

executed according to law; it is therefore ordered adjudged and deemed 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 Coffey Clerk  
Superior Court of Buncombe County

State of North Carolina      3      In the Superior Court  
Buncombe County      3

You swear (or affirm) that you believe that Johnson Ashworth died leaving a Last Will and Testament that you were well and truly admitted 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 & that all the Rules, Appellants to the Charge imposed on you, you will well and truly perform according to law and with your best skill and ability so help you God

J L Coffey Clerk of Superior Court

Last will and Testament of Hurnary Fullon

Know all men by these presents that I Hurnary Fullon of Asheville in the County of Buncombe and State of North Carolina being of sound mind and disposing memory to make and publish this my last will and Testament hereby revoking all former will by me at any time heretofore made.

I hereby give and devise in fee simple to Thomas D. Van Gilder and C. E. 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 D. Van Gilder and C. E. 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 said C. E. Graham and Tyler Williams the latter 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 down, 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 D. Van Gilder & C. E. Graham shall apply toward 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. Dr. Garrison 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 the dues undivided remain unpaid for the

building of the same at that time, the said baugilder and Graham shall apply the proceeds of said sale to paying the same as far as may be necessary for that purpose. If prior to my death any person, persons or corporation shall advance to the said church and congregation money for building said church and the same remain unpaid at my death, said proceeds shall be applied in paying said money so advanced to the person, persons or corporation who has advanced the same in the event any sum remain of said proceeds after building said church and paying the indebtedness contracted as above stated therefor; or in the event there should be no indebtedness for building said church at my death it having been fully paid therefrom, the said baugilder and Graham shall apply said ~~remaining~~ sum or the entire proceeds as the case may be for the use and benefit of the said Presbyterian Church and congregation at Asheville as in their judgment may seem meet and best.

In the event said Thomas D. Baugilder and C. E. Graham or either of them shall die or shall be removed from or discontinued in their membership with said church at Asheville then and in that case their successor or successors of either of them shall after notice by the Pastor of said church of one week or more from his first to said congregation be selected by vote of said congregation from members of its body; and the said successor or successors shall have all the powers and assume the same duties hereby given and devolving upon said Thomas D. Baugilder and C. E. Graham.

If I should make any further will dividing other property not mentioned in this will such further will shall not affect this one unless it specially revokes it.

Mary Fulton *ESQ*

Signed sealed published and declared  
by the said Mrs. Mary Fulton as and  
for her last will and testament in the  
presence of us who are hereunto and in  
the presence of each other and at her  
request have subscribed our names  
as witnesses this the 26<sup>th</sup> day of  
April 1854 at the city of Asheville  
in the county of Buncombe  
and state of North Carolina

JMP Blair  
J.P. Gannon  
M. A. Robertson

Buncombe Co. NC Wills, Bk C, p. 1887, 1897  
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North Carolina.  
Buncombe County

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

C. E. Graham being duly sworn, deposes and says:  
That Mrs. Mary Fulton is dead; that  
when she died she was a resident of Buncombe County  
and had her domicile therein; that she left a last will  
and testament, dated the 26<sup>th</sup> day of April, 1854, to  
which her name is subscribed at the end thereof and  
to which William P. Blair, J. P. Gannon and  
M. A. Robertson are subscribing witnesses; that J. P.  
Gannon and M. A. Robertson two of said subscribing  
witnesses, are dead; that by said Last will and testament,  
the said Mary Fulton, conveyed to C. E. Graham and  
Thomas D. Baugilder all her real estate in the  
city of Asheville upon certain trusts and for certain  
purposes fully set forth in said Last will and  
testament; the said Mary Fulton that said Thomas D.  
Baugilder refuses to qualify as Executor and Trustee  
of said Last will and testament as evidenced  
by his written renunciation hereunto attached as a  
part of this affidavit; that said Last will and testa-  
ment contains specific directions as to how the suc-  
cessors of said baugilder, shall be chosen and  
selected; that affiant, as Executor and Trustee of  
said Last will and testament tenders and exhibits  
to J. L. Cathey Clerk of the Superior Court of  
Buncombe County, the said paper writing pur-  
porting to be the Last will Testament of  
Mary Fulton deceased, and asks that the same  
be probated as her Last will and testament and that  
affiant be allowed to qualify as Executor conveyed  
in trust by said Last will and testament as  
aforesaid is worth about \$2,000.00 dollars and that  
the parties entitled thereto, under the declarations and  
trusts contained in said will, are the Mills River  
Presbyterian Church, in Henderson County, North  
Carolina and First Presbyterian Church in the City of  
Asheville, North Carolina, it being the church of which Reverend  
J. L. Cathey Clerk Superior Court

1854 was founded by pastor, C. E. Graham  
summed up and subscribed before me this 14<sup>th</sup> day of Dec 1897  
J. L. Cathey Clerk Superior Court  
Buncombe County

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.

