

State of North Carolina, Buncombe County, November 14th 1876
Erwin West and B.F. Henderson named in the will of L.O. Henderson's trustees therein named apply to the judge of probate for the County and state aforesaid to have the said will admitted to probate
And the said Erwin West and B.F. Henderson being duly sworn say that they are the trustees named in the will of said L.O. Henderson

II. That the value and nature of the property named in the will of the testator have not been able to ascertain nearer than as named in the will

III. The three children named in the will are minors and reside in Buncombe and without Guardian (Signed) Erwin West
" B.F. Henderson

Subscribed and sworn to
Before me this 14th day of
November 1876

Signed J. E. Reed
Judge of Probate

In the name of God Amen, I John Merrill line of the County of Buncombe and State of North Carolina being of perfect mind and memory thanks be to God but calling to mind the mortality of my body and knowing that it is appointed for all men once to die do hereby make and ordain this and no other as my last will and Testament in manner and form following that is to say: first of all I desire that my soul pass into the peaceful presence of all might God, who gave it and my body to be buried in a decent Christian like manner burial at the discretion of my surviving friends and as touching the worldly estate where with it hath pleased God to bless me in this life I give and bequeath in the following manner and form: First I give and bequeath unto son, Spencer (After paying all my just debts) the sum of five hundred dollars, including the four hundred and twelve dollars I heretofore advanced to him, secondly I give and devise to my daughter Mary Ashworth the like sum of five hundred dollars including the two hundred and thirty eight dollars advanced to him or her June the 12th 1856 3rd I give and devise unto my daughter Susanah all my lands where I now live including the lands conveyed to me by Robert Pinkerton and Dampier Sumner and her to board clothe and in every support her mother Elizabeth Merrill in a decent and comfortable manner for and during the term of her natural life, said land hereby conveyed to my daughter Susanah to be to her during the term of her natural life then to her heirs, my wife to have one good good bedstead and all necessary bed clothing, board for winter and summer, and shortly after my death I desire that all my remaining property then on hand be sold by my Executors and as much of the proceeds paid over to my son Spencer ~~and~~ and daughter Mary as will make up the remaining part of the five hundred

proceeds to be equally divided among my three children. I also nominate constitute and appoint my son Alexander and Johnston Ashworth as my legal Executors of this my last will and Testament, hereby revoking disannulling and setting aside all other will or wills by me at any time heretofore made and declared, this and no other as my last will and Testament. In witness where of I have hereunto set my hand and seal and in the presence of, and in the presence of each other this the 16th day of September 1857

(Signed) Jesse Garrison
Lewis Garrison

Buncombe County: In the Probate Court
I appear purporting to be the last will and Testament of John, Murrell deceased is exhibited before me, the undersigned Judge of Probate for said County, Johnston Ashworth the Executor therein named (the other Executor therein named being dead) And the due Execution thereof by the said John Murrell, by the oath and Examination of Jesse Garrison (the other subscribing witness thereto being dead) the subscribing witness thereto who being duly sworn doath depose and say that he is a subscribing witness to the paper writing now shown him purporting to be the last will and Testament of John Murrell deceased, that the said John Murrell in the presence of this Deponent, subscribed his name at the end of said paper writing, which is now shown as aforesaid and which bears date the 16th day of September 1857,

And the Deponent further saith that the said John Murrell the testator aforesaid and at the time of subscribing his name as aforesaid, was of sound mind and memory of full age to execute a will and was not under any restraint to the knowledge and belief in formation or belief of this Deponent, and further this Deponent say not.

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and exhibited to be his last will and Testament and then aforesaid did thereupon subscribe his name at the end of said will as 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 said last will as aforesaid, and at the time of the time of the Deponent subscribing his name as an attesting witness thereto as aforesaid the said John Murrell was of sound mind and memory of full age to execute a will and was not under any restraint to the knowledge and belief in formation or belief of this Deponent, and further this Deponent say not.

