

years a citizen of the State of South Carolina  
 and was well acquainted with said  
 Dr Charles Lement and know that he is now  
 dead, and is well acquainted with his  
 handwriting having often seen him write  
 and that the name of the said Charles Lement subscribed  
 to the paper writing now shown said affiant  
 is in the hand writing of said Charles Lement  
 and genuine, and let further opposing to the  
 satisfaction of the Court that the said W. H. Hume  
 knew intimately for many years, Thos. P.  
 Lockwood and P. Gaillard Story, two of  
 the subscribing witnesses to said paper writing  
 purporting to be the last will and  
 testament of said Charles Lement, and  
 that they are now both dead, and that said  
 affiant is well acquainted with the  
 hand writing of the said Thos. P. Lockwood  
 and P. Gaillard Story, having often seen  
 each of the write their names, and that  
 their names subscribed as witnesses to said  
 Will is in their own proper hand writing  
 and genuine, it is therefore concluded by the  
 Court, that the said paper writing, and  
 every part thereof is the last will and  
 testament of the said Charles Lement, and  
 the same is ordered to be received and filed

J. S. Cady  
 Clerk Superior Court

State of North Carolina  
 Buncombe County

I Mary Julia Lement do swear that I believe  
 this writing to be and contains the last will  
 and testament of Charles Lement, deceased  
 and that I will well and truly execute  
 the same first paying his debts and then  
 his legacies as far as said estate shall  
 extend or the law will charge me, and  
 that I will well and truly execute  
 the office of executrix, agreeable to the  
 trust and confidence reposed in me  
 according to law so help me God  
 sworn and subscribed } Mary Julia Lement  
 before me this 20th day of }  
 1892 - J. S. Cady, Clerk

In the name of God Amen!

I Henry Arnold of Buncombe County, State of North Carolina, do hereby certify that I am of sound mind and memory, but being of ill health, and considering the uncertainty of this mortal life do make and publish this my last will and testament in manner and form following.

First

I direct all my just debts my funeral and testamentary expenses to be paid as soon as may be reasonable, and my heirs or named executor shall find convenient.

Second

I give bequeath and devise all the real and residue of my estate, real, personal, or mixed, especially all the estate, real, personal or mixed, left to me by my deceased mother, Elizabeth Arnold, nee Vogt, which shall belong or be owed, by me at the time of my death, to my beloved friend Mathilde Weiss, born at Sures, Canton, Basle, in Alsace, and now residing at Asheville, North Carolina, to her own use, and behoof forever.

Third

I do nominate and appoint my said beloved friend Mathilde Weiss, the sole Executor of this my last will and testament, revoking all former wills by me made.

In Witness Whereof, I have hereunto set my hand, and seal this eighteenth day of October in the year of our Lord one thousand eight hundred and ninety-two. (A.D. 1892)

Henry Arnold (Seal)

Signed, and acknowledged, and declared by the said Henry Arnold, a. v. and for his testament in the presence of us (we being present at the same time)

Subscribed and sworn as witnesses:  
James G. Burroughs.  
Charles Reem.  
Peter Mitchell  
W. H. Billings  
Asheville N.C.

North Carolina }  
Burcombe County } In the Superior Court.

A paper purporting to be lost will and testament of Henry Arnold deceased, is exhibited before me the undersigned Clerk of the Superior Court of Burcombe County By Mathias Weiss, the sole executrix therein mentioned and the due execution thereof by the said Henry Arnold is proved by the oath & Examination of James G. Burroughs, Charles Reem, and W. H. Billings three of the subscribing witnesses thereto, who being first duly sworn before and say, each for himself that he is a subscribing witness to the said paper writing now shown to him purporting to be the lost will and testament of the said Henry Arnold deceased that the said Henry Arnold in the presence of the deponent, subscribed his name at the end of said paper writing, now shown as aforesaid, and which bears date the eighteenth day of October 1892, and the said deponents each for himself further depose and say, that the said testator Henry Arnold did at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him, and exhibited, to be his lost will, and testament, and the 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 said testator, and in the presence of each of the other of the attesting witnesses thereto, and the said deponent each for himself further depose, and say that at the said time, when the said testator subscribed his name to the said lost will, and testament, and at the time of the deponent's subscription

his name as an attesting witness thereto as aforesaid, the said Henry Arnold was of sound mind and memory, of full age to execute a will to wit being more than twenty one year of age, and was not under any restraint to the knowledge, information or belief of this deponent.

And the deponent Charles Reem, deposes and says, that the witness to said paper writing Peter Mitchell, is not now in the State of North-Carolina, as he is informed, and believes, but that he the said deponent, saw the said Peter Mitchell subscribe the said paper writing as aforesaid, as a witness thereto, in the presence of the said testator and in the presence of the other subscribing witnesses, to said instrument. And the other deponent, to this affidavit depose and say, that they saw the said Peter Mitchell subscribe his name, as a subscribing witness to said paper writing, as aforesaid, at the request of the said testator, in his presence, and in the presence of each of the said deponents.

