

intended to be recorded and filed.
This 18th day of July 1894.
J. D. Cathey C.S.C.

North Carolina
Runcomb County

J. S. Monas officiated and Sworn as Executor Jan
5th 1894, before testamony made.
J. D. Cathey C.S.C.

J. W. Cummings.

First.

I, J. W. Cummings, being in good health, of sound mind and memory do make, ordain and ~~settle~~ this to be my last will and testament, revoking and setting aside all former wills by me heretofore made; that is to say: To my wife, I sabella N. Cummings, I give, devise and bequeath the use during her life of all my property, real, personal or mixed, including the income from rents, interests on accounts, notes, bonds and mortgages so to be used by her in payment of my funeral expenses, and any debts that may arise, the taxes and misuses against land by fire, and in support of herself and my daughter, Belle F. Cummings as long as they may reside together.

Any surplus of income remaining, after meeting expenses before named, my wife may use for the benefit of my children, according to the best judgment of their necessities. My executors hereinafter named, are directed to sell all or any part of my real estate wherever located as soon as a fair market value can be secured for the same, and re-invest the avails and hold the same during the life of my wife, I sabella N. Cummings.

Second

The income from such investments to be used by my wife as before directed: upon the death of my wife or as soon after as sales are made of the property, my surviving executors shall divide the property left or coming into their hands as follows: To my daughter, Belle, if then living, or to her issue, one fifth (1/5) of all my property, but if deceased and having no issue, then all my property shall be divided equally among my then living sons, or in the event of the death of either of them to their legal issue if there are such. In other words

my my wife and me and my daughter should have the fifth and my sons the remaining four fifths in equal shares. The share to each son, or his issue shall be paid to him or them ~~as~~ as soon after the death of my wife as my executors can sell and control the avails provided that that that my sons, are of sober and frugal habits but should either of them be addicted to habits of dissipation or other habits of waste, then I instruct and enjoin my executors to invest in good security the share of such intemperate son or sons and pay over to him or them, his or their families the income only of his or their share of my

Third

estate until such son or sons have thoroughly reformed and become sober, moral and industrious men, when the principal shall be paid them. In other words, (I do not wish) the avails of my life of industry and sobriety, must not be given into the control of any one of intemperate or wasteful habits. my executors must by all means in their power prevent this. In the event of the death of either of my sons without legal issue his share shall be equally divided among his brothers then living, and if my daughter should die without issue or intestate her share of my estate shall be equally divided among her then living brothers. I make and appoint my wife, my daughter and my sons Parisk A. and Chas. P. Cummings my executors, and I do hereby direct that neither or either of my executors, wherever their residence; shall be required to give bonds as executors.

I in witness whereof I have hereunto subscribed my name and set my seal this fourteenth (14th) day of June A.D. 1887.

Anson W. Cummings Seal

The within instrument, was at the date thereof subscribed by Anson W. Cummings in the presence of us and each of us; he at the time of making said subscription acknowledged that he executed the same and declared the said instrument so subscribed by him to be his last will and test.

request, and in his presence and in the presence of each other, do subscribe our names as witnesses thereto

W.C. Kennadall, residing at Wellsville, N.Y.
H. B. Handrick residing at Wellsville, N.Y.
Attest

Whereas, I Anson W. Cummings of Wellsville N.Y. have made my will in writing, bearing date June 14 A.D. 1887. Now therefore, I do by this writing, which I hereby declare to be a codicil to my said last will and testament, and is to be taken as a part thereof, order and declare that my will is, that my present residence shall be retained as a residence for my wife and daughter, so long as either of them may wish to occupy, and does actually occupy it as a home, but at the death or before that event, should they cease to occupy it as a home, it shall be sold and the avails divided among my heirs like the other property, and in consideration of this provision for my daughter I do order that she shall share equally with her brothers in my estate, instead of receiving one fifth as I had ordered in my will dated June 14th 1887.

