

It is considered and adjudged that the paper writing above set forth is the last Will and testament of Mary Ann Crane upon the testimony of Henry Hardwick one of the subscribing witnesses thereto and upon the evidence of S D Pelham as to the genuineness of the signature of Charles Deagh Pelham and D C Hunt as to the signature of the testatrix M A Crane. It appears to the satisfaction of the Court that Josephine Bond one of the subscribing witnesses to the above Will resides out of the State and it is considered and adjudged that the said will and Codicil were duly executed and attested according to the laws of North Carolina and ^{that} at the time of executing the same the testatrix was of full age and of sound mind and memory and not under any restraint and that she died on April third 1886 and it is now ordered and adjudged that said will and Codicil be and the same hereby is admitted to probate and it is ordered that the same together with the testimony taken be recorded according to law and the same is now so done

W. J. Reynolds
Clerk Supreme Court
Buncombe County

Buncombe County In the Superior Court
Before W J Reynolds
Superior Court Clerk

In the Matter of the Will of
George W Brittain dec'd

A J McAlpine being duly sworn, doth say that George W Brittain, late of said County, is dead having first made and published his last Will and Testament, and that he, J J Fox and Rebecca A Brittain, are the executors named therein, but that J J Fox and Rebecca A Brittain have renounced the office of executor and executrix in his favor, further, that the property of the said George W Brittain, consisting of real and personal property, is worth about \$10,000 so far as can be ascertained at the date of this application and that Rebecca A Brittain, for herself and the executors in trust for the purposes named in the Will are the parties entitled under said Will to the said property. Sworn to and subscribed And J McAlpine before me, this 14th day of August 1886
W J Reynolds Ck

North Carolina } Superior Court
Buncombe County } Before the Clerk

We J J Fox and Rebecca A Brittain named as executor and executrix in the Will of the late G W Brittain, do hereby renounce our right to letters testamentary on the estate of said George W Brittain and respectfully request the Clerk of the Superior Court to issue letters testamentary to A J McAlpine the other person named as executor in the Will of said Brittain. This May 27th 1886
J J Fox
Rebecca A Brittain
Witness
W S Roberts

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

I, A. J. McAlpine do swear that I believe this writing to be and contain the last Will and Testament of George W. Brittain 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, or the law will charge me, and that I will well and faithfully execute the office of an executor agreeable to the trust reposed in me, and according to law, so help me God

Subscribed and Sworn to } A. J. McAlpine
before me this 14th Aug 1886 }
W. J. Reynolds
Clerk Superior Court

North Carolina } Superior Court-
Buncombe County } Before the Clerk

A paper purporting to be the last will and testament of George W. Brittain, deceased is exhibited before me, W. J. Reynolds, Clerk of the Superior Court of said County of Buncombe by A. J. McAlpine, one of the persons named therein as executor thereof, the other persons so named having renounced their right to the office of executor by a writing signed by them and proved to the satisfaction of the undersigned and duly filed, and the due execution thereof by the said George W. Brittain being duly proven by the oath and examination of James P. Sawyer, W. W. Barnard, J. H. Harew Wiley, S. Roberts, Walter W. Vandiver and Charles A. Moore, the said James P. Sawyer being a subscribing witness to the said Will and Testament, W. W. Barnard proving the death and hand writing of E. Sluden, the other subscribing witnesses thereto, J. H. Harew proving that Joshua R. Harew, one of the subscribing witnesses to the said Will and Testament

is now a non resident and his handwriting, the said Wiley S. Roberts being a subscribing witness to said first codicil, and the said Walter W. Vandiver and Charles A. Moore being the subscribing witnesses to the second codicil to said Will, that is to say James P. Sawyer, being first duly sworn says that he is a subscribing witness to said Will now shown him, purporting to be the last Will and Testament of George W. Brittain, that the said George W. Brittain in his presence subscribed his name at the end of said paper writing now shown as aforesaid and which bears date the 18th day of April A.D. 1882 and he further says, that the said George W. Brittain, the testator aforesaid, died 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 he 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 he further says, that at the said time when the said testator subscribed his name to the said last Will and Testament as aforesaid and at the time of his subscribing his name as an attesting witness thereto, as aforesaid the said George W. Brittain was of sound mind and memory, of full age to execute a Will, and was not under any restraint to the knowledge, information and belief of the affiant -
James P. Sawyer

Sworn to and Subscribed before me this
the 24th day of July 1886
W. J. Reynolds
Clerk Superior Court

W. W. Barnard being first duly sworn says that E. Sluden, one of the subscribing witnesses to said paper writing now shown him purporting to be the last Will and Testament of George W. Brittain, is dead, that he is

well acquainted with the handwriting of the said E Sleeder, having often seen him write and that the name of the said E Sleeder subscribed as a witness to said Will, is in the handwriting of the said E Sleeder.

