

therein mentioned, and the due execution thereof by the said John D. Gale, by the oath and examination of E. J. Chambers & N. A. Kilpatrick, the subscribing witnesses thereto, who being duly sworn both depose and say, and each for his self depose and saith, that he is subscribing witness to the paper writing now shown him purporting to be the last will and testament of John D. Gale, that the said John D. Gale, in the presence of this deponent, subscribed his name at the end of said paper writing which was shown as aforesaid, and which bears date of the 12th day of January 1889.

And the deponent further saith, that the said John D. Gale, the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper writing so subscribed by him and admitted, 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 this 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 deponent's subscribing his name as an attesting witness thereto, as aforesaid the said John D. Gale, 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 these deponent cannot say more.

Sworn and Subscribed
this the 10 day of April 1893

J. L. Cathey C. S. C.

For Disent of the Widow and Power of attorney
and other papers in this case see page 250

I Daniel D. Adams of Ashville A. C. in the County of Buncombe, of sound and disposing mind and memory do make publish and declare the following to be my last Will and Testament.
In the first place I order and direct that the expense of my funeral be paid as soon as may be after my decease to gether, with all other claims against my estate, and as to all rest residue and remains of my estate real personal and mixed, I give devise and bequeath the same to my beloved wife Julia W. Adams, to have and to hold to her and her heirs forever.
I hereby constitute and appoint my said wife executrix of this my last will and testament and it is my request that she should not be required by the Hon. Judge of Probate who shall prove this will, to give any duty or duties on her hand as the appraiser thereof.
In witness whereof I have hereto set my hand and seal this first day of December eighteen hundred and eighty four,

Daniel D. Adams

Signed, Sealed, published
and declared by the said
Testator, to be his last Will
and Testament in the presence of each others here
hereto subscribed our names as witnesses,

W. C. Ballard }
Charles E. Brooker }
Waldo W. Ballard }

State of North Carolina } In the Superior Court
Buncombe County }
I Julia W. Adams do swear that I believe this writing to be and contains the last Will and Testament of Daniel D. Adams, deceased and that I will well and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend, as the law will charge me, and that I will well and faithfully execute the office of an executrix, agreeable to the trust and confidence reposed in me, and according to law; So helps me God

Sworn and Subscribed before
me this 11 day of April 1893
J. L. Cathey C. S. C.
Julia W. Adams

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

In the Master of the Last
Will and Testament of } Application for Probate
Daniel D Adams deceased }

To, John, Catty, Clerk of the Superior Court of Buncombe
County.

The Application of the undersigned, named in the Last
will and Testament of Daniel D Adams, deceased as
Executrix, respectfully Shews.

First, that on the twentieth day of March A.D. 1893
Daniel D Adams, late a citizen and resident of the County
of Buncombe aforesaid, died leaving a last Will and
Testament, bearing date the first day of December A.D.
1884, in which last will and Testament, the undersig-
ned your applicant, was named and appointed
Executrix, the undersigned, your applicant, is also
sole devisee and legatee under said last will and
Testament.

Second, that the estate of the said Daniel D. Adams
consists, mostly of real property in the City of Asheville
in said County, and a small amount of personal
property and is valued all together at about seven
thousand dollars.

Third that your applicant is the widow of the said
Daniel D. Adams, that she is more than twenty one
years of age, and that she is at present a resident
of the said City of Asheville. Whereupon your appli-
cant asks that said last Will and Testament of
the said Daniel D Adams, deceased, be duly admitted
to Probate according to the law in such Cases
made and provided and for such other relief as the
nature of the proceeding may demand.

Sworn to and Subscribed before
me this 4 day of April A.D. 1893.

Julia W Adams

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

In the Master of the Last Will
and Testament of Daniel
D Adams deceased,

A paper writing purporting to be the last will and Testament of Daniel
D Adams, late of said County and State, deceased, is exhibited for
Probate by Julia W Adams, the executrix therein named, and the due
execution thereof by the said Daniel D Adams, is proved by the oath
and examination of Waldo H. Ballard, one of the subscribing witnesses,
Levi M. Ballard, Marshall S. Perkins, Albert J. Summy, George
F. Scott and the said Julia W Adams.