I in witness whereof, I have hereunto subscribed my name and affixed my seal this 16th day of Nov. A.D. 1888

Anson W. Cummings Seal

The within instrument, was at the date thereof subscribed by Anson W. Cummings in the presence of us, and each of us, and he at the time did acknowledge that he executed the same for the purpose stated therein; wherefore we at his request, and in his presence, and the presence of each other, we do subscribe our names as witnesses thereto
Samuel Carpenter, Wellsville, N.Y.
Geo. W. Preston " " "

Wm. S. Cummings of Wellsville, N.Y. have made my will in writing, bearing date June 14th 1887 and appended to said will a codicil in writing bearing date Nov. 15th 1888. I now declare this to be a second codicil dated Nov. 17th 1892 as follows viz. whereas at various times and dates I have advanced to my sons certain sums of money and taken their notes (with the exception of J. A. Cummings) from whom I took no note) now therefore I instruct my administrators by this second codicil to require each of my sons to whom I made such advances, in closing up this my last will to require my sons to account to my administrators for all sums and interest without reference to date or time of making.

(2)

such notes or papers.

I am witness whereof I have hereunto subscribed my name and affixed my seal this 17 day of Nov. 1892.

A. W. Cummings.

The within instrument was at the date thereof subscribed A. W. Cummings in the presence of us, and each of us, and he at the time did acknowledge that he executed the same for the purpose stated therein; - wherefore we at his request and in his presence, and the presence of each other, do subscribe our names as witnesses thereto.

J. N. Brown signed at Wellsville, N.Y.

F. H. Green signed at Wellsville N.Y.

I am Surrogate Court of the County of Allegany in the State of New York;

The petition of Isabella N. Cummings, Belle F. Cummings, Clint F. Cummings, of Wellsville Allegany County N.Y. and Parisk A. Cummings of the County of Brunswick in the State of North Carolina ~~respectively~~ respectively alone.

That Anson W. Cummings died on the seventh day of December A.D. 1894 at Wellsville in the County of Allegany and State of New York leaving real and personal property within your County, and having a will to wit the said will and

property bearing date June 14, 1887 and a codicil thereto dated November, 15-1888 and another codicil thereto dated November, 17-1888, which will and codicils are executed as prescribed by the laws of the State of New York, in which your petitioners, as above named are designated as executors.

That the said testator was at the time of his death a resident of said County of Allegany, and resident at Wellsville therein.

That the said testator left him surviving, his wife who resides at Wellsville of said and whose name is Isabella N. Cummings and that the following are all the heirs at law and all the next of kin of said testator and their respective ages and places of residences as far as known to your petitioners.

Belle Cummings -- Wellsville, N.Y.

Clint F. Cummings -- Wellsville, N.Y.

Parisk A. Cummings -- ~~Wellsville, N.Y.~~

Edward W. Cummings -- Spartanburg S.C.

And Frank A. Cummings whose residence is unknown and can not with reasonable diligence and effort be ascertained, all children of the said testator and of full age.

Laura Cummings widow of Charles W. Cummings a deceased son of full age and residing at Liberty Pickens Co. S.C. Anson W. Cummings grandson residing at Liberty Pickens S.C. and aged about eight years.

Pearl Cummings grand daughter residing at Liberty Pickens Co. S.C. in the State of South Carolina.

That no petition for probate of said will and Codicil has been filed in any Surrogate Court.

That your petitioners are informed and believe that the real estate of said deceased ~~and~~ does not exceed in value the sum of \$5000 - and that the personal estate of said deceased does not exceed in value the sum of \$500.

Your petitioners therefore pray that the said will and said Codicil may be proved and that the said wife and the said heirs and next of kin of the said testator may be cited to attend the probate of the same.

12 day of Dec. 1894
Clim F. Cummings
Isabella H. Cummings
Belle F. Cummings
Parish A. Cummings } Petitioners

Allegany County

Clim F. Cummings being duly sworn says he is one of the petitioners named in the within petition and that the said petition is true to his knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters he believes it to be true.

Subscribed & sworn to before me this 19th day of Dec. 1894
Charles F. Vincent
Notary Public } Clim F. Cummings

Allegany County, ss.

Isabella H. Cummings, Belle F. Cummings and Clim F. Cummings being severally duly sworn say each for himself & herself says that he and she will well faithfully and honestly discharge the duties of his and her office as executor & executrix of the will and codicil of Anson W. Cummings the testator within named.