W W T Barnard
Subscribed and sworn to before me this the
24th day of July 1886 W T Reynolds

Clerk Superior Court
Per W T B Baird &c

J D Haren being duly sworn, says, that Joshua R Haren, one of the subscribing to the first Codicil to said paper writing, now, with said first Codicil shown to him, the same purporting to be the last Will and testament and first Codicil thereto of George W Brittain is a non-resident of the State of North Carolina and a resident of the State of Georgia, that he is well acquainted with the handwriting of the said Joshua R Haren, having often seen him write, and that the name of the said Joshua R Haren, subscribed as a witness to said first Codicil, dated the 14th day of December A D 1882 is in the hand writing of the said Joshua R Haren.

J D Haren

Subscribed and sworn to before me this
July 24th 1886 W T Reynolds

Clerk Superior Court
Per N A Reynolds &c

Wiley S Roberts being first duly sworn "Says, that he is a subscribing witness to the first Codicil to said Will now, with said first Codicil, shown to him, the same purporting to be the last Will and testament and first Codicil thereto of George W Brittain in his presence, subscribed his name at the end of said first Codicil, now shown as aforesaid, and which bears date, the 14th

day of December A D 1882, and he further says that the said George W Brittain the testator aforesaid, did at the time of subscribing his name as aforesaid to said ^{first} Codicil, declare the said paper writing and said Codicil, so subscribed by him, and now exhibited, to be his last Will and testament and the affiant did thereupon subscribe his name at the end of said first Codicil as an attesting witness thereto and at the request, and in the presence of the said testator, And he further says that at the said time, when the said testator subscribed his name to the said first Codicil as aforesaid and at the time of affiant, subscribing his name as an attesting witness thereto, as aforesaid, the said George W Brittain was of sound mind and memory, of full age to execute a will (and was not under any restraint to the knowledge, information and belief of affiant) And he further says, that he is well acquainted with the handwriting of the said George W Brittain, who is now dead, having often seen him write, and that the name to said Will and the first and second Codicil thereto, now shown to him, is in the hand writing of the said George W Brittain.

W S Roberts

Subscribed and sworn to before
me this July 24th 1886 W T Reynolds

Clerk Superior Court
Per N A Reynolds &c

W W Vandiver and Charles A Moore, being first duly sworn say, each for himself, that he is a subscribing witness to the second Codicil, now, with the Will and testament, and first Codicil, shown to him, of George W Brittain, that the said George W Brittain in the presence of the deponent, subscribed his name at the end of said second Codicil, now shown as aforesaid, and which bears date May 13th 1883. And they further say, each for himself, that the said testator did at the time of subscribing his name as aforesaid to said second Codicil, declare the said Will and testament, and the first and second

Codicil, so subscribed by him and now exhibited to be his last Will and testament, and the deponent did thereupon subscribe his name at the end of said second Codicil as an attesting witness thereto and at the request and in the presence of the said testator.

Aid this deponent further saith, that at the said time, when the said testator subscribed his name to the said second Codicil as aforesaid and at the time of deponent's subscribing his name as an attesting witness thereto as aforesaid the said George W Brittain was of sound mind and memory of full age to make a will and was not under any restraint to the knowledge, information or belief of this deponent, and further this deponent saith not.

Walter W Vandiver (seal)

Chas A. Moore (seal)

Subscribed and sworn to before me this July 24th 1886

W J Reynolds

Clerk Supreme Court

Ch W B Baird &c

It is therefore considered and adjudged by the Court that the said paper-writing, and the first and second Codicils thereto, as well as every part thereof, is the last Will and Testament of George W Brittain deceased, and the same with the foregoing examinations and certificates are ordered to be recorded and filed. Letter testamentary will issue to A J McAlpine this July 24th 1886

W J Reynolds
Clerk Supreme Court
Buncombe County

Last Will and Testament of George W Brittain

Know all men by these presents, that I George W Brittain, of the County of Buncombe and State of North Carolina being of sound and disposing mind and memory, do make and publish this my last Will and Testament, hereby revoking all former Wills by me at any time heretofore made

First- I hereby appoint and constitute my personal friends, H A Phea and A J McAlpine of the County and State aforesaid, executors of this my last Will and testament, earnestly requesting them to act as such

Second; It is my will and desire, that, after my decease, my body decently buried in our family grave yard, and that my executors pay first all the expenses of such my funeral

Third, It is my will that my executors pay next, after paying the expenses provided for in item second hereof, all my just and lawful debts by me owing and remaining unpaid at my death.

