and it is ordered that the same be admitted to probate and duly recorded in the book of wills of Buncombe County.

It is further adjudged upon an inspection of the record of the testimony entered upon the book of wills B. page 9, by J. E. Ruel, the former Clerk of this court, that the said record is sufficient proof of the due execution of the said will and that the same was and is duly proven as the last will and testament of said Andrew H. Johnston, and the former record

being as never affirmed. It appears in  
book of Wills B. page 7, 8 and 9,  
This October 12<sup>th</sup> 1894

J. S. Coaker, Clerk.  
Superior Court of Brunswick County  
N.C.

In the name of God Amen.

I Myrie Hall of the  
County of Wilkes and State of Georgia being of sound  
Mind and Perfect Memory, blessed be God do make  
+ ordain this to be my last Will and Testament in  
Manner following that is to say,  
as to my body I wish it to be decently buried in the Garden  
where my two little Grand daughters were buried. I wish  
for all of my just debts to be paid first and then the balance  
to be divided, as I shall state in this my last will  
February thirteenth, Eighteen Hundred and Forty-seven, I wish  
for my wife and her Sons to have the management of my  
Property, at my death as the Boys Comes of age they will  
See to it, I wish to have a House built over my Grave  
large enough to cover my dear wife also let the sills be  
out of Old Post Oak fourteen inches square set on rocks  
one foot from the ground. Make the frame about four feet high  
covered with good heart Shingles, fully one inch thick, after  
they are drawn and good heart weatherboarding and painted  
black. My will and desire is that my dear wife shall  
have these Slaves during her life or widowhood for to support  
her and my two youngest Sons, Myrie P. Hall and Abraham  
J. W. Hall, and School them there on the Negroes. I  
leave to my dear wife, Edmond and his wife Sarah  
and his two youngest children and Leg Grace and  
her two Sons, Thomas + Frank and one set of the  
black Smith tools, Amanda + Miles Jacob and his  
wife Grace and their youngest child Big Cato  
and Sandy Squire + Gideon Jeffery and the use  
of the upper mill to grind for her during natural  
life or widowhood, as to the Children my Son  
Barnwell P. Hall, had by Martha his last wife I  
will them one Dollar apiece and as to the  
Part that would fall to my Son Barnwell P. Hall.  
this may wish and desire is that his daughter  
by his first wife should have it Sarah Ann  
Elizabeth Rinder Hall, if she should live to have  
an heir and if she should die it is all to

have been to my youngest man is living at that time my house  
and Plantation where, I now live for the use of my dear wife during her  
life or widowhood, and at her death to my Son Abraham J. W. Hall.  
making the Crows Creek the line down the meanders of said Creek  
to be the line untill it goes to the forks below the Clark road  
then to strike a due East line to the back line  
toward James Rinders Old Place, all to the South of that line I  
give to my Son Myrie P. Hall, to him his heirs and assigns for  
ever as far as my land goes towards Washington, the New Taron +  
Lockey Place and Parks Place + Myrie's Burks place, also  
and all on the North of that line, the Clark Place John Hill  
Place and the Ring Place, and the Burns Place and the John  
M<sup>r</sup> Ghee Place and the Saw + Grist Mill, I give to my Son  
Abraham J. W. Hall to him his heirs and assigns forever,  
The Abraham Hall place and the 2 1/2 acres of land up by Sardis  
and the 100 acres the Tom Johnston place, I give to my Son  
Ladewich M. Hall, in line of the Dodson Place to him his heirs and  
assigns forever, Now should not my Son Ladewich Hall be  
Pleased with the swap my Son W. P. Hall, falls heir to the  
Abraham Hall place and the Sardis Lands and the Thomas Johnston  
Lands also. The balance of my landed Property, to be sold and  
divided between my dear daughters and as to my household  
furniture I wish at my wife's death to be flung into cash  
Money, lots as, I have loving Children at that time  
and to be equally divided among them, I don't wish  
any thing sold, out of the House, And as to my, Runcombs  
lands, and Stock that is there I wish to be kept together  
If it suits for a Retreat to any of the Children, that is  
a mind to go, My wife is to have Carpenter James +  
his wife Kester and Hannah and one of the small girls also  
for which I have left out above. I leave to my dear wife have  
Carriage her two choicest Mules and one road Wagon, and  
the best team of mules one Old Wagon and two yoke Oxen  
and two of the choicest horses and as much of the Stock of  
Cattle + Hogs as my Executors will think well to do her and  
all the balance of the Stock Property to be sold and equally  
divided between my loving Children at my death, and all  
the property, I leave to my wife and all the proceeds after supporting  
her + my two youngest Sons to be divided at her death equally  
between all her living Children. Now those children that are  
married and have off some Property, I have valued all that  
I given them, Barnwell P. Hall, had three thousand and twenty  
eight dollars, Ladewich M. Hall had thirty one hundred + seventy three  
dollars, Sarah C. W. Jordan, three thousand + ninety eight dollars.  
Martha P. Lee Rose twenty eight hundred and ninety three dollars