Subscribed and sworn Clim F. Cummings
to before me this 19th day of December A.D. 1894
Isabella H. Cummings
Belle F. Cummings
Chas. F. Vincent
Notary Public

Surrogate Court Allegany County
In the matters of proving
the Last Will and Testament and
Codicils thereto of Anson W.
Cummings deceased

Allegany County, ss.

Clim F. Cummings being duly sworn says he is over the age of twenty one years and resides at Wellsville, N.Y. and one of the petitioners in the above entitled proceedings.

That deponent is well acquainted with the

following named persons in said petition described and knows the residence and post office addresses of each one respectively and that within of said persons resides in or at present is within the state of New York. That Parish A. Cummings resides at Asheville in the State of North Carolina which is also his post office address.

That Edward W. Cummings resides at Spartanburg South Carolina which is also his post office address.

That Laura Cummings Anson W. Cummings and Parish Cummings each reside at Liberty, Pickens Co. South Carolina which is also their post office address.

That Frank A. Cummings a brother of this deponent has not been heard from by this deponent or by any of his relatives in two or three years or more and his present residence and post office address are not known to this deponent or any of his relatives so far as deponent can ascertain.

That when last heard from he was at Omaha in the state of Nebraska but that letters directed to him at that place do not reach him, and that this deponent has been advised by the post master of that place that he has gone but he could not say where and that this deponent has made diligent inquiring and search and has been unable to find him. That deponent does not know whether he is living or not and if dead whether he left any descendants.

That with due diligence he does not believe that either of said persons can be found neither this state so that personal service of the citation in this proceeding can be made upon them or any of them.

Sworn & subscribed before me this 7th day of Jan. 1895
Claude R. Scott
Notary Public } O. F. Cummings

Citation

The people of the state of New York, to Parish A. Cummings, Edward W. Cummings, Laura Cummings, Anson W. Cummings, Frank A. Cummings, and Belle F. Cummings.

Francis A. Cummings, Anson W. Cummings, Pearl Cummings and Laura Cummings, heirs at law, next of kin, legatees and devisees of Anson W. Cummings late of the town of Wellsville, in Allegany County New York, deceased, Greeting;

You and each of you are hereby cited and required personally to be and appear before our Surrogate of Allegany County at his office in Wellsville N.Y. in said County, on the 14th day of March 1895 at ten o'clock in the forenoon of that day, to attend the proof and probate of the Last Will and Testament, and Codicils of said deceased, which relates to both real and personal estate and is presented for proof by Isabella H. Belle F. and Eliza F. Cummings, Executors therein named; and thereof faire not.

(and if any of the above named persons interested be under the age of twenty-one years they are required to appear and apply for a special guardian to be appointed, or in the event of their neglect of failure to do so, a special guardian will be appointed by the Surrogate to represent, and act for them in this proceeding)

In Testimony whereof we have caused the seal of office of our said Surrogate to be hereunto affixed.

Witness, Hon. S. M. C. Arthur Norton, Surrogate of said County at Friendship N.Y. the 5th day of January, in the year of our Lord one thousand eight hundred and ninety five.

Seal

S. M. Norton, Surrogate.

State of New York:
County of Allegany:

S. S. Charles Thrapp being duly sworn says: That he is the foreman of the Allegany Democrat, a news paper published in Wellsville within this state, That the notice of citation thereto appended, a printed copy whereof is hereunto annexed was published in said paper six weeks consecutively, the first publication being on Wednesday the

upon Wednesday the 5th day of March 1895.

Charles Thrapp.

Subscribed and sworn before me, this 14th day of March 1895.

A. C. Cowles.

Notary Public.

Citation Proof of Will

The people of the State of New York, to Parish A. Cummings, Edward W. Cummings, Frank A. Cummings, Anson W. Cummings, Pearl Cummings, and Laura Cummings, heirs at law next of kin, legatees and devisees of Anson W. Cummings late of the town of Wellsville, in Allegany County New York, deceased, Greeting;

You and each of you are hereby cited and required personally to be and appear before our Surrogate of Allegany County at his office in Wellsville N.Y. in said County, on the 14th day of March 1895 at ten o'clock in the forenoon of that day, to attend the proof and probate of the Last Will and Testament and Codicils of said deceased, which relates to both real and personal estate and is presented for proof by Isabella H. Cummings, Belle F. and Eliza F. Cummings, Executors therein named; and thereof faire not.

