

I Martha J. Ruess of the County of Warren
and State of North Carolina. do make and con-
stitute this my last will and testament in manner
and form as follows: That is to say: -

1st. I desire that my executor hereinafter named
shall pay all just debts which I may owe at
my death if any and provide for my body a
burial suitable to my conditions in life.

2nd. I give and bequeath to my Nephew W. V. Ruess
the sum of one hundred (\$100.⁰⁰) dollars.

3rd. I give and bequeath to my Niece Mary E.
Ruess the sum of one hundred (\$100.⁰⁰) dollars.

4th. I give and bequeath to my Nephew J. V. Allen
the sum of two hundred and fifty (\$250.⁰⁰) dollars
The great bed, bedstead, pillow, & best clothes
have been already delivered to J. V. Allen.

5th. I give and bequeath to my Niece Mary E.
Ruess of Enfield, N. C. the sum of two hundred
(\$200.⁰⁰) dollars.

6th. I give and bequeath to my Nephew Samuel
B. Ruess of Enfield, N. C. the sum of two hundred
(\$200.⁰⁰) dollars.

7th. I give and bequeath to my Nephew J. E.
Ruess of Halifax County the sum of one hundred
(\$100.⁰⁰) dollars.

8th. I give and bequeath to my Nephew J. R.
Ruess of Halifax County the sum of one
hundred (\$100.⁰⁰) dollars.

9th. I give and bequeath to my Niece Martha B.
Ruess of Haystack County, Tennessee, the sum of
fifty (\$50.⁰⁰) dollars.

10th. I give and bequeath to my Niece Annie
Ruess of Tennessee, near Memphis, the sum of
seventy five (\$75.⁰⁰) dollars. And to her sister
Lanny Ruess near Memphis, Tennessee the sum of
fifty (\$50.⁰⁰) dollars. And to her three half
sisters, Georgia Baulder, Maria Baulder and
Martha Baulder who live near Holly Springs
Mississippi the sum of twenty five (\$25.⁰⁰)
dollars each.

11th. I give and bequeath to the Trustees of
The Missionary Baptist Orphanage situated at

Thomasville, N. C. to be used for the orphan
as they may think best the sum of twenty
five dollars (\$25.⁰⁰).

12th. I give and bequeath to my Nephew
Thomas Q. Ruess of Shounsille Tennessee
the balance he may owe me at my death
on the note which now holds against him.

13th. I give and bequeath to my Nephew George
O. Ruess of Red Rock, N. C. the balance due
me at my death on the note which I hold
against him.

14th. I give and bequeath to my Niece Mary
E. Ruess the use and income of my estate of a certain
kind and nature after the several sums
above bequeathed are paid off.

15th. I hereby appoint W. D. Fleming of Warren-
ton, N. C. my true and lawful executor to execute
this my last will and testament according
to its true intent and meaning, hereby revoking
and declaring utterly void all other wills
by me heretofore made.

In testimony whereof I have hereunto set
my hand and seal this the 19th day of
November, 1887.

Martha J. Ruess *Test.*

Signed and sealed by
Martha J. Ruess in and presence
of her last will and testament
and at her request and in his
presence and in the presence of
each other we subscribe ourselves
as witnesses. The same and change
in said will was made by the testator
before she signed this will.

W. D. Fleming.

John A. Dauter.

North Carolina, In the Superior Court
Warren County (Before W. M. W. White, S. J. C.)

A paper writing purporting to be the last will
and testament of Martha J. Ruess, deceased, is
exhibited before me, the undersigned, Clerk of
the Superior Court for said County, and

The and execution thereof by the said Martha J. Ruess, is proved by the oath and examination of A. W. Fleming a subscribing witness thereto, who being duly sworn doth depose and say that she is a subscribing witness to the paper writing now shown me, purporting to be the last will and testament of Martha J. Ruess, that the said Martha J. Ruess in the presence of this deponent subscribed her name at the end of said paper writing now shown as aforesaid, and which bears date of the 19th day of November 1887, & marked "W". And the deponent further saith, that the testatrix aforesaid did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her to be her last will and testament, and that 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 testatrix, and this deponent further saith that at the said time when the said testatrix subscribed her name to the said last will as aforesaid, and at the time of deponent's subscribing her name as an attesting witness thereto, as aforesaid, the said Martha J. Ruess was of sound mind and memory of full age to execute a will, and was not under any restraint to the knowledge or belief of this deponent.

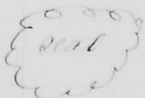
And further this deponent says not.

A. W. Fleming

Subscribed & sworn to before me this 12th day of February A.D. 1892.

Richard W. White.

Shut Superior Court



North Carolina. } In the Superior Court of
Warren County } Before Hon. W. White.

O. S. O.

A paper writing purporting to be the last will and testament of Martha J. Ruess, deceased, is exhibited before me, the undersigned Clerk of the Superior Court for said County, and the and execution thereof by the said Martha J. Ruess, is proved by the oath and examination of John W. Shurters a subscribing witness thereto, who being duly sworn, doth 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 Martha J. Ruess, that the said Martha J. Ruess in the presence of this deponent, subscribed her name at the end of said paper writing now shown as aforesaid, and which bears date of the 19th day of November 1887, & marked "W". And the deponent further saith, that the said Martha J. Ruess, the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her and she to be her 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 testatrix. And this deponent further saith, that at the said time when the said testatrix subscribed her name to the said last will as aforesaid and at the time of deponent's subscribing her name as an attesting witness thereto, as aforesaid, the said Martha J. Ruess was of sound mind and memory of full age to execute a will, and was not under any restraint to the knowledge or belief of this deponent. And further this deponent says not.

John W. Shurters.