Fourth, I will and bequeath to my dearly beloved Wife Rebecca A in the event she survive me, my house and lot in the County of Henderson, in said State, lying and being in the town of Hendersonville, known as the Haven lot and containing about one acre, to her and her heirs forever in fee simple. I also give to my said wife all my household and kitchen furniture, and so much of my other personal property, as in the judgment of my executors may be necessary for her support and maintenance, to be used by her only so long as she shall remain unmarried and shall reside on my home place on Flat Creek, in the said County and State, which household and kitchen furniture, and personal property for her maintenance, shall at the death of my said wife, return to my estate and be disposed of by my executors with my other property. It is my will and desire that my said wife live and reside at my old home place above mentioned so long as she may live, provided she do not marry again after my death. In the event

she does marry again after my death, or remove from said home place, then she shall lose and forfeit all the personal property hereinbefore in any manner given to her, and it shall be taken under the control of my executors. My said wife shall also have and receive from my said home place, the rents and profits thereof, to be paid over to her by my executors, who shall have charge of the renting and letting of the same. But she shall only receive such rents and profits so long as she shall remain on such home place and continue unmarried. In the event she remain unmarried and live upon said home place, then the said rents and profits shall be paid to her during the term of her natural life.

Fifth: It is my will and desire that, after the death of my said wife, or after her marriage again after my death, or after she shall remove her residence from my said home place, my executors sell off all my property, real and personal, mixed and choses in action, unless in their judgment they see proper to reduce the latter into possession, and that they collect all debts owing to me. After all of my said property shall have been so reduced to money, by my executors, they shall expend first one thousand (\$1000.00) Dollars of the same for foreign missions in the work of extending the Christian religion, and a belief in the same, outside of the limits of the United States; in such manner as they shall think will do most good.

Sixth: It is my will and desire that all the remainder of the proceeds of my said property be applied in supporting young men in the prosecution of studies for the ministry of the Gospel of our Lord and Savior, Jesus Christ, in the Presbyterian Church of the United States of America, as follows, that is to say:

It is my desire that all the remainder of the proceeds of my said property, be safely invested by my executors at the highest rate of legal interest they may be able to obtain, said interest to be paid annually to them, upon the largest sum of money they may be able safely to make.

thus obtained my said executors shall, to the extent of the same may be sufficient, support such young men as they may deem worthy, who desire and do study for the Ministry as aforesaid, in equal numbers at the colleges of Transylvania and Maryville in the State of Tennessee.

Seventh: It is my will and desire that the fund given as aforesaid in item sixth of this my will and testament, shall be perpetually held and applied as therein directed.

In testimony whereof I have hereunto set my hand and seal this the 18th day of April A.D. 1882

G. W. Brittain

signed, sealed, published and delivered by the said George W Brittain, as and for his last will and testament in the presence of us, who in his presence and in the presence of each other, and at his request, have subscribed our names as witnesses here to, April 18th A.D. 1882

James P Sawyer
E. Elder

Codicil of George W Brittain

Know all men by these presents that I George W Brittain of the county of Buncombe and State of North Carolina, being of sound and disposing mind and memory do make this my codicil expressly confirming my last will and testament dated April the 18th A.D. 1882, excepting as changed by this codicil - and I do hereby appoint and constitute the Rev A M Penland and Rebecca A Brittain of the aforesaid county and state as my executor and executrix, in addition to those named in my last will and testament: Their names altogether being thus - H N Rhea, A J McAlpine, A M Penland, and Rebecca A Brittain.

In witness whereof I have hereunto set my hand and seal this the 14th day of December A.D. 1882

G W Brittain

signed, sealed, published and declared by the said George W Brittain as and for his codicil in the presence of us, who in his presence and

in the presence of each other, and at his request,
have subscribed our names as his witnesses hereto
December 14th 1882

Joshua R. Harman
Wiley S. Roberts

I George W. Brittain of the county of Bun-
combe and State of North Carolina having
made my last will and testament bearing date
the 18th day of April A.D. 1882 and having
made a first codicil to the same bearing date
the 14th day of December A.D. 1882 do now
make this second codicil, to be taken as a
part of my said will and codicil:

First: I hereby ratify and confirm said will
and first-codicil in every respect, save so
far as any part of it is inconsistent with this
my second codicil.