(and if any of the above named persons interested be under the age of twenty-one years they are required to appear and apply for a special guardian to be appointed, or in the event of their neglect of failure to do so, a special guardian will be appointed by the Surrogate to represent, and act for them in this proceeding)

In Testimony whereof we have caused the seal of office of our said Surrogate to be hereunto affixed.

Witness, Hon. S. M. C. Arthur Norton, Surrogate of said County at Friendship N.Y. the 5th day of January, in the year of our Lord one thousand eight hundred and ninety five.

Allgony County ss: Charles M. Barnes being duly sworn says, that he is one of the publishers of the Allegany County Reporter a weekly news-paper published in Allegany County, and that the notice of citation, proof of will, of which a copy is affixed has been published in said paper for six weeks consecutively, commencing on the 15th day of January 1895; and ending on the 1st day of March 1895;

Charles M. Barnes
Sworn, and subscribed before me this 14th day of March 1895;

I Willard Barnes.
Notary Public.

Citation Proof of will
The People of the State of New York.

To Frank A. Cummings Edward W. Cummings
Frank A. Cummings Anson W. Cummings
Pearl Cummings Laura Cummings
heirs at law next of kin, legates and devisees of Anson
W. Cummings late of the town of Wellsville in
Allegany County New York, deceased Greeting:

You, and each of you are hereby cited and required personally to be and appear before our Surrogate of Allegany County, at his office in Wellsville, N.Y., in said County on the 14th day of March, 1895, at ten o'clock in the forenoon of that day, to attend to the proof and probate of the Last Will and Testament of said deceased, which relates to both Real and Personal Estate, and is presented for proof by Isabella V. Belle F. and Oliver F. Cummings Executors therein named; and thereof fait mot. (and if any of the above named persons intend be under the age of twenty one years, they are required to appear and apply for a special guardian to be appointed by the Surrogate to represent and act for them in this proceeding.)

In Testimony whereof,
we have caused the Seal of Office of County at Friendship our said Surrogate to be hereunto affixed.

witness Hon. S. McArthur Norton

5th day of January in the year of our Lord,
one thousand eight hundred and ninety five

S. M. Norton
Clerk of the Surrogate's Court

Order for Publication of Citation
At a Surrogate's Court, held in and for the County of
Allegany at the Surrogate's Office, in the village of
Wellsville, N.Y., on the 5th day of January, 1895.
Present - Hon. S. McArthur Norton, Surrogate

In the matter of
Proving the Last Will and
Testament of

Anson W. Cummings
deceased

A Citation having been issued in the above
entitled proceeding, beginning the heirs at law
next of kin; legates and devisees of Anson W.
Cummings late of the town of Wellsville in
said County, deceased, to appear in this Court on
the 14th day of March 1895, at 10 o'clock in
the fore noon of that day, and attend the probate
of the Last Will and Testament and Codicils
thereto of said deceased, and it appearing by the
proofs to the satisfaction of the Surrogate that
the following necessary persons to this
proceeding are not residents of the State
of New York, viz: Frank A. Cummings
Asheville North Carolina, Edward W. Cum-
mings Spartanburg South Carolina, Laura
Cummings Anson W. Cummings and
Pearl Cummings residing at Liberty Pickens
Co. South Carolina, And that the following
is a necessary person to this proceeding
and that his residence at the place where
he would probably receive matter trans-
mitted through the Post Office, can not
after reasonable diligence, be ascertained,
viz: Frank A. Cummings.

Now therefore, on motion of Charles
F. Vincent attorney for the petitioner herein.
It is ordered and decreed, that the service
of such citation on said non-resident persons
or whose names and residences are unknown

be made by publication as required by law) in two newspapers, viz; The Allegany County Reporter and The Allegany County Democrat published in the said County of Allegany, State of New York, once a week for six successive weeks, at the option of said petitioners, by delivering a copy of said citation and of this order without the State to each of said non-resident persons personally.

And it is further ordered and directed that on or before the day of the first publication of said citation, the said petitioners deposit in the Post Office at the Village of Wellsville, in the said County of Allegany, copies of said citation and of this order, contained in securely closed, post paid wrapper directed to said non-resident persons at the place specified in this order as their respective place of residence.

