

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 Letters Testamentary issue to Jason Ashworth
Joseph Ashworth and Sydney J. Ashworth as executors
of said last will and testament.

J. L. Leachy, Clerk
Superior Court of Buncombe County

State of North Carolina } In the Superior Court
Buncombe 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. Leachy, 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 Buncombe 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 &
Tim Gilder and to C. Graham both of the City of Asheville County
of Buncombe 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 & Tim Gilder 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
or 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 & Tim Gilder & 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 thereof, 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
said church shall be built prior to my death
and any indebtedness remain unpaid for the

Given to and subscribed before me, the _____ day of _____ 19____
J. L. Carley Clerk Superior Court

To J. L. Cathey, Clerk of the Superior Court of Buncombe County:

I hereby notify you that I decline to qualify as Executor and Trustee of the Last Will and Testament of Mrs. Mary Fulton, deceased, late a citizen and resident of Asheville, and who died in said city on the 30th day of November 1895. I hereby renounce my right to qualify as Executor and Trustee of said last will and Testament.

This December 10th, 1895.

I. L. Baugilden
Witness Alf. S. Barnard.

North Carolina.
Buncombe County.

In The Superior Court.

In the matter of The Probate
of the Last Will and Testament
of Mrs. Mary Fulton deceased.

Personally appeared before me, J. L. Cathey, Clerk Superior Court of Buncombe County, William P. Blair who being duly sworn, both depose and say, that he has had exhibited to him and has seen and examined a paper writing purporting to be the Last Will and Testament of Mrs. Mary Fulton, deceased, dated the 26th day of April 1884, signed at the end thereof by Mary Fulton as Testatrix and by J. P. Gannon, William P. Blair and M. A. Robertson as subscribing witnesses; that he is a subscribing witness to the said paper writing now shown and exhibited to him, purporting to be the Last Will and Testament of Mary Fulton deceased and this day offered for probate before J. L. Cathey, Clerk of the Superior Court of Buncombe County, by C. E. Graham Executor and Trustee thereof; that the said Mary Fulton, in the presence of this deponent, subscribed her name at the end of said writing which is now shown and exhibited to offiant as aforesaid and also subscribed her name thereto in the presence of J. P. Gannon and M. A. Robertson; and that offiant and said J. P. Gannon and M. A. Robertson, subscribed their names as attesting witnesses to said will and Testament.

of said Mary Fulton and that she declared said paper writing to be her Last Will and Testament.

And the deponent further saith, that the said Mary Fulton, the Testatrix aforesaid, did at the time of subscribing her name as aforesaid, declare the said paper writing, so subscribed by her and now exhibited to offiant, 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, at the request and in the presence of 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 his name as an attesting witness thereto, as aforesaid, the said Mary Fulton 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.

Wm. P. Blair Seal

Sworn to and subscribed
before me this 14th day of
December, 1895.

J. L. Cathey C. L. C.

North Carolina
Buncombe County.

In The Superior Court.

In the matter of the Probate
of the Last Will and Testament
of Mrs. Mary Fulton deceased.

Personally appeared before me, J. L. Cathey, Clerk Superior Court of Buncombe County, H. C. Davis and H. P. Purley, who being duly sworn, both depose and say, and each for himself both say, that he has seen and examined a paper writing purporting to be the Last Will and Testament of Mrs. Mary Fulton, deceased, dated the 26th day of April, 1884 and signed by said Mary Fulton as Testatrix and by William P. Blair, J. P. Gannon, and M. A. Robertson as subscribing witnesses, and this day offered for probate before J. L. Cathey, Clerk of the Super-

Senior Court of Buncombe County, by C. E. Graham, Executor and Trustee thereof; that said Mary Fulton is dead; that affiants are well acquainted with the handwriting of said Mary Fulton, having often seen her write and often seen her genuine signature and that the signature of Mary Fulton at the end of said Paper writing purporting to be her Last Will and Testament, is in her own proper handwriting and affiants believe her signature thereto to be genuine.

Sworn and subscribed
to before me, this the 14th
day of December, 1895.
J. L. Cathey, C. S. C.

