

State of North Carolina,
Buncombe County, } In the Probate Court.

A paper purporting to be the last will and testament of J. R. Roberts, deceased, is exhibited before me, the undersigned, Judge of the Probate for said County, by James Harvey Roberts & Albert Franklin Roberts the executors therein named, and the due execution thereof by the said J. R. Roberts by the oath and examination of N. Blackstock and R. V. Blackstock the subscribing witnesses thereto: who being duly sworn, both depose and say, and each for himself 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 J. R. Roberts and that the said J. R. Roberts 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 of the 12th day of November 1874.

And the deponent further saith, That the said J. R. Roberts 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 the 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 the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said J. R. Roberts 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 not.

N. Blackstock (seal)
R. V. Blackstock (seal)

Solemnly sworn and subscribed this
5th day of May, 1879, before me
E. W. Denmark
Probate Judge.

North Carolina, } In the Superior Court.
Buncombe County, } Before the Clerk.

J. S. Dow, being duly sworn, says:-
That in behalf of the British and American Mortgage Company, Ltd., a corporation whose headquarters and principal office are in New York City, New York, affiant exhibits to the Clerk of the Superior Court of Buncombe County what purports to be the last will and testament of James R. Roberts, deceased, late of Buncombe County, North Carolina, and avers that same be admitted to probate according to law and duly recorded in the office of said Clerk; that the said British and American Mortgage Company, Ltd., were the purchasers at foreclosure sale and are now the owners of the lands, or a portion thereof, devised by said James R. Roberts, deceased, in this will to his son J. Harvey Roberts. Affiant further says that he is informed and believes that the property left by said testator as near as can be ascertained by affiant, consists of about five hundred acres of land and personal property, all of the value of about six thousand dollars; that affiant is informed and believes that J. Harvey Roberts, Albert F. Roberts and J. Riley Roberts are the only parties entitled to said testator's property under said will; that affiant is informed and believes that J. Harvey Roberts now resides somewhere in the State of Missouri and Albert F. Roberts somewhere in the State of North Carolina, probably in the County of Haywood; that affiant is informed and believes that none of the parties in interest are minors.

J. S. Dow.
Subscribed and sworn to before me this
twenty-first (21st) day of August, 1896.
J. L. Cady
Clerk of the Superior Court of
Buncombe County, North Carolina.

North Carolina } In the Superior Court.
Buncombe County, } Before the Clerk.

R. V. Blackstock, being duly sworn:—"I am one of the subscribing witnesses to the paper writing now shown the, purporting to be the last will and testament of James R. Roberts, deceased, and now exhibited for probate to the Clerk of the Superior Court of Buncombe County, by J. S. Dow on behalf of the British and American Mortgage Company, Ltd., of New York City, New York. N. Blackstock, the other subscribing witness thereto, is dead. I am well acquainted with the handwriting of said N. Blackstock, having often seen him write, and the name of the said N. Blackstock, subscribed as a witness to the said will, is in the handwriting of the said N. Blackstock. I am well acquainted with the handwriting of the said James R. Roberts, testator as aforesaid, having often seen him write, and the name of said James R. Roberts subscribed as maker of the said will is in the handwriting of the said James R. Roberts, deceased. The said James R. Roberts, in the presence of this deponent myself, and of the said N. Blackstock, the other subscribing witness to said will, subscribed his name at the end of said paper writing now shown to me as aforesaid and which bears date November, 12th, 1874. The said James R. Roberts, the testator aforesaid, did, at the time of subscribing his name, as aforesaid, declare the said paper writing so subscribed by him and now exhibited to be his last will and testament and I and the said N. Blackstock did thereupon each severally subscribe our respective names at the end of said will as an attesting witnesses thereto, and at the request and in the presence of the said James R. Roberts, testator as aforesaid; at the time when said James R. Roberts subscribed his name to said last will as aforesaid and at the time I subscribed my name as attesting witness thereto, as aforesaid,

mind and memory of full age to execute a will, and was not under any restraint to my knowledge, information or belief. This paper writing was heretofore, to wit, on the fifth day of May, 1879, exhibited to E. C. Herndon, Probate Judge of Buncombe County, North Carolina, and this affiant and N. Blackstock, who was then living, testified in the matter of the probate of said will as shown in the affidavit bearing date the fifth day of May, 1879, and hereto attached and annexed to be made a part of this affidavit. N. Blackstock and myself subscribed our names to said affidavit as witnesses to said will and were duly sworn as to the truth of the matters therein set forth by E. C. Herndon, Probate Judge as aforesaid, and each and every of the matters set forth in said affidavit were at the date thereof, and are now, true. The paper writing now exhibited is the same that is referred to in said affidavit and which was then the last of said affidavit exhibited by the Executors of said James R. Roberts.