And the Surrogate being satisfied that the said persons, whose name and residence or the place where he would probably receive matter transmitted by mail, cannot with reasonable diligence be ascertained, dispenses with the depositing of said citation and order in the Post Office.

S. M. Norton,
Surrogate

Surrogate Court
In the matter of Proving
The Last Will and
Testament and Codicils
of
Anson W. Cummings
deceased

Allegany County ss.

Charles P. Vincent, being duly sworn, says he resides at Wellsville, N.Y. and is over the age of twenty one years.

That on the 16th day of January, 1895, he deposited in the Post Office at Wellsville, N.Y. two copies of the annexed citation and order enclosed in a securely sealed post paid wrapper and directed to each of the persons herein after named at

Parish W. Cummings, Asheville, N.C.
Edward W. Cummings, Spartanburg, S.C.
Anson W. Cummings, Liberty, Pickens Co., S.C.
Pearl Cummings, Liberty, Pickens Co., S.C.
Laura Cummings, Liberty, Pickens Co., S.C.
said places being the Post Office addresses of said several persons and said deposit being made before the day of the first publication of the citation in this proceeding
sworn & subscribed to
before me the 14th day of
March 1895.

Charles C. Pannum
Notary Public.

Surrogate Court - County of Allegany.
In the matter of Proving
The Last Will & Testament & Codicils
of.

Anson W. Cummings
deceased

I, Claude R. Scott of the town of Wellsville, in the County of Allegany, do hereby consent to be appointed, by the Surrogate of said County, the Special Guardian for Anson W. Cummings & Pearl Cummings minors heirs and next of kin of Anson W. Cummings deceased, for the sole purpose of taking care of the interests of the said minors in the matter of Proving the Last Will & Codicils of the said deceased, and I consent to serve as such Special Guardian. Dated this 14th day of March 1895.

Claude R. Scott.

At a Surrogate Court held at the Village of Wellsville New York in and for the County of Allegany, on the fourteenth day of March 1895, Present Hon. S. M. Arthur Norton Surrogate
In the matter of Proving
The Will
of
Anson W. Cummings
deceased.

It appearing to the said Court, that Anson

next of kin and heir at law of the said deceased, are infants under the age of twenty-one years, having no General Guardian, and Claude R. Scott of the village of Wellsville in the County of Allegany, New York, having consented to act as Special Guardian of the said infant in the premises, which consent is duly filed in the Surrogate's office of the said County.

It is therefore Ordered that the said Claude R. Scott be and he is hereby appointed the Special Guardian of the said infant for the purpose of appearing for, and taking care of their interests in this matter.

S. M. Norton
Surrogate.

Proof of Will
Surrogate's Court - County of Allegany
In the matter of proving the
Last will and Testament and Codicils
of

Anson W. Cummings
deceased

deceased

State of New York
Allegany County ss. town of Wellsville
J. A. Brown and F. P. Green being first duly sworn
in open Court, each for himself, both deponee and say,
that he is a subscribing witness to the Codicil to
the last will and Testament of Anson W. Cum-
mings late of the town of Wellsville in the
County of Allegany and State of New York deceased
and these deponees do forth say that the said
Anson W. Cummings deceased, did, in the
presence of each of these deponees subscribe
his name at the end of this instrument in
writing, which is now here shown to ~~the~~
these deponees, and which purports to be the
Codicil to the last will and Testament of the said
deceased, and which bears date on the 17th day of
November one thousand eight hundred and
ninety five, That the said deceased did at the
time of subscribing his name to the said
instrument as did swear about the 7th day of
December 1894, at Wellsville aforesaid, as
deponees are informed and believe That

his name to the said instrument as aforesaid, did not
the same to be a codicil to his last will and Testa-
ment; and these deponees did respectfully subro-
scribe their own names at the end of said in-
strument, as attesting witnesses to the execution
thereof, each at the request of the said deceased, and
in his presence, and in the presence of each
other; That the said deceased, at the time of sub-
scribing his name to said instrument as aforesaid,
said publishing and instrument as aforesaid was of full age; that he appeared to be
and deponees believe he was of sound mind,
memory and understanding, and not under
any restraint and, as deponees verily believe,
in all respects competent to devise, execute;
that each of these deponees saw the other
sign his name to the said instrument
in the presence of the said deceased.