North Carolina In The Superior Court.
Buncombe County,

In The matter of the
Probate of the will of Mrs.
Mary Fulton, deceased.

Personally appeared before me, J. L. Cathey, Clerk of the Superior Court of Buncombe County, William S. Blair and W. H. Pauland, who being duly sworn, both before and say and each for himself both say, that he has seen and examined a paper writing purporting to be the last Will and Testament of Mrs. Mary Fulton deceased, dated the 24 day of April, 1884, and signed by Mary Fulton as testator and J. P. Gammon, William P. Blair and M. A. Robertson, as subscribing witnesses, and this day exhibited and offered to said J. L. Cathey, Clerk of the Superior Court of Buncombe County, for probate; that Rev. J. P. Gammon, one of the subscribing witnesses to said Last Will and Testament, is dead; that affiants are well acquainted with the handwriting of said J. P. Gammon, having often seen him write and often seen his genuine signature; that the signature of said J. P. Gammon as one of the attesting witnesses of said Last Will and Testament, is in his own proper handwriting of said Gammon and affiants believe that his signature is genuine.

Sworn to and subscribed
before me this the 14th
day of December, 1895.

J. L. Cathey, C. S. C.

North Carolina
Buncombe County,

In The Superior Court.

In The matter of the Probate
of the Last Will and Testament
of Mrs. Mary Fulton, deceased

C. E. Graham having this day exhibited to me and offered for probate a paper writing purporting to be the last Will and Testament of Mrs. Mary Fulton, deceased, dated the 24 day of April, 1884, signed at the end thereof by Mary Fulton as testatrix, and by J. P. Gammon, William P. Blair, and M. A. Robertson as the subscribing witnesses thereto; and it appearing to the satisfaction of the Court that said Mary Fulton is dead and that J. P. Gammon and M. A. Robertson, two of said subscribing witnesses are also dead.

Now after reading and considering the affidavit of William P. Blair, the surviving subscribing witness and the affidavits of William S. Blair and W. H. Pauland, as to the handwriting of J. P. Gammon and A. C. Davis and W. P. Penley, as to the handwriting of Mary Fulton the testatrix, it is ordered, adjudged and decreed that said paper writing mentioned above and offered for probate by C. E. Graham as aforesaid, is the last Will and Testament of Mrs. Mary Fulton deceased, and the same is admitted to probate as such Last Will and Testament of said Mrs. Mary Fulton, deceased.

It is further adjudged and decreed that the said C. E. Graham and the successors of Thomas J. Vaucliden, to be chosen and selected in the manner and method set forth in said Last Will and Testament, be and they are hereby authorized, empowered and directed to execute all powers and trusts vested in them by virtue of the provisions and declaratives contained in said Last Will and Testament.

This December 14th, 1895.

J. L. Cathey, Clerk Superior
Court of Buncombe County

North Carolina.
Buncombe County.

In the Superior Court.

C. E. Graham being duly sworn deposes and says: That he will faithfully, justly and honestly discharge the duties of Executor and Trustee of the Last Will and Testament of Mrs. Mary Fulton, deceased, according to the directions therein contained and according to law.

C. E. Graham

Subscribed and sworn to before me this the 14 day of December, 1895.

J. L. Carthey Clerk
Superior Court Buncombe County.

North Carolina
Buncombe County.

In the name of God, Amen. I Stephen W. Webb of Somersworth in the County of Stafford and State of New Hampshire. Considering the uncertainty of life and being of sound and perfect mind, do make this my last will and testament.

I give and devise to my daughter, Louise Lincoln Webb Twenty-five dollars.

I give and devise to my beloved wife, Martha S. Webb, all my estate real and personal, of whatever description and wherever situate, to her and her heirs, and assign forever and I hereby constitute, and appoint her the said Martha S. Webb Sole executrix of this will.

Witness my hand and seal this Ninth day of September A.D. 1879.

S. W. Webb (Seal)

Signed Sealed Published and declared by the above named Stephen W. Webb, as and for his last will and testament in presence of us, who in this presence, at his request and in presence of each other have hereunto set our names as witnesses, this day and year above written.

Harry V. Moore
Charles H. Wells
Wm. M. Burleigh

North Carolina
Buncombe County }

In the Superior Court.

