

✓ Buena Vista County
I Johnson Ashworth of said Town of the County and State
aforesaid being of Sound mind and memory but con-
sidering the uncertainty of my earthly existence do 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
relatives and friends and pay all funeral expenses
together with my just and lawful debts howsoever
and whomever owing out of the money that may
first come into their hands as a part or parcel of
my estate. Item I give devise and bequeath unto my
beloved wife Mary Ashworth the right to control occupy
and receive the benefits of the tract of land, together with
all hereditaments and appurtenances thereon known as my home
place the same heretofore deeded to Benjamin D. Ashworth
on which now live being about One hundred acres to
have and to hold to her the said Mary Ashworth for
and during the term of her natural life in satisfaction
for and in lieu of her dower and third of and in all
my real estate

Item, I give and bequeath to my beloved wife Mary
Ashworth all my household and kitchen furniture all my
sheep, Cattle, Hogs, horses, mules or other stock, all the domestic
fowls and poultry, all fanning utensils, all crops of
every description that may be upon my lands and
all the provisions on hand at the time of my death

My will and desire is that all the residue of my
estate after having taken out the debts and legacies
mentioned shall be sold and the debts owing to me
collected and if there should be any surplus over and
above the payments of debts expenses and legacies
that out of the same shall be paid to my said wife
Mary Ashworth if she needs require and demands said
the amount of Five hundred dollars. And that whereas
to date my Eleven Children having received of me the
way of advancements, goods, chattels and lands to the
amount hereunto annexed to their names to wit

Orrah Mearle Two hundred and fifty dollars John Ashworth
One hundred dollars Rufus Ashworth Seven hundred dollars
Jason Ashworth Four hundred dollars Elizabeth Frazer
Six hundred dollars Alexander Ashworth Five hundred
dollars Selia Broad One hundred and fifty dollars

Samuel Reed One hundred and fifty dollars Joseph Ashworth
Four hundred dollars Sidney Ashworth Four hundred dollars
Benjamin D. Ashworth Five hundred dollars and whereas it is my
will and desire that each and all of my eleven children
shall receive in equal portion share and share out share
alike in equal amounts to each of them their heirs executors
administrators for them and in order that they may be so made
equal in amounts received of and from me and from my
estate I hereby require and instruct my executor to apply
such surplus coming into their hands from the sale of my
property as herein provides for first paying to my heirs in
such a way and amounts as will bring up and make all
and each of my children equal in amounts received from
me and of my estate After which should there be any
surplus such surplus shall be equally divided and paid
over to my said children in equal portion share and share
alike to them and each of them their executors administrators
and assigns absolute and forever

I further and especially require provide and instruct
that there shall be no sale of any property under their inden-
tured And this my last will at a time of a panic and depression
and depreciation of real estate as now is except for to settle
my just ^{and lawful} debts and liabilities if there be such and I hereby
empower, instruct, and require my executor to hold the same
in trust and use or have used the same under such cir-
cumstances till a more favorable time for the sale of the
same in case of such a thing as a panic depression and
depreciation of real estate that it may bring to the real value
and that the proceeds so rents and profits at the cashing
may less expenses and costs shall be applied and distrib-
uted as heretofore provided for as surplus

And lastly I do hereby constitute appoint my trusted
sons Jason Ashworth Joseph D. Ashworth Sidney J. Ashworth
my lawful executors to all intents and purposes to execute
this my last will and testament according to the
true intent and meaning of the same and every part
and clause thereof hereby making and declaring utterly
void all other wills and testaments by me before made

In witness whereof I the said Johnson Ashworth
do hereunto set my hand and seal this the
twentieth day of October A.D. 1881
Johnson ^{his} Ashworth ^{mark}

Signed sealed published and declared by the
said Johnson Ashworth 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

R. A. Morgan
J. E. Shuford

Decembris County -
In the matter of the will
Johnson Ashworth -

In the Superior Court
Before J. L. Cady, Superior
Court Clerk

Jason Ashworth being duly sworn doth say,
That Johnson Ashworth late of said County is dead having
first made and published his last will and testament
and that Jason Ashworth Joseph Ashworth & Sidney Ashworth
are executing named therein further that the property
of said Johnson Ashworth consisting of real estate lands
and other evidences of debt stock crops provisions
household & kitchen furniture and other personal property
is worth about \$4,500 so far as can be ascertained
at the date of this application and that Jason
Ashworth, Joseph Ashworth Sidney Ashworth Omah
Nemill John Ashworth Elizabeth Freeman Alexander
Ashworth Selia Broad Benjamin D. Ashworth Rufus
Ashworth Susan Reed and Mary Ashworth widow of the
testator are parties entitled under said will to the
said property