Subscribed and sworn to before me, J. A. Brown
this 14th day of March 1895. F. P. Green

S. M. Norton

Surrogate of Allegany County

Surrogate's Court
In the matter of
Proving the Last
will and Testament
+ Codicils of
Anson W. Cummings
deceased.

Allegany County ss.

Charles F. Vincent being duly sworn
says he resides at Wellsville, N.Y. that Samuel
Carpenter a subscribing witness to the Last
will and Testament of Anson W. Cummings
late of Wellsville, N.Y. is dead. That he died
ever about November 1895 at Wellsville
N.Y.

Deponee further says that he knew Harry
B. Hawdrick a subscribing witness to Codicil
to the last will and Testament of Anson W.
Cummings deceased.

That said Hawdrick at the time at Wellsville
N.Y. but that his present residence or where
abouts is unknown.

and^o has been informed by William C. Handrick a brother of said Harry B. Handrick that he died not known where he is and that he or any of the other relatives of said Harry B. Handrick had not heard from him or seen him in three or four years and that he or any of said other relatives had no knowledge of his whereabouts and could not ascertain where he is if living

Sworn & subscribed to
before me this 14th day
of March 1885:

J. M. Norton
Surrogate.

Proof of will
Surrogate's Court - County of Allegany.
In the matter of proving the last
will and Testament and Codicils

of
Anson W. Cumming
Deceased

State of New York
Allegany County ss. town of Wellsville
W. C. Kendall being first duly sworn in
open court for himself doth depose and say, that
he is a subscribing witness to the last will and
Testament of Anson W. Cumming late of the
town of Wellsville in the County of Allegany
and State of New York deceased,
and this deponent further says that the said
Anson W. Cumming deceased did in the
presence of this deponent and H. B. Handrick
subscribe his name at the end of the instru-
ment in writing, which is now here shown
to these deponents, and which purports to be the
last will and Testament of the said deceased,
and which bears date on the 14th day of June
one thousand eight hundred and eighty-seven
That said deceased died on or about the 7th day
of December 1884 at Wellsville, of said
as deponents is informed and believes.
That the said deceased did, at the time of sub-
scribing his name to the said instrument
as aforesaid, declare the same to be his

deponent did respectively subscribe their own names
at the end of said instrument as attesting
witnesses to the execution thereof, and at the
request of the said deceased, and in his presence,
and in the presence of each other, that the
said deceased, at the time of so subscribing
his name to said instrument as aforesaid,
and publishing said instrument as aforesaid
was of full age, that he appeared to be, and
deponent believes he was of sound mind,
memory and understanding, and not under
any restraint, and as deponent verily
believes in all respect competent to dispose
real estate; that this deponent H. B. Handrick
saw the other sign his name to the said
instrument in the presence of the
said deceased.

Subscribed and sworn
to before me, this 14th day } W. C. Kendall
of March 1885.

J. M. Norton
Surrogate of Allegany County

Proof of will.
Surrogate's Court County of Allegany
In the matter of proving the
last will and Testament
and Codicils

of
Anson W. Cumming
Deceased

State of New York
Allegany County ss. town of Wellsville,
George W. Preston being first duly sworn
in open court for himself doth depose and
say, that he is a subscribing witness to the
Codicil to the last will and Testament of Anson
W. Cumming late of the town of Wellsville,
in the County of Allegany and State of New
York deceased.
And this deponent further says that the
said Anson W. Cumming deceased did,
in the presence of this deponent and Bayne
Carpenter subscribe his name at the end
of the instrument in writing, which

to the statute, and upon application of the said
Execut it is ordered that of the of the said county, two
disinterested persons, and they are hereby appointed
appraisers of the personal property of the said deceased,
to estimate and appraise the same on their
taking and subscribing the oath required by
law.

S. M. Norton
Surrogate

Letters Testamentary
In the matter of the Administration
of the Goods, Chattels and Credits of

Anson W. Cummings

Deceased

The People of the State of New York. To Clin F.
Cummings, Isabella H. Cummings, and Belle
F. Cummings, executors named in will of said
deceased.