In the Matter of the Probate
of the will of S. W. Webb deceased. }

Mrs. Martha S. Webb, being duly sworn, deposes and says:

That her husband, S. W. Webb, died on the 22nd day of November 1896, domiciled in Asheville, Buncombe County, North Carolina, leaving a Last Will and Testament, dated on the 9th day of September, A. D. 1879; that said will was signed and executed in the Town, Somersworth, in Stafford County, in the State of New Hampshire, and that the subscribing witnesses thereto are Harry V. Moore, Christopher H. Wells and William R. Burleigh; that said Harry V. Moore and Christopher H. Wells are, as affiant is informed and believes, residents and citizens of the town of Somersworth, Stafford County, New Hampshire and are still living; that the other of said subscribing witnesses, William R. Burleigh, is, as affiant is informed and believes, a resident and citizen of Chicago, Illinois and is still living; that said S. W. Webb, testator as aforesaid died a resident and citizen of Asheville, Buncombe County, North Carolina; that the property of the said S. W. Webb, consisting of a house and lot in Asheville, notes and solvent credits and other personal property including a life insurance policy for Five Thousand Dollars in the Provident Life and Trust Company of Philadelphia, Pa; is worth about twelve thousand Dollars, so far as can be ascertained at the date of this application and affidavit; that the parties entitled under said will of the said property are Miss Louise Lincoln Webb, daughter of the testator, and Mrs. Martha S. Webb, his widow, this affiant and applicant.

That Mrs. Martha S. Webb, affiant and applicant, now offers and intends to J. L. Carthey, Clerk of the Superior Court of Buncombe County, said Paper Writing, purporting to be the Last Will and Testament of S. W. Webb, deceased, dated September the 9th 1879 and signed by S. W. Webb at the time he was testator and Harry V. Moore

In the matter of the Probate
of the Last Will and Testament
of Mrs. Mary Fulton deceased }

J. S. Morrison being duly sworn, deposes and says, that he has read the affidavit of C. E. Graham, filed in the office of the Clerk of the Superior Court of Buncombe County, in the above entitled matter, and he believes the statements therein made to be true.

Affiant further states, that Mr J. S. Van Gilder, one of the executors and trustees, mentioned in the last will and Testament, and one of the persons to whom the real estate therein described was devised, upon the trust therein declared, and set forth, has declined in writing to accept the trust imposed and trusted in him by said last will and Testament, and after such refusal and declination, by said Van Gilder as aforesaid, in pursuance of and in accordance with the provisions of said last will and Testament.

Stating in what manner and by what method, a successor to said Van Gilder, as trustee and executor as aforesaid, should be appointed and selected, the Rev. R. F. Campbell, the Pastor of the First Presbyterian Church of the City of Asheville, it being the Church of which Rev. J. P. Gannon was formerly Pastor, gave notice from the Pulpit of said Church, to the Congregation thereof, on the 15th day of December, 1895, that a meeting of the Congregation of said Church would be held on the 22nd day of December, 1895, to elect a successor to said Van Gilder, to perform duties and discharge the trust declared in said last will and Testament; that said Congregational meeting, was regularly called and held according to the Canons and Government of the Presbyterian Church; that at said Congregational meeting of said Church, so called and held as aforesaid, the affiant, J. S. Morrison, was unanimously elected to succeed, Mr J. S. Van Gilder as trustee and executor of said last will and Testament.

Affiant, there, asks that he be permitted to qualify as trustee and executor of said last will and Testament and to enter upon the discharge of his duties as such.

J. S. Morrison

Sworn to and subscribed
before me this 9th day of
January 1896. J. L. Cobby C.S.C.

In the matter of the Probate of the Last
will and Testament of Mary Fulton deceased }

J. S. Morrison, being duly sworn, deposes and says, that he will faithfully, justly and honestly, discharge the duties as trustee and executor of the Last will and Testament of Mrs. Mary, Fulton, deceased, dated the 26th day of April 1884, according to his best skill and ability.

J. S. Morrison

Sworn to and described before me
this 9th day of Jan 1896.

J. L. Cobby C.S.C.

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