J. L. Cathey  
witness Alf S. Barnard.

North Carolina In The Superior Court.  
Buncombe County.

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, doth 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 thereto, 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 affiant as aforesaid and also subscribed her name therin in the presence of J.P. Gannon and M.A. Robertson; and that affiant and said J.P. Gannon and M.A. Robertson, subscribed their names as attesting witnesses to said will.

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 affiant to be her Last Will and Testament, and this deponent did therupon 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 at the said time when the said testatrix subscribed her name to the said Last Will as aforesaid, and at the time of deponents 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 Esq.

Swear to and subscribed  
before me this 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 Last Will and Testament  
of Mrs. Mary Fulton, deceased.

Personally appeared before me J. L. Cathey, Clerk Superior Court of Buncombe County, A.C. Davis and W.R. Penley who being duly sworn, doth depose and say, and each for himself doth 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 26 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 Superior Court of Buncombe County.

ior Court of Buncombe County, by C. E. Graham, Executor and Trustee thereof; that said Mary Fulton is dead; that officials 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 hand writing and officials believe her signature thereto to be genuine.

Swear and subscribed to before me, this the 14th day of December 1895.  
J. A. Cathy. C. S. C.

A. C. Davis  
W. P. Penley

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. A. Cathy, Clerk of the Superior Court of Buncombe County, William S. Blair and W. H. Pendland, 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. Gammor, William P. Blair and M. A. Robertson, as subscribing witnesses and this day exhibited and offered to said J. A. Cathy, Clerk of the Superior Court of Buncombe County, for probate; that Rev. J. P. Gammor one of the subscribing witnesses to said Last Will and Testament is dead; that officials are well acquainted with the handwriting of said J. P. Gammor, having often seen him write and often seen his genuine signature; that the signature of said J. P. Gammor as one of the attesting witnesses of said Last Will and Testament is in the handwriting of said Gammor and officials believe that his signature at . . .

Buncombe Co. NC Wills, Bk C, 1887-1897  
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Sworn to and subscribed  
before me this the 14th  
day of December 1895.

J. A. Cathy. 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. Gammor, 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. Gammor 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 A. Blair and W. H. Pendland, as to the handwriting of J. P. Gammor 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. Van Gilder, 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 declarations contained in said Last Will and Testament.

This December 14th, 1895.

J. A. Cathy, 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. Cattley 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 Strafford 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, descriptions and  
wherever situate, to her and her heirs, and assigns forever  
and I hereby constitute, and appoint her the said Martha S. Webb  
Exeutor 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 his presence, at his request and in  
presence of each other have hereunto set our names as witnesses  
the day and year above written.

Henry V. Moore  
Chris 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, 1879, 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 of  
Somersworth, in Strafford County, in the State of  
New Hampshire, and that the subscribing witnesses  
are three, Harry V. Moore, Christopher H. Wells  
and William R. Burleigh; that said Harry V. Moore  
and Christopher H. Wells are, as officiant is infor-  
med and believes, residents and citizens of the  
town of Somersworth, Strafford County, New Hamp-  
shire and are still living; that the other of said  
subscribing witnesses, William R. Burleigh, is,  
as officiant 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, note and several debts and  
other personal property including a life in-  
surance 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 officiant  
and applicant.

That Mrs. Martha S. Webb, officiant and applicant,  
now offers and tenders to J. L. Cattley, 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  
9th, 1879 and signed by S.W. Webb at the  
testator and Harry V. Moore

Buncombe County }

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In the matter of the Probate  
of the Last Will and Testament }  
of Mrs. Mary Fullerton 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 Mrs. J. S. Van Gilder, one of the executors and trustee 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 rested 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. D. Cannon 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, T. S. Morrison, was unanimously elected to succeed, Mrs. J. S. Van Gilder as trustee and executor of said Last Will and Testament.

Affiant, therefore, 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.

T. S. Morrison

Swear to and subscribed  
before me this the 9th day of  
January 1896. J. L. Colby C.S.C.

Buncombe County }

In the matter of the Probate of the Last  
Will and Testament of Mary Fullerton deceased }

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

J. S. Morrison

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

J. L. Colby C.S.C.

See Page 887 of this Book