R. V. Blackstock
Subscribed and sworn to before me, J. L. Cathey,
Clerk of the Superior Court of Buncombe
County, this 21st day of August, 1886.

J. L. Cathey Clerk
Superior Court.
North Carolina } In the Superior Court
Buncombe County, } Before the Clerk.

A paper writing purporting to be the last will and testament of James R. Roberts, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by J. S. Dow on behalf of the British and American Mortgage Company, Ltd., a corporation whose headquarters and principal office are in New York City, New York, whose interest in the will has been made to satisfactorily appear to the Court by the sworn application of J. S. Dow aforesaid and the due execution

Robert is proved by the oath and examination of
R. V. Blackstock, one of the subscribing witnesses
thereto, who, being duly sworn, doth depose and
say: That he is one of the subscribing wit-
nesses to the paper writing now shown him to
be the last will and testament of James R.
Roberts; that N. Blackstock, the other subscribing
witnesses, thereto, is now dead; that the affiant
is well acquainted with the handwriting of said
N. Blackstock, having often seen him write,
and that the name of the said N. Blackstock,
subscribed as a witness to the said will, is in
the handwriting of the said N. Blackstock; that
affiant is well acquainted with the handwrit-
ing of the said James R. Roberts, testator as
aforesaid, having often seen him write, and that
the name of the said James R. Roberts subscr-
ibed as maker to the said will is in the handwriting
of the said James R. Roberts, deceased; that the
said James R. Roberts, in the presence of said
affiant and of the said N. Blackstock, the
other subscribing witness thereto, subscribed
his name at the end of said paper writing now
shown as aforesaid and which bears date
November 12th, 1874, and that the said
James R. Roberts, testator as aforesaid, did, at
the time of subscribing his name as aforesaid,
declare the said paper writing as aforesaid
by him and now exhibited to be his
last will and testament and said affiant
and N. Blackstock did thereupon each
severally 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
James R. Roberts, testator as aforesaid; and that
at the said time when the said James R. Roberts
subscribed his name to the said last will and
testament as aforesaid, and at the time of said
affiant's subscribing his name as attesting
witness thereto as aforesaid, the said James R.
Roberts 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 said affiant; and that said

then Probate Judge of Buncombe County, N. C.,
and that said affiant and N. Blackstock, who
was then living, testified as shown in the affidavit
bearing date the 14th day of May, 1879, and here-
to attached, and that said affiant and N. Blackstock,
the other subscribing witnesses to said will, sub-
scribed their names to said affidavit as witnesses
to said will and were duly sworn as to the
truth of the matters therein set forth by E. W.
Henderson, then Probate Judge of Buncombe
County; that each and every of the matters
set forth in said affidavit were at the date
thereof and now are true; and it appearing to the
Court from said affidavit that R. V. Blackstock and
N. Blackstock, subscribing witnesses to said
will, after first being duly sworn by said
probate judge did each for himself depose
and say: that he ~~was~~ ^{had} a subscribing witness
to the said paper writing then shown him
purporting to be the last will and testa-
ment of J. R. Roberts, deceased, that the
said J. R. Roberts in the presence of dep-
onent subscribed his name at the end
of said paper writing, which was then ex-
hibited as aforesaid, and which bears date
the 12th day of November, 1874; that said
J. R. Roberts did at the time of subscribing
his name as aforesaid declare the said paper
writing as subscribed by him and then
exhibited to be his last will and testament
and that the deponent did thereupon subscr-
ibe his name at the end of said will as
an attesting witness thereto, and at the
request and in presence of the said testator
subscribed his name to the said last will
as aforesaid and at the time of the deponent's
subscribing his name as an attesting
witness thereto as aforesaid the said J. R.
Roberts 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 it being made to satisfactory

or verity of said affidavit: and that said paper exhibited to Edw. Herndon

and it being made to satisfactorily appear to this Court from the affidavit

of R. V. Blackstock that the paper writing referred to in the said affidavit of R. V. Blackstock and N. Blackstock, which affidavit bears date May 5th, 1879, and the paper writing now exhibited by J. S. Dow are one and the same instrument, and it being further made satisfactorily to appear to the Court that said affidavit was truly subscribed by N. Blackstock and R. V. Blackstock and that the same and every part thereof is true: Now, therefore, it is considered and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of James R. Roberts, deceased, and the same, with the foregoing examination and this certificate are ordered to be recorded and filed. This the 21st day of August, 1890.

