

Buncombe County, Probate Court.

This petition of J. P. Gammorn and
A. T. Sumner, respectfully shews

That they are the executors of the last
will and testament of Henry Howard Banks
deceased and have the said will in their
possession, That as near as they can
ascertain the value of his property is
about Twenty One hundred Dollars, and consists
of Buncombe County Bonds and promissory
notes, That the parties entitled to be taken
of the property are as follows, ^{Asheville N.C.}
1st Annella Banks his widow, 2nd Howard
Banks, 3rd William Banks, ^{4th Mary Evelyn Banks},
the three children being infants under
twenty one years (and all now living)
these being the only living children of
the testator. This is no guardian
appointed in the will.

J. P. Gammorn
A. T. Sumner

Signed and subscribed before me
this 16th of August 1878.

E. W. Herndon

Judge of Probate

North Carolina Buncombe County

The J. P. Gammorn & A. T. Sumner do
each solemnly swear that no belief the
writing produced by us as the last
will and testament of H. H. Banks
deceased, and that no will will 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 shall charge us, and that
no will will and faithfully execute
the office of an executor agreeably to the
trust and confidence reposed in us
according to law. To help and God

J. P. Gammorn
A. T. Sumner. #

Subscribed and sworn to before me this
16th day of August A. D. 1878

Probated August 16th 1878

E. W. Herndon
Judge of Probate

Will !!

In the name of God, Amen!

I Henry Miller of the County of
Buncombe and State of North Carolina
being of sound mind and memory but
considering the uncertainty of my earthly
existence do hereby make and declare this my
last will and testament in manner
and form following, that is to say:

First, that my executor (hereinafter
named) shall provide for my body a decent
burial suitable to the wishes of my relations
and friends, and pay all funeral expenses
together with my just debts, burials and
of whomsoever owing out of the money that
first came into his hands as a part or parcel
of my estate.

I then 2nd I give and devise to my eldest
daughter Julia S. Smathers all that real
estate hereunto devised to her and other
sundry gifts of personal property making
her proportional part of my estate, all of
which I confirm unto her,

I then 3rd I give and devise to my
eldest son Joseph M. Miller that parcel
of land (now sold by him to J. D. Miller)
formerly devised to him with other
sundry gifts of personal property making
his proportional part of my estate, and I
hereby confirm the above gifts unto him
and will him no more.

I then 4th I give and devise to my
deceased daughter Margaret M. Morgan
wife of Webb Morgan all that tract of
land on which he formerly lived, and
has sold, together with other sundry
gifts of personal property making her pro-

proportioned part of my estate, I hereby confirm
unto her the above gifts and need there
no more.

Nov. 5th I give to my youngest
daughter Mary Ann Morgan wife of
Samuel Morgan all that tract of land
deeded to her, (title bearing date with this)
together with other sundry gifts
of personal property, all the above gifts
where I confirm unto her.

Nov 6th I give and devise to my
youngest son J. I. Miller all the lands
which he holds from me by title together
with other gifts of personal property, making
his proportional part, of my estate, all
of which I confirm unto him.

Nov 7th I give and devise to my
two unmarried daughters, now living
with me, that is Polly A. Miller, and
Elizabeth C. Miller all my homestead
tract of land not deeded, to my other
children, as deeded to them bearing
date with this together with all of
my other personal property, of all and
every description whatever, all of which
all of which I hereby confirm unto them,
at the same time holding them together
with my son J. I. Miller, bound for my
care and support in all and every
case, wherein I may need help during
my life time, and should I not be too
much trouble exposed to them, then if
they see proper to give whatever they
may think right to make Mary Ann
Morgan equal as she is mine, to
some extent, then if anything more
to be divided between Julia & Mary Ann
dollar for dollar.

And lastly I do hereby constitute
and appoint my trusty friend J. I.
Miller my lawful executor, to all
intents and purposes, to execute this
my last will and testament, according

to the true ~~and~~ intent and meaning of the
same and every part and clause thereof, hereby
revoking and disclaiming utterly void, all other
wills and testaments by me heretofore made,

In witness whereof I have the said Henry
Miller do hereunto set my hand and seal
this 12th day of August A.D. 1878.

Henry Miller

Signed Sealed Published
and Declared by the
said Henry Miller to be
his last will and testament
in the presence of us who
at his request and in his
presence do subscribe our
names as witnesses thereto
A. A. Orrantius
A. A. Jernison

Buncombe County, Probate Court
Given Henry Miller Before C. W. Herndon
Deceased will Judge of Probate

I J. I. Miller being duly sworn say:
That Henry Miller late of said County,
is dead, having first made and published
his last will and testament, and that
the said J. I. Miller is the executor therein
named, further that the property of the
said Henry Miller is worth about five
hundred dollars as well or more can
be ascertained, and Polly A. Miller and
Elizabeth C. Miller and the heirs entitled
under said will to said property, the
said testator attempts in said will to
make other dispositions of real and
personal estate property but he had
conveyed the same before death as appears
in said will before his death.

J. I. Miller
sworn and subscribed this 27th day of
September 1878.

C. W. Herndon

Probate Judge

State of North Carolina
Buncombe County

I signed purporting to be the last will and testament of Henry Miller deceased is exhibited before me the undersigned Judge of Probate in and for said County by J S Miller the executor therein named, and the due execution thereof by the said Henry Miller, is proved by the oath and examination of A & Smathers & A & Juniors the subscribing witnesses thereto, who being duly sworn depose and say, that he is a subscribing witness to the signed writing now shown him, purporting to be the last will & testament of the said Henry Miller, that the said Henry Miller in the presence of this deponent subscribed his name at the end of said signed writing which is now shown as aforesaid, and which bears date of the 13th day of August 1878. And the defendant further says that the said Henry Miller 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 as an attesting witness thereto, each deponent speaking for himself, and at the request and in the presence of the said testator. And the defendant further says, that at the time when the said testator subscribed his name to the said will and at the time of the defendant's deponent's subscribing his name, as an attesting witness thereto as aforesaid the said Henry Miller was of full age to execute a will and was not under any restraint to the knowledge information or belief of this deponent and further the deponent say not *A & Smathers*
A & Juniors severally sworn and subscribed before

on this September 2^d 1878
 E. W. Prudden
 Judge of Probate