Whereas, at the Village of Wellsville in the County
of Allegany on the 14th day of March in the year
of our Lord one thousand eight hundred and
ninety five before Hon. S. M. Norton, Surrogate,
of the said County, the Last will
and Testament of Anson W. Cummings
late of the said County, was proved and
allowed by us, and the said deceased having
while living, and at the time of his death, goods,
chattels and credits, within this State; by
means whereof, and the proving and registering
the said will, the granting Administration of
all and singular the said goods, Chattels, interest
and Credits, and also the auditing, allowing, and
finally discharging the account thereof that
belong to us and you the said Clin F. Cum-
mings, Isabella H. Cummings, and Belle F.
Cummings being named in said will
as Executor thereof, the Administration of all
and singular the goods, Chattels and credits
of the said deceased, and the execution of the
powers reposed in you by said will,
are hereby granted to you. The said Clin
F. Cummings, Isabella H. Cummings
and Belle F. Cummings, you having first
taken and subscribed the oath required by law.

The said Surrogate faithfully and honestly to
discharge the duties of such Executors.

In witness whereof, we have caused
the Seal of Office of our Surrogate to
be hereunto affixed.
Witness Hon. S. M. Norton
Surrogate of the said County, at
Belmont, N.Y., this 14th day of
March 1895.

L. S.

James M. Hyde
Clerk of the Surrogate
Court.

Recorded and indexed, Mar. 14th 1895.

James M. Hyde
Clerk of the Surrogate Court.

State of New York
Allegany County
Surrogate's
Court.

I, James M. Hyde, Clerk of the Surrogate
Court, in and for said Allegany County, do hereby
certify the foregoing to be true and correct
copy of the will & Codicils of Anson W.
Cummings of the late town of Well-
sville Allegany County, New York, deceased,
also a true and correct copy of Petition of
affidavit for Order of Publication, Affidavit of
proof of service of citation, Proof of Publication
of citation. Consent to be Special Guardian
Order appointing Special Guardian, & Proof
of will & Codicils together with all the proceed-
ings in connection therewith as enumerated,
also; a true copy of letters Testamentary
issued to Clin F. Cummings, Isabella H.
Cummings & Belle F. Cummings
in the same matter as aforesaid, as the
same appears from the records and files
of said Court.

In witness whereof, I have here-
unto set my hand and affixed the seal
of said Surrogate's Court, at Belmont, New
York, this 8th day of May A.D. 1895;
James M. Hyde
Clerk of the Surrogate Court.

State of New York, }
Allegany County } 22

Surrogate's
Court.

I, S. McArthur Norton, sole Surrogate of the Surrogate's Court within and for said County of Allegany, the same being a Court of Record, hereby certify that James N. Hyde is the Clerk of said Surrogate's Court, and as such has possession of the Seal of said Court and Possession of the records of said Court; and that the signature attached to the certificate purporting to be that of James N. Hyde is his genuine signature; and that at the time of executing said certificate he was Clerk of said Court; and as such, full faith and credit are due all his acts; and that the attestation of said Clerk is in due form of law, and by the proper officer.

In witness whereof I have hereunto set my hand and affixed the Seal of said Court, this 8 day of May A.D. 1895.

S. M. Norton
Surrogate of Allegany County.

State of New York }
Allegany County } 28.

Surrogate's Court.

I, James N. Hyde, Clerk of the Surrogate's Court, within and for said County, the Court being a Court of Record, hereby certify that the signature attached to the foregoing Certificate, purporting to be that of S. McArthur Norton, is his genuine signature; and that he was at the time thereof sole Surrogate of said Court in and for said County, and as such full faith and credit are due all his official acts.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Surrogate's Court of the County of Allegany, at the Village of Belmont, New York, this 8 day of May A.D. 1895.

James N. Hyde
Clerk of the Surrogate's Court
Allegany County.