(Signed) Jesse Garrison
Subscribed and sworn to before me this the 8th day of February 1877

(Signed) J. B. Reed

Judge of Probate

Buncombe County: In the Probate Court
The foregoing will is this 8th day of February 1877. Produced and exhibited before me J. B. Reed Judge of Probate for said County, and the due Execution thereof by the said John Murrell caused by the oath and Examination of Jesse Garrison one of the subscribing witnesses thereto. And the said Jesse Garrison and A. B. Kirkton being duly sworn by the undersigned Judge of Probate (for said County) doath depose and say, and each for him self depose and say, that Lewis Garrison the other subscribing witness to said last will is dead, and each of said affiants further say, that they are acquainted with the hand writing of the said Lewis Garrison and that they verily believe that the signature of the said Lewis Garrison as subscribed to said last will is in the proper hand writing of the said Lewis Garrison.

(Signed) Jesse Garrison

A. B. Kirkton

Subscribed and sworn to before me this 8th day of January 1877

J. B. Reed Judge of Probate

State of North Carolina
Buncombe County } in the Probate Court,
Upon reading and filing the two
foregoing affidavits
It is adjudged by the Court, that the
Paper writing purporting to be the last
will and testament of John Merrill
is the last will and testament of
the said John Merrill, and that the
same be recorded,
And that Johnston, Ishworth the
Executors therein named in said will
as Executor thereof be qualified as such
the other Executors named therein being
dead.

J. E. Reed
Judge of Probate

In the name of God Amen
I Sarah Rose Lee being of sound mind and
theopod aware of the uncertainty of life make this
my last will and testament,

I leave to my daughter Caroline all the
property real and personal of which I may die
possessed in my own right.

The property left to me real and personal by
my husband, will now in the hands of Albit J.
Summey I wish to be divided equally between his
four daughters, Julia Eliza Lee Emily Maria Lee
Elizabeth S. Lee Mary Elizabeth Lee and my
daughter Caroline Lee. It being understood that I
may be obliged to expend a part, or even all of it,
for my own support during my life.

I name as my Executors Albit J. Summey and John
Wile, Lee. In witness whereof I have hereunto set
my hand and seal this 8th day of July in
the year of our Lord 1871

S. R. Lee (R)

North Carolina } Off. of Probate Judge
Buncombe County } 25 July 1877

A paper writing, without subscribing initials, here
annexed purporting to be the last will and testament of
Mrs. S. R. Lee is exhibited for probate in open Court,
by A. H. Summey one of the Executors therein named
and it is there proved by the oath and examination
of A. H. Summey after his death, now Judge in the
Chancery of the said A. H. Summey for Judge Summey
and it is further proved by the Oath and examination
of three competent witnesses to wit, J. H. Estlin, D. H.
Summey & J. M. Miller that they are acquainted with the
hand writing of the said S. R. Lee having often seen
her write, and verily believe that the name of the
said S. R. Lee subscribed to this same will and the
said will itself and every part thereof are on the
hand writing of the said S. R. Lee and it is further
proved by the evidence of the three last mentioned
witnesses that the said hand writing is generally known
to be the acquaintance of the said S. R. Lee

It is therefore considered by the Court, that the
said paper writing is the last will and testament
of the said S. R. Lee and the same is ordered to
be recorded & filed

J. E. Reed
Judge of Probate

In the name of God Amen
I William Chas. Lee son of a farmer of the County
of Buncombe, State of North Carolina being in
my senses, senses but frail in body, & knowing
the certainty of death & the uncertainty of life
on my own grief & a sense of feeling it my duty
to make my last will & testament in this manner
I hereby certify after recommending my soul to God
and my body to be buried in Christian
burial.

I have & will bequeath any land to my children
as follows, (to wit) To my son W. R. Chas. Lee
the tract of land containing 100 acres lying
between the Blue Ridge & Beginning at the top of
the mountain & Blackstock line
and the said land to be divided equally between
my children & the said W. R. Chas. Lee