It is therefore Considered and adjudged by the Court that the
said paper writing and every part thereof is the last will
and Testament of the said Daniel D Adams, and the same is
Ordered to be recorded and filed,

Thereupon the said Julia W Adams, executrix as aforesaid
duly Qualifies as such by taking the oath required by law
J. Catty, Clerk

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

A paper writing purporting to be the last Will and Testament
of Daniel D Adams, deceased, is exhibited before me, the
undersigned, Clerk of the Superior Court for said
County by Julia W Adams, the executrix therein named,
and the due execution thereof by the said Daniel D.
Adams, is duly and satisfactorily proved to me by the
oath and examination of Waldo H. Ballard, Albert M. Ballard
George F. Scott, Albert J. Summy, Marshall S. Perkins
and Julia W. Adams, all of whom are known to me
to be Credible witnesses and all of whom being
duly Sworn do depose and say each for himself or herself
as follow to wit,

The said Waldo H. Ballard deposes and Says that he is
one of the Subscribing witnesses to said paper writing
now Shown him purporting to be the last Will and
Testament of Daniel D Adams, that his name Subscribes
thereto as Subscribing witness is his signature, that
he has no recollection of his attesting said paper writing
but would not have Subscribed his name to the attes-
tation of said paper writing had he not known
said attestation to be true, And this deponent further
saith that he was well acquainted with the said Daniel
D Adams, and that at the time when said paper writing
purports to have been executed the said Daniel D
Adams, 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,

The said Albert M. Ballard deposes and Says that W. C. Ballard, one of the subscribing witnesses to said paper writing now shown him, purporting to be the last Will and Testament of the said Daniel D. Adams, is dead and that this deponent is well acquainted with the hand writing of the said W. C. Ballard, having often seen him write and that the name of the said W. C. Ballard, subscribed as a witness to the said paper writing is in the proper handwriting of the said W. C. Ballard.

The said George F. Scott, Albert, J. Summy and Hanschal S. Hopkins do depose and say each for him self that he is well acquainted with the handwriting of the said Daniel, D. Adams, having often seen him write and actually believes that the name of the said Daniel D. Adams, subscribed to the said paper writing now shown to him purporting to be the last Will and Testament of the said Daniel D. Adams and the said Will itself, and every part thereof, are in the proper hand writing of the said Daniel D. Adams. And the said George F. Scott, Albert, J. Summy and Hanschal S. Hopkins do further depose and say that at the time when said paper writing purports to have been executed the said Daniel D. Adams, was well known to them and was of sound 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 the said George F. Scott further deposes and says that within the two months last passed the said Daniel D. Adams did ^{will} execute to him and this deponent did ^{execute} a certain paper writing purporting to be the last will and Testament of the said Daniel D. Adams, signed and witnessed which paper writing to the best of his knowledge and belief is the same now shown to him purporting to be the last Will and Testament of the said Daniel D. Adams and that the said Daniel D. Adams, did then declare to him, that the paper writing thus so called was his last Will and Testament. And the said George F. Scott further deposes and says that not long after the date of execution of said paper writing now shown to him

Purporting to be the last will and testament of the said Daniel D. Adams, Charles E. Brock one of the subscribing witnesses thereto removed from this State and at present is not a resident of the same, to the best of deponent's knowledge information or belief and that to the best knowledge information and belief of this deponent there is no person in this County or State by whom the handwriting of the said Charles E. Brock can be procured, And further these deponents say not.

Sworn to and Subscribed before
me this 21 day of April 1893
J. L. Colthur C. S. C.

Waldo H. Ballard	Sub
A. M. Ballard	De
George F. Scott	De
A. J. Summy	De
H. S. Hopkins	De

And thereupon the said Julia W. Adams, duly sworn as aforesaid deposes and says that she is the widow of the said Daniel D. Adams the executrix named in the paper writing now exhibited by her, purporting to be her last Will and Testament of the said Daniel D. Adams, deceased, and that said paper writing was found by her soon after the death of the said Daniel D. Adams, among his valuable papers and effects and that said paper writing, was placed among said valuable papers and effects by him soon after the execution and remained there until found by her as aforesaid except when temporarily taken therefrom by him and further that deponents say not.

Sworn to and Subscribed before
me this the fourth day of April A. D. 1893

Julia W. Adams

J. L. Colthur C. S. C.