

The Last Will and Testament of B J Smith

I, B J Smith of the City of Asheville in the County of Buncombe and State of North Carolina, considering the uncertainty of life and the certainty of death and being of a sound and disposing mind and memory, do make, publish and declare this to be my last will and Testament-

1st I desire my executor hereinafter named, to pay out of my estate all my medical bills and funeral expenses

2nd I give and bequeath all my property of every kind and description to my five daughters, Emma Clayton wife of Thomas L Clayton, Kate Erwin widow of the late Maram Erwin, Hannah M Davidson widow of Edward Davidson deceased, Jennie H. Gudgeon wife of H. A Gudgeon Fannie Robinson wife of Maram W Robinson and my two sons Lewis Smith and David Smith to be ~~divided~~ divided equally between them share and share alike

3rd My sons, Horace and Adolphus Smith having already been advanced by me what I consider their share of my estate, it is my desire and will that they receive no further part of my estate

4th I hereby nominate and appoint H. A Gudgeon the sole executor of this my last will and Testament, revoking all former wills by me made, In testimony whereof I, B J Smith have hereunto set my hand and seal this the second day of September 1885

B J Smith

Signed and declared by the said B J Smith as and for his last will and testament in the presence of us, both being present at the same time, who at his request, in his presence and in the presence of each other, have hereunto subscribed our names

as witnesses, this September the second 1885

H B Barton

J. K. Davidson

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

A paper purporting to be the last will and testament of B J Smith deceased, is exhibited before me, the undersigned, Clerk of Court for said County, by H. A Gudgeon the executor therein mentioned, and the due execution thereof by the said B J Smith, by the oath and examination of H B Barton and J K Davidson the subscribing witnesses thereto, who, being 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 B J Smith, that the said B J Smith, in the presence of this deponent, subscribed his name at the end of said paper-writing which now shown as aforesaid and which bears date of the 2nd day of September 1885. And the deponent further saith that the said B J Smith the testator aforesaid, did at the time of subscribing his name as aforesaid, declare the said paper-writing so subscribed by him and exhibited, to be his last will and testament and this deponent 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 the deponent further saith that at the said time when the said testator subscribed his name to the said last will as aforesaid, and at the time of deponents subscribing his name as an attesting witness thereto as aforesaid, the said B J Smith 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 this deponent. And further that

deponents, say not

Subscribed this

copy of Dec 1886 before me

J K Davidson

H B Barton

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

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