The State of North Carolina } In the Superior Court,
County of Buncombe }

A paper writing purporting to be a copy of the Last Will and Testament of A. W. Cummings, deceased late of the town of Wellsville, and State of New York and bearing the date the 14th day of June 1877, together with the Codicils thereto, is exhibited before me J. L. Cathey, Clerk of the Superior Court in and for the County of Buncombe and State of said, and it appearing that the said Last Will and Testament of said A. W. Cummings, deceased, together with the Codicils thereto has been duly proved and allowed in the said State of New York according to the laws thereof, and that the paper writing now producing is a true copy and exemplification of the said Last Will and Testament and Codicils of the said A. W. Cummings, died duly certified and authenticated by the Court in which the said Last Will and Testament and Codicils have been proved and allowed, and it appearing to the Court that some of the property of the testator is situated in the County of Buncombe, it is now a matter of Counsel for the propounding Counsel and adjudged by the Court that the said paper writing so certified and authenticated and produced before me as a copy of the said Last Will and Testament and Codicils of said A. W. Cummings died, be allowed, filed and recorded in the record of will of the County of Buncombe. This the 13th day of May, 1895.

J. L. Cathey
Clerk of the Superior Court
of Buncombe County.

Application for Letters Testamentary:

Courtesy - I in the Superior Court.
I in the matter of the will of J. B. Canoll
J. B. Canoll
Sarah M. Canoll being duly sworn, doth say:
That, J. B. Canoll, late of said county, is dead, having,
first made and published his last will and Testament,
and that Sarah M. Canoll is the executor named therein.
Further, that the property of the said J. B. Canoll
consisting, houses, lots, stocks and bonds notes etc.
is worth about \$25,000, as far as can be ascertained
at the date of this application: and that Sarah M.
Canoll, John B. Canoll, Jr. A. Mitchell Canoll,
Eugene Canoll, are the parties entitled under said
will to the said property.
Sworn to and subscribed before me this
1 day of July 1895 -
J. B. Caskey S.C.C.

Chapel Hill, N.C.
May 2nd 1892

I, John B. Canoll, a citizen of North Carolina, and
for the time being of the County of Orange, in the
County of Orange, being in good health and in
the full exercise of my mental faculties; but mindful
of the uncertainty of life and the importance of a
provision for death, do make this my last will and
Testament in regard to the disposition of my
worldly good which I shall have gone hence.

I give and bequeath to my beloved wife, Sarah
M. Canoll all personal and real property held in
my name after paying all outstanding debts, if any
for her own use and ~~benefit~~ to keep or sell
and to dispose of at her death upon such
condition, and with two trifling exceptions which
later are first, my watch and chain, which I
give to my beloved son Eugene Canoll, with
the hope that he will keep it for life as a token
of his father's love.

And second - I give to my beloved son, A. Mitchell
Canoll all such books, of mine as he may desire
to select.

The single condition upon which the above

beloved wife is made is that she relinquish all claim
to and interest in the proceeds of my several life
insurance policies, which I want to be equally
divided between my three beloved sons John B. Jr.,
A. Mitchell, and Eugene Canoll after counting
out of the shares of the two first named the ad-
vances of money I have furnished them since
they became 21 years of age; which amount
will be found in my account book.

I desire that my son Mitchell Canoll
shall become the guardian, without bond,
of my son Eugene that he will take charge
of his education until 21 years old, keeping
him at school or not, at his discretion; that
he will want Eugene's share of the proceeds
of my insurance in good & perfect first
mortgage bonds, and use the interest, or
so much thereof as may be necessary,
in paying his expenses for schooling,
clothing, &c.

If it shall be found necessary to have an
administrator of the provision of the will,
I want my beloved wife Sarah M. Canoll
to serve in that capacity, without bond.

If she shall, for any cause, decline to
accept of the condition upon which the con-
vance to her in this will is made, then
the entire instrument is to be null, and
void, and the Court may appoint an adminis-
trator and divide the estate according to law.
Witness
J. B. Canoll.

Codicil - If it be not settled before my
death, I desire that a certain bond and
mortgage for \$250 and until due by
my beloved sister Mrs. Mattie G. Fryar
of Magnolia, Halifax Co., N.C. which bond
and mortgage are in the hands of the trustee,
my brother B. R. Canoll, of Warsaw, N.C.
be given to the said Mrs. Fryar without
charge, as a token of my love and affection.
Oct. 10, 1894.
J. B. Canoll.