Sworn to and subscribed before me this 9th day of
Dec 1890

J. L. Cady S.C.

State of North Carolina
Decembris County

In the Superior Court

A paper purporting to be the last will and testament
of Johnson Ashworth deceased, is exhibited before me
the undersigned Clerk of Court for said County by Jason
Ashworth Joseph Ashworth and Sidney Ashworth
the executors therein mentioned and the due execution there-
of by the said Johnson Ashworth by the oath and
examination of R. A. Morgan and J. E. Shuford
the subscribing witnesses thereto who being duly sworn
doth depose and say and each for himself
deposeth and saith that he is a subscribing
witness to the paper writing now shown him pur-
porting to be the last will and testament of
Johnson Ashworth that the said Johnson Ashworth

in the presence of the deponent subscribed his name at
the end of said paper writing which now shown as
aforesaid and which bears date of the 20th day of October 1890
And the Deponent further saith that the said Johnson Ashworth
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, and
the deponent did thenupon 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
the Deponent further saith that at the said time when the
said testator subscribed his name to the last will as afo-
said and at the time of deponent subscribing his name as an
attesting witness thereto as aforesaid the said Johnson Ashworth
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 the deponent And further these de-
ponents say not

R. A. Morgan S.C.
J. E. Shuford S.C.

Sworn to and subscribed this 9th day of
December 1890 before me

J. L. Cady, C.S.C.

State of North Carolina
County of Decembris

Before J. L. Cady

A paper writing purporting to be the last will
and testament of Johnson Ashworth deceased, dated
the 20th day of October 1890 is which the name of Johnson
Ashworth is subscribed at the end thereof by
J. E. Shuford and R. A. Morgan, as subscribing witnesses
thereto is this day exhibited before me J. L. Cady
Clerk of the Superior Court of Decembris County
by Jason Ashworth Joseph Ashworth and Sidney
Ashworth the executors therein named for probate
And after examining under oath the said subscribing
witnesses J. E. Shuford and R. A. Morgan touching the
execution of said paper writing by said Johnson Ashworth
as his last will and testament and it appearing to the
satisfaction of the Court that said paper writing dated
the 20th day of October 1890 to which the name of Johnson
Ashworth is subscribed as testator and the
names of J. E. Shuford and R. A. Morgan as
subscribing witnesses is the last will and testa-
ment of Johnson Ashworth, deceased, properly

executed according to law; it is therefore ordered
adjudged and decreed that the said paper writing
is the last will and testament of Johnson Ashworth -
deceased and that the same has been duly executed
according to law.

It is further ordered adjudged that the said
paper writing be admitted to probate as the last will
and testament of the said Johnson Ashworth deceased
and that Jethro Testamenter, witness to Jason Ashworth
Joseph Ashworth and Sydney J. Ashworth as executors
of said last will and testament

J. L. Cady, Clerk
Superior Court of Newcombe County

State of North Carolina } In the Superior Court
Newcombe County

You swear (or affirm) that you believe that Johnson
Ashworth died leaving a last will and testament
that you will well and truly administer all and
singular the goods and chattels rights and credits
of the said Johnson Ashworth and a true and perfect
inventory thereof return according to law. And all other
duties appertaining to the charge reposed in you. You
will well and truly perform according to law and
with your best skill and ability so help you God
J. L. Cady, Clerk of Superior Court

Last will and Testament of Henry Fullon

Know all men by these presents that I Henry Fullon of Asheville
in the County of Henderson and State of North Carolina being of
sound mind and disposing memory do make and publish
this my last will and testament, hereby revoking all former
wills by me at any time heretofore made

I hereby give and devise in fee simple to Thomas &
Tenn Gilles and to C. Graham both of the City of Asheville County
of Henderson and State of North Carolina, all my real estate
in said City of Asheville not heretofore disposed of by me

But in special trust and confidence nevertheless, that
after my death the said Thomas & Tenn Gilles and C. Graham
shall as early as in their judgment may seem best, sell and
convey said property in fee simple in any way and on
such terms as they may think will produce the best price and
apply the proceeds for the use and benefit of the
Presbyterian Church and the Congregation thereof of the City
of Asheville and the Presbyterian Church and the Congregation
thereof of Mills River in the County of Henderson and State
of North Carolina as follows:

They shall deposit with David C. Graham and J. C.
Williams the Clerk of Henderson County one thousand
dollars which shall be invested by them so as to bring
on a good interest which interest they (Graham Williams)
shall apply as they think best for the benefit of the said
Presbyterian Church of Mills River. The principal sum
of one thousand dollars shall be kept at interest and
interest perpetually for said purpose unless said church
shall become disbanded or disorganized or by any reason
be allowed to go lower, in which event the said sum of
one thousand dollars shall be added to the remainder of such
proceeds of the sale of said property and be applied and used
as said remainder is hereafter directed to be applied and
used.

The remainder of said proceeds of the sale of said
real property, the said Thomas & Tenn Gilles & C. E. Gra-
ham shall apply towards the erection of a Presbyterian
Church in the City of Asheville, for the use and
benefit of the Presbyterian Congregation and the members
thereof hereafter admitted thereto, of which the Rev. J. P.
Lyannum is at this date the Pastor at the place to
be chosen by said church its officers or agents, and
if the said church shall be built prior to my death
and any indebtedness remain unpaid for the