Subscribed and sworn to before me

This 12th day of February A.D. 1892.
 William W. White,
 Clerk Superior Court.

Recd

Warrenton, W. O.
 Feb'y. 12th, 1892.

To J. P. Cathey.

Clerk Superior Court of Buncombe County.
 We hereby renounce our right to administer
 on the estate of Martha J. Powell & Co in favor
 of J. H. Tucker, Esq. of Asheville, N. C.

J. H. Bowers
 & S. A. Auer.

Warrenton, W. O.
 Feb'y. 12th, 1892.

To J. P. Cathey.

Clerk of the Superior Court of Buncombe
 County.

I hereby refuse to qualify as executor of
 the estate of Martha J. Powell & Co under her last
 will and testament and hereby renounce my right
 so to do in favor of J. H. Tucker of Asheville, N. C.

R. D. Hemming

Application for Letters of Administration.

Buncombe County - In the Superior Court.

In the matter of the Administration of
 the estate of Martha J. Powell.

Before J. P. Cathey, C. J. C.

I, J. H. Tucker, being sworn, depose that:

That Martha J. Powell, late of said County,
 is dead, leaving her last will and testament,
 and that J. H. Tucker is the proper person
 entitled to Letters of Administration on the
 estate of the said Martha J. Powell, by reason of
 the annihilation of R. D. Hemming, Executor thereon
 appointed and G. S. Allen and J. H. Bowers, next
 of kin, in his favor.

Further, that the value of said estate, so far as
 can be ascertained at the date of this affi-
 davit, is about \$800.00, and that O. V. Pow-
 ell, M. E. Tucker, Mary Allen, Mary E. Alsob, S. B.
 Alsob, H. E. Bowers, J. H. Bowers, M. C. Prout, Anne
 Mayney, Hannie May, Georgia Carver, Mattie
 Boulden, Thomasville W. Upkanage, Thos. O.
 Powell and Geo. O. Powell, are entitled as
 legatees thereof.

J. H. Tucker
 Sworn to and subscribed before me this
 17th day of April 1892.

J. P. Cathey
 Clerk Superior Court.
 Rev H. B. Stevens, D. C.

Upon exhibition to me of the foregoing
 will of Martha J. Powell, duly probated by
 William W. White, Clerk of the Superior Court
 of Buncombe County, in the State of North Caro-
 lina, it is adjudged that the same be admitted,
 and upon filing the foregoing renunciations,
 the application of J. H. Tucker to be appointed
 Administrator Cum Testamento Annexo
 on the estate of said Martha J. Powell, and he,
 the said J. H. Tucker, having entered into a
 good and sufficient bond with two

Deceased, and having subscribed and taken
the oath required by law, I therefore Letters
of Administration and Testament annex
issued to the said J. H. Austin on said estate
of Martha J. Russell, on the 9th day of
April 1892.

J. L. Cathey
Clerk of the District Court.

I, H. Austin of the town of Danvers, County
of Essex, in the State of Massachusetts, do hereby
make this my last will and Testament,
most all the debts which I individually owe
also the sum of \$1000 to my son,
Secondly, I give to my wife Lydia Austin
Mary, Jacob and Mary Ann, woman, Dey and
also and their increase and four thousand
dollars, and her the following property
during her life, at her death to my youngest
daughter Mary Jane Austin, born to
No 17, she now lives now with me and the lot
No 12, also house hold and with her furni-
ture of any description carts and waggon,
and good horse and milk the carriage and har-
ness, also my Tenney Wood Land near town
about 330 acres, My son Robert to have the priv-
ilege of getting him to sun and fire wood.
Should it be so ordered by Providence that my
youngest daughter Mary Jane Austin should
depart this life before her mother, then in that
case the property named to my wife she to have
full power to dispose of it in any manner
or may her judgment may dictate,
Thirdly, I give to my son Robert H. Austin five
thousand dollars, Negro woman Leota, and her
son Granville, Isaac and Gist Russell and all
of their increase, also man Jake and my wish
and desire to purchase a girl or boy about 16
years of age to make him equal with his sisters.
Also, lots No. 28, 73, 74 and No 63 also I give
her. I give unto my daughter Martha

give and bequeath to my son Robert H. Austin
my expected woman Leota Russell and her
son Jacob and daughter Gardine; and all of
their increase and Gist Gatzey and her in-
crease, also man Sam and two thousand
dollars, also my land purchased of Henry
Dayton, In Trust nevertheless to hold the said
negroes and money for the sole and separate
use and benefit of my daughter Martha
Ann Dowd during her natural life free from
the control or management of her husband
or any future husband or for any lia-
bility of his or their debts by accounting or pay-
ing over to her annually the profits of his
said negroes and the interest accruing on the
said sum of two thousand dollars, and
after her death in further trust to transfer and
pay or deliver over the said negroes and money
to the survivors or heirs or children of a deceased
child or children of the said Martha Ann
Dowd in equal shares to such grand child
or grand children to be the heirs or
children of a deceased child or children of
the said Martha Ann and to - in the place
of or represent his, her or their deceased pa-
rent or parents respectively.
Fifth: I give to my daughter Catharine Eliza-
beth Gunshaw two thousand dollars,
Also I give and bequeath unto my son Robert
H. Austin my expected negro Gist & man
Dey and Mary and all of their increase
and and request of my executor to purchase
a young man or young girl her wish to
make her equal with her brothers and sis-
ters, and two thousand dollars in money,
and also lots No. 2 and lot No 33, In Trust
nevertheless to hold the said negroes and
money and lots for the sole and separate
use and benefit of my daughter Catharine
Elizabeth during her natural life free from
the control or management of her husband
or any liability of his or their debts by
accounting and paying over to her annu-