

A paper purporting to be the Last Will and Testament of Wm. Penland, deceased, is exhibited before me, the undersigned, Clerk of Court for said County, by R. P. Penland & J. M. Barber, the executors, therein mentioned, and the due execution thereof by the said Wm. Penland, by the oath and affirmation of D. A. Blackwell and John M. Barber, the subscribing witnesses, thereto, who being duly sworn, both depose and say and each for himself depose and say that he is subscribing witness to the paper writing, now shown him, purporting to be the last will and testament of Wm. Penland, that the said Wm. Penland, in the presence of this deponent Subscribed, acknowledged to D. A. Blackwell his name at the end of said paper writing which now shown as aforesaid, and which bears date of the 19th day of April, 1877.

And deponent further saith, that the said Wm. Penland the testator aforesaid did at the time of subscribing his name, as aforesaid, declare the said paper writing 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 Wm. Penland, 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 deponents say, note.

Solemnly sworn and subscribed
This 23 day of March 1878.
J. L. Galtley C.

John M. Barber Seal
D. A. Blackwell Seal

I John D. Gale a Citizen of Buncombe County and State of North Carolina, being feeble in body but sound in mind, and knowing the Certainty of death and the uncertainty of life, hath by my own free will and accord, made this my last will and Testament, as follows, after recommending my Soul to God who gave it and my body to be buried in a Christian like manner. To dispose of my earthly property, I will and bequeath

I That all my just debts be paid.

II I will and bequeath to my beloved brother, James M. Gale, a certain piece or parcel of land lying and being in the County of Buncombe, and State of N.C. joining lands of Mary C. Gale, Wm. Gale, now W. K. Chambers, Geo. Gentry and others, on the waters of Flat Creek and bounded as follows, Beginning on a paper on Mary, C. Gale's line, running South twenty poles to a stake, thence west to a Hickory tree corner, thence North west to Wm. Alex. Hale W. K. Chambers line, thence North East with said line to top of mountain, thence with the top of the mountain and George Gentry's line East to Mary C. Gale's corner, thence with her line to the beginning containing fifty acres more or less.

III, I Will and bequeath the remainder of my Real and Personal property to all my Brothers and Sisters, to be sold at Public auction and proceeds of the same to be equally divided between them of their heirs

IV I also choose W. S. Roberts as my Executor
Signed, Sealed and delivered in presence of 3
Entolined before signing
January 13th 1877.
John D. Gale

W. M. Kilpatrick,
E. J. Chambers.

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

A paper purporting to be the Last Will and Testament of John D. Gale, deceased is exhibited before me, the undersigned, Clerk of Court for said County by W. S. Roberts the executor.

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 N. A. Kilpatrick
this the 10 day of April 1893 E. J. Chambers

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 hereunto 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