

State of North Carolina } In the Probate Court
Buncombe County

A paper writing purport-
ing to be the last will and testament of Jacob
Reed having been exhibited before the undersigned
Judge of Probate for said County, dated the 10th
day of June A.D. 1844; and it is proved by
the oath and examination of Geo. H. Merriam
and J. M. Fung, that G. H. Merriam one of
the subscribing witnesses thereto, is for the
present residing at Washington City in public
duty as United States Senator; and it is
further proved by the oath and examination
of the said Geo. H. Merriam & J. M. Fung
that they are well acquainted with the hand
writing of the said G. H. Merriam, having
often seen him write; and that the name of
the said G. H. Merriam, subscribed as a
witness to said last will, is in the proper
handwriting of the said G. H. Merriam.

(Signed) Geo. H. Merriam

J. M. Fung

Sworn to and subscribed before
me this 8th day of February 1876

(Signed) J. E. Ruel

Judge of Probate

Buncombe County: In the Probate Court

It appearing to the satisfaction of the Court
after reading the two foregoing affidavits of
Geo. H. Merriam and Geo. H. Merriam and
J. M. Fung, that the said will referred to
and prefixed to this order is the last will and
testament of Jacob Reed, deceased:

Whereupon it is ordered, adjudged and
decreed that the said last will and testament
of the said Jacob Reed deceased with the
Probate thereof and this order be enrolled and
that a true copy of the said will and probate
thereof with this order, be furnished to
Johnston Ashworth, the Executor therein
named, after he shall have been qualified

according to law as said Executor

J. E. Ruel
Judge of Probate for Buncombe
County N. C.

And the said Johnston Ashworth comes into
Court and takes and subscribes the oath of
Executor of said last will and testament of Jacob
Reed as required by law, this 8th day of Febru-
ary 1876

J. E. Ruel
Judge of Probate

In the name of the Father and of
the Son and of the Holy Ghost. Amen.

I, Belle M. Kimberley of
Glen Brook Farm, Buncombe County, North
Carolina, wife of Professor John Kimberley
of the University of North Carolina, being
of sound and disposing mind and mem-
ory, but of uncertain and weak bodily
health, and being desirous to settle my
worldly affairs whilst I still have strength
and capacity so to do, do make and pub-
lish this my last Will and Testament.

I hereby constitute and ap-
point my friend General J. G. Martin,
now of Asheville, North Carolina, Execu-
tor of this my last Will and Testament.
And as far as I have authority so to do,
hereby nominate and appoint him
Guardian of each and all my children
herein after named.

After the payment of my
debts and charges, I give, devise and
bequeath to my Executors, the said J. G.

Martin and his heirs, all my estate both real and personal, wherever situated and by whatever right it may come to me and I name particularly the Glen Creek Farm in Buncombe County, North Carolina - where I now live, and my interest in the estate of my Mother the late Mrs. Rebecca S. Vance, of Nashville, Tennessee, in Trust nevertheless for the uses following and no other, to wit:

All the rents and interest of all my estate to be used, at the discretion of my said Executor for either the clothing, support, education, travel, or for their general culture and happiness of my children, to be paid by him directly for any of said purposes and not through the hands of their Father. No bills or claims their Father may bring against my children shall be paid by my Executor out of any of my property either interest or principal.

I hereby authorize and empower my said Executor to sell any and all of my said property, in his discretion, and to invest and reinvest the proceeds thereof in good Bonds and Mortgages, the principal of said property not to be used by or for the children during the life of their Father, but in case of his death during the minority of any child any property remaining in the hands of the Executor, either principal or interest, may be used by him for the necessary support and education of such child or children.