James G. Burroughs. *[Signature]*  
Charles Reem. *[Signature]*  
W. H. Billings *[Signature]*

Solely subscribed and sworn to this 20th. of 1892  
before me the undersigned Clerk Superior Court  
Burcombe County J. F. Galley  
Clerk Superior Court Burcombe County

North Carolina } On the Superior Court  
Buncombe County }

The foregoing affidavits of James A. Pennington, Charles Ruess, and W. H. Billings, together with the said paper writing purporting to be the last will and testament of Henry Arnold deceased, having been filed with the undersigned in his office as Clerk of the Superior Court of Buncombe County, it is therefore considered, ordered and adjudged, by the court, that the said paper writing and every part thereof is the last will and testament of Henry Arnold, deceased, and the same with the foregoing examination and affidavits of James A. Pennington, Charles Ruess, and W. H. Billings, and this certificate are ordered to be recorded and filed. This 6th, 31<sup>st</sup> 1892.

J. L. Cathey  
Clerk, Superior Court, Buncombe Co.

North Carolina } On the Superior Court  
Buncombe County }

In Re

The Will of Henry Arnold, deceased  
Estate of Mathilde Weiss, Executrix,

You swear that you believe this writing to be, and contains the last will and testament of Henry Arnold deceased, and that you will well and truly execute the same by first paying his debts, and then his legacies, as far as the said estate will extend or the law will charge you, and that you will well and faithfully execute the office of an executor according to the trust and confidence reposed in you and according to law. So Help you God.  
Mathilde Weiss.

Sworn to and subscribed before me this 6th,  
31<sup>st</sup> 1892

J. L. Cathey  
Clerk Superior Court, Buncombe Co.

North Carolina } On the Superior Court  
Buncombe County }

In Re

The probate of the will of Henry Arnold deceased, and the application of Mathilde Weiss, for letters testamentary.

Your petitioner Mathilde Weiss, through her attorney Duff Merrick, respectfully petitions your Honor, that letters testamentary be issued to her, as the executrix of Henry Arnold, deceased, whose last will, said testament in which the said petitioner is named, as the sole executrix, has this day been admitted to probate in your court, and shown to the court as follows:  
1. That she the said applicant Mathilde Weiss is the executrix named in said last will, and testament, and that she is the sole executrix, and that the said Henry Arnold, died in Asheville N.C. on Oct. 18<sup>th</sup> 1892.

2<sup>nd</sup> That the testator's property, according to the said applicant's best information, and belief, consists of various, and sundry houses, and lots, situate lying and being in city or town of Asheville, North Carolina, valued in her opinion at about, forty thousand marks, or ten thousand dollars, that besides the above, the mentioned real property, the said testator, died possessed of some personal property, but the value of same is not known to the said applicant.

3<sup>rd</sup> That she the said Mathilde Weiss, is the sole devisee, and legatee, named in the last will and testament of the said Henry Arnold, deceased, and that she is the sole person entitled to the said testator's property.  
This 6th, 31<sup>st</sup> 1892.

Duff Merrick  
att'y.

Mathilde Weiss the applicant above named for letters testamentary, upon the estate of Henry Arnold, deceased, being first duly sworn, and says, that she has had read and

translates to her the foregoing application  
and thoroughly understands the contents  
thereof, that the facts set forth in said  
application are true to the best of her  
knowledge information & belief.

Matthilde Weiss.  
Sworn to and subscribed before me this  
Oct 31<sup>st</sup> 1892. J. L. Calhoun

P. A. Marquardt, being first duly sworn deposes  
and says that he speaks, reads, and writes  
both the English & German Language  
and that he acted as interpreter in  
reading & translating the foregoing  
application and Affidavit to the said  
Matthilde Weiss. That he faithfully &  
correctly translated the same to the said  
Matthilde Weiss and that she thoroughly  
understands the contents thereof This Oct. 31<sup>st</sup>  
1892. P. A. Marquardt.

Sworn to and subscribed before this Oct.  
31<sup>st</sup> 1892. J. L. Calhoun C.S.B.

✓ In the name of God Amen,  
I Andrew J. Lindsey of the city of Asheville  
in the County of Buncombe and  
State of North Carolina being in health  
of Body, and of sound mind, memory, and  
understanding. Do make this my last will  
and testament in manner, and form  
following

First I That my Executor (hereafter mentioned)  
shall provide for my body a decent  
burial suitable to the Wishes of my  
family, and pay all my funeral expenses  
together with my just debts, how soon  
and to whomsoever owing, out of the  
money that may first come into his hands,  
as a part or parcel of my estate.

Then,  
I give, and bequeath to my sister  
Martha V. Lindsey, during her natural life  
all my estate both real and personal  
to be used for her sole benefit, during her  
said natural life, and at her death all of  
said estate, I give bequeath devise to my  
Nephew Zadock Lindsey, the son of my Bro.  
Thomas H. Lindsey and his heirs all of my  
said estate of whatever nature,  
And Lastly.

I do hereby appoint my brother George W. Lindsey  
my lawful Executor, to all intents and  
purposes, to execute this my last will and  
testament, according to the true intents and  
meaning of the same, and every part and  
clause thereof, and direct that he shall  
hold, and take charge of said property  
for the benefit of my said legatee, during the  
natural life of my said sister Martha V.  
Lindsey, and during the minority of my  
Nephew, Zadock Lindsey, and do hereby  
revoke, and declare utterly void all wills  
and testaments by me heretofore made.

In Witness Whereof I the said Andrew J.  
Lindsey, do hereby set my hand, and  
affix this 6<sup>th</sup> day of March, A.D. 1885