Second: Whereas, by my said first codicil,
dated on the 14th day of December A.D. 1882,
I have appointed Rev A. M. Penland to be one of
my executors of my said will and codicil, in
the place of H. R. Rhea deceased; Now I
hereby revoke the appointment of the said Rev
A. M. Penland as such executor. And I now
create and appoint my friend J. J. Fox earnestly re-
questing him to act as such, to be executor of my
said will and my first and this my second
codicil thrusts in the place of the said Rev
A. M. Penland. And I declare that my said will shall
be construed and take effect as if the name
of the said J. J. Fox were inserted in my said
will and codicil throughout instead of the name
of H. R. Rhea and Rev A. M. Penland.

Third: Whereas, I have since making my
said will and my said first codicil, changed
my mind and desires concerning the fifth item
of my will; Now, therefore I do hereby revoke and
strike out of my said will the entire said fifth
item and make the following to take its place
and stand in my said will instead thereof. To wit:
Fifth: It is my will and desire that after my
death and after the death of my said wife, or
after her marriage again

my said will shall remain in full force and effect from my death
home place, my executors sell off my property real
and personal, and collect all my debts due and
owing me, and reduce all my property of every kind
to money; and after all my said property has been
so reduced to money, by my executors, they shall first
set apart the sum of One Thousand Dollars and
invest it by a loan in some secure way, so as to
make it produce the highest rate of legal interest,
which interest they shall collect annually and ex-
pend for missions in the work of extending the Chris-
tian religion and a belief in the same outside
of the United States, giving to my executors in
this matter full authority and power to exercise a
reasonable discretion as to where said interest
shall be expended outside of the United States.
It is my will and desire that this sum of One
Thousand Dollars be held as a perpetual fund
for the purposes in this item declared.

Fourth: In all other respects I do confirm my
said will and my said first-codicil.

In testimony whereof I have hereunto set my
hand and seal this the 13th day of May A.D. 1885
G. W. Brittain

Signed, sealed, published and delivered by the
said George W. Brittain as and for his last
will and testament, in the presence of us, who
in his presence and in the presence of each other,
and at his request have subscribed our names as
witnesses hereto May 13th 1885

Walter W. Vandiver
W. R. Whitson
Chas. A. Moore

in the presence of each other, and at his request,
have subscribed our names as his witnesses hereto
December 14th 1882

Joshua R Harun
Wiley S Roberts

I George W Brittain of the county of Bun-
combe and state of North Carolina having
made my last will and testament bearing date
the 18th day of April A D 1882 and having
made a first codicil to the same bearing date
the 14th day of December A D 1882 do now
make this second codicil, to be taken as a
part of my said will and codicil:

First: I hereby ratify and confirm said will
and first codicil in every respect, save so
far as any part of it is inconsistent with this
my second codicil.

Second: Whereas, by my said first codicil
dated on the 14th day of December A D 1882,
I have appointed Rev A M Penland to be one of
my executors of my said will and codicil, in
the place of H R Rhea deceased; Now I
hereby revoke the appointment of the said Rev
A M Penland as such executor; And I now
create and appoint my friend J J Fox earnestly re-
questing him to act as such, to be executor of my
said will and my first and this my second
codicil thrusts in the place of the said Rev
A M Penland. And I declare that my said will shall
be construed and take effect as if the name
of the said J J Fox were inserted in my said
will and codicil throughout instead of the name
of H R Rhea and Rev A M Penland.

Third: Whereas, I have since making my
said will and my said first codicil, changed
my mind and desires concerning the fifth item
of my will; Now, therefore I do hereby revoke and
strike out of my said will the entire said fifth
item and make the following to take its place
and stand in my said will instead thereof, to wit:

Fifth: It is my will and desire that after my
death and after the death of my wife, she
after her marriage again

after she shall remove her residence from my said
home place, my executors sell off my property real
and personal, and collect all my debts due and
owing me, and reduce all my property of every kind
to money; and after all my said property has been
so reduced to money, by my executors, they shall first
set apart the sum of One Thousand Dollars and
invest it by a loan in some secure way, so as to
make it produce the highest rate of legal interest,
which interest they shall collect annually and ex-
pend for missions in the work of extending the Chris-
tian religion and a belief in the same outside
of the United States, giving to my executors in
this matter full authority and power to exercise a
reasonable discretion as to where said interest
shall be expended outside of the United States.
It is my will and desire that this sum of One
Thousand Dollars be held as a perpetual fund
for the purposes in this item declared.

Fourth: In all other respects I do confirm my
said will and my said first codicil.

In testimony whereof I have hereunto set my
hand and seal this the 13th day of May A D 1885
G W Brittain

Signed, sealed, published and delivered by the
said George W Brittain as and for his last
will and testament, in the presence of us, who
in his presence and in the presence of each other
and at his request have subscribed our names as
witnesses hereto May 13th 1885

Walter W Vandiver
W R Whitton
Chas A Moore