I direct my Executor to sell so much of the Glen Creek Farm as may be necessary to pay the balance of the purchase money, still due thereon, receiving as much land as he can and using as far as he can the indulgence Mrs. Vance has expressed to me, in my opinion it will be to advantage

to the children to keep as much land as possible. But my Executor must use his discretion in the matter, except that I desire that so much and such part shall be reserved as will give all the children a home as well those over as those under age, free of all charges, with sufficient wood land, until the twenty first birthday of my son George Manly Kimberley, and then the part reserved shall be sold for division. If it has been as happy a home for my children as I pray God it may be, some one of them may wish to leave it. Should this be the case, interested Commissioners shall be chosen one by each child - to fix its value, and the oldest child shall have the first choice to take it at its valuation, and so on to the youngest. And the purchaser shall have reasonable time, to be fixed by the Commissioners, to pay to the other children their respective shares. In this sale, my youngest child Frances Manly Kimberley shall have the same rights as though she had attained her twenty first birthday and shall have the right to a home in the said home place, until she reaches that age, unless she is married before.

Should the children for any cause be removed from the said home farm by their Father, Guardian or Friends, it shall still be retained and rented for their common use.

Upon the sale of the home farm reserved and to be disposed of as above directed I desire that the old Hall clock which has been for four generations in my family be given to the child who becomes the purchaser of the farm, and I desire that my portraits, books, china, silver, and curiosities be then divided by

the children among themselves, with the advice of my Executor. To my daughter I give all my jewelry, my trunk, and their contents, to be then divided, unless my Executor shall think fit to divide them sooner.

Should neither of the children take the Home Farm at its estimated value, my Executor shall then sell it, at his discretion, and divide the proceeds.

When my second son John Kimberly, Junior, if living, will be twenty one years of age, I desire and direct that my entire estate then remaining, except the Home Farm, shall be divided equally, share and share alike, among all my children, to wit: Rebecca Nancy Kimberly, Thomas Nancy Kimberly, John Kimberly, Junior, Mary Kimberly, David Kimberly, George Nancy Kimberly and France Nancy Kimberly, and the portions of the three children then of age be paid to them, and the portions of the children then still under age to remain in the hands of the Trustee to be paid as each reaches the age of twenty one years, to be kept invested as before directed in Bonds and Mortgages.

In case of the death of either of my children without issue before the division just directed, that portion shall be divided equally among the survivors.

Should my daughter marry, their portion shall be secured to their sole and separate use, by marriage settlement.

Should all my children die without issue before reaching the age of twenty one, all my property shall then be divided into four equal parts and paid over as follows, to wit: One fourth part to my daughter Mary, who is

George Nancy of Nashville, Tenn.; one fourth part to my brother Major James Nancy of Nashville, Tenn.; one fourth part to my brother Dr. W. B. Nancy of Phillips County, Ark., and the remaining fourth part to be divided equally between John L. Schom and Thomas Nancy Schom, the sons of my sister Mrs. Fannie Nancy Schom.

Should the Trustee herein appointed desire to be relieved of his trust for any reason, I hereby authorize and empower him to appoint a co-trustee in writing under his hand and seal, who shall have the same power and be subject to the same restrictions herein specified for the present Trustee. If such appointment should be made I desire my Executor and Trustee to consult my brother General George Nancy about it, and I also desire my said brother George to be consulted in any matter of importance connected with the interest of my children.

I wish and so direct to be buried in an unpolished walnut coffin and that my funeral be very plain and modest and that no plate with name or date be put on the coffin and no monument be placed over or near my grave. I wish a white stone one foot square above the ground to be placed at the head and a smaller one at the foot of the grave, with no name or initials marked on either. I wish to be buried in Trinity Church yard with the burial service of the Episcopal Church, the faith in which my father have lived and died since they fled from France during the massacre of Saint Bartholomew's day. I wish and so direct that the remains of my daughter Mary Kimberly be buried upon the farm be given.

lined and placed beside one.

I direct that my wedding ring be taken from my finger immediately after my death and not replaced.

I wish the following notice to be published in one newspaper in Asheville and Raleigh, N. C. and Nashville, Tenn. and paid for by my Executor, to wit:

"Died at her home, Glen Creek Farm, Buncombe County, North Carolina on (the day of the week) the day of - A. D. 1876 Bettie Mary daughter of the late Hon. Thomas Mang of Nashville, Tennessee and wife of Professor Kimberley of the University of North Carolina."