J. S. Cathey, Clerk of
the Superior Court of Buncombe
County.

Be it Remembered that on the twelfth day of November in the year of our Lord thousand eight hundred & seventy four: James Riley Roberts of the County of Buncombe & State of North Carolina; Being of sound & disposing mind, but labily affliction & knowing the uncertainty of life and the certainty of death, do make, publish, & declare the following to be my last will and testament in the following words & figures, (To wit):
I bequeath my body to the grave to be interred

be divided by three judicious men chosen by themselves for that purpose & their award to be final & it is my desire that they make the decision so soon as they may choose so that they may make such improvements as they may fancy according to their own taste & means; I have heretofore conveyed & given to my son Goodson M. Daniel ~~Roberts~~ Roberts his full and equal share of my Real & personal estate which is all that he is to inherit of my estate & further it is my will that James & Mary have his share of the land to include my present dwelling & home etc., reserving however the support & maintenance of myself & wife during our lifetimes out of the proceeds of my estate.

I hereby constitute & appoint my sons James Harvey Roberts & Albert Franklin Roberts my executors to this my last will & testament believing that they or either of them will fully carry out my will & desire according to the above, & I therefore Ratify ~~their~~ their legal acts, as tho I had done the same myself.

I hereby revoke & annul all other wills purporting to be made by me either written or verbal null & void - and I hereby declare the foregoing instrument to be my last will & testament to all intent & purposes as mentioned therein.

On this day of November 1874 at the County of Buncombe

heard date May 5th, 1879, and the paper writing now exhibited by J. Dow an one and the same instrument, and it being further made satisfactorily to appear to the Court that said affidavit was truly subscribed by N. Blackstock and R. V. Blackstock and that the same and every part thereof is true. Now, therefore, it is considered and adjudged by the Court that the said paper writing and every part thereof in the last will and testament of James R. Roberts, deceased, and the same, with the foregoing examination and this certificate are ordered to be recorded and filed. This the 21st day of August 1891.

J. L. Catherly Clerk of
the Superior Court of Buncombe
County.

Be it Remembered that on the twelfth day of November in the year of our Lord thousand eight hundred & seventy four: James Riley Roberts of the County of Buncombe & State of North Carolina; Being of sound & disposing mind, but heavily afflicted & knowing the uncertainty of life and the certainty of death, do make, publish, & declare the following to be my last will and testament in the following words & figures, (To wit):

I bequeath my body to the grave to be interred in a plain & decent manner & my soul to God Amen:

I bequeath to my beloved wife Rachel Roberts all my personal property of every description during her lifetime & then to my son James Harvey Roberts & his heirs forever, after paying all my just debts.

I further will & bequeath all my real estate containing about five hundred acres, more or less to my three sons James Harvey, Jacob Riley & Albert Franklin & their heirs forever to be equally divided in value & if they cannot agree themselves that it shall

remain & it is my desire that they make the division so soon as they may choose so that they may make such improvements as they may fancy according to their own taste & means; I have heretofore conveyed & given to my son Goodson M. Daniel Roberts his full and equal share of my Real & personal Estate which is all that he is to inherit of my Estate & further it is my will that James & Harvey have his share of the land to include my present dwelling & home etc, reserving however the support & maintenance of myself & wife during our lifetimes out of the proceeds of my Estate.

I hereby constitute & appoint my sons James Harvey Roberts & Albert Franklin Roberts my Executors to this my last will & testament believing that they or either of them will fully carry out my will & desire according to the above, & I therefore Ratify ~~and~~ their legal acts, as tho I had done them myself.

I hereby revoke & annul all other wills purporting to be made by me either written or verbal null & void. And I hereby declare the foregoing instrument to be my last will & testament to all intent & purposes as mentioned therein.

In testimony whereof I have hereunto set my hand & seal the day & date first written in presence of N. Blackstock & R. V. Blackstock subscribing witnesses herunto subscribe.

N. Blackstock
R. V. Blackstock

James R. Roberts *(test)*