In testimony whereof, I have hereunto set my hand and seal.
(Signed) Bettie M. Kimberley (Seal)

Signed, sealed, published and declared as her last will and testament, by the testatrix in our presence, who at her request and in her presence, and in the presence of each other, have hereunto set our hands as witnesses, this 24th day of March, A. D. 1876.

(Signed) John G. Hardy.
" Betty Martin
" Family L. Patton.

State of North Carolina } In the Probate Court.
Buncombe County } March 29th
1876.

A paper writing purporting to be the last will and testament of Bettie M. Kimberley deceased is exhibited before the undersigned Judge of Probate for the County and State of North Carolina.

Martin, the executor therein named and the due execution thereof by the said Bettie M. Kimberley is thereupon proved by the oath and examination of Fanny L. Patton and John G. Hardy two of the subscribing witnesses thereto; who, being duly sworn, depose and say, and each depose and saith that each is a subscribing witness to the paper writing now shown purporting to be the last will and testament of Bettie M. Kimberley. That the said Bettie M. Kimberley in the presence of this deponent subscribed her name at the end of said paper writing which is now shown as aforesaid, on the 24th day of March, A. D. 1876.

And the deponent further says that said Bettie M. Kimberley, the testatrix aforesaid, did at the time of subscribing her name, declare the said paper writing to be her last will and testament, and this deponent did thereupon subscribe deponent's name at the end of said will as an attesting witness thereto, at the request said in the presence of said testatrix.

And this deponent further saith that at the said time when the said testatrix subscribed her name to the said last will as aforesaid, and at the time deponent subscribed deponent's name as an attesting witness as aforesaid, the said Bettie M. Kimberley was of sound mind and memory, of full age to execute a will, and was under no restraint to the knowledge, information or belief of this deponent, and further these deponents say not.

(Signed) Fanny L. Patton.
" John G. Hardy.

Personally sworn and subscribed before me this 29th day of March, A. D. 1876.

(Signed) J. C. Reed
Judge of Probate.

State of North Carolina } In the Probate Court.
Buncombe County } March 29th A. D. 1876.

J. J. Martin appeared in the will of Bettie M. Kimberley Executor thereof, applied to the Judge of Probate for the County and State aforesaid, to have the said will admitted to Probate.

And the said J. J. Martin being duly sworn, says—

- I. That he is the Executor named in the will of said Bettie M. Kimberley.
- II. That the value and nature of the property of the testatrix, he has not been able to ascertain nearer than assumed in the will.
- III. The seven children, all infants, and now residing in Buncombe County, are the only parties known to the Executor entitled to the property of the testatrix. The father of the children, Professor John Kimberley of the University of North Carolina, resides at Chapel Hill, N. C.

(Signed) J. J. Martin.

Subscribed and sworn to before me this 29th day of March, A. D. 1876.

(Signed) J. C. Reed.
Judge of Probate.

State of North Carolina } In the Probate Court.
Buncombe County } March 29th 1876.

A paper writing purporting to be the last will and testament of

Kimberley deceased, is exhibited for probate by J. J. Martin, the Executor therein named, and the due execution thereof by the said Bettie M. Kimberley, is proved by the oath and examination of Fanny L. Patton and John C. Hart, two of the subscribing witnesses thereto, hereto attached. It is therefore considered by the Court and is hereby so certified that the said paper writing and every part thereof is the last will and testament of the said Bettie M. Kimberley, and the same is ordered to be recorded and filed together with this certificate.

And thereupon the said J. J. Martin, Executor as aforesaid, duly qualified as such by taking the oath required by law.

(Signed) J. C. Reed.
Judge of Probate.

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

J. J. L. Reed, clerk of the Superior Court and Judge of Probate for the County of Buncombe and State aforesaid, do hereby certify that the foregoing is a true copy of the last Will and Testament of Bettie M. Kimberley deceased and of the Probate, orders, Qualification and letters of Executorship of J. J. Martin, the Executor therein named.

In witness whereof I hereunto set my hand and the seal of said court at Asheville this the 29th day of March, A. D. 1876.

(Signed) J. C. Reed.
Judge of Probate.