

Last Will and Testament of Mary Janet Moody,

I Mary Janet Moody wife of Charles E. Moody of the Town of Wauwatosa in the County of Milwaukee and State of Wisconsin being of sound mind make and publish this as and for my last will and testament.

I direct first that my just debts and funeral expenses shall be paid.

I hereby give devise and bequeath to my husband Charles E. Moody if he shall survive me able and singular the estate which I may die possessed of or entitled to giving him full power and authority to sell or otherwise dispose of the same or any part thereof to his sole use and benefit if at any time he shall desire so to do and to enjoy the use and profits thereof.

If my said husband shall not survive me or shall die without having disposed of my said estate to his own use as herein before authorized then such estate or such portion thereof as shall remain so undisposed of shall be divided in equal portions among my own children and Emeline Eleanor Moody the daughter of said Charles E. Moody by a former marriage and their representatives each representative however taking only a representative share of the share of the child he or she shall represent and provided if the said Emeline Eleanor shall at the time of my death have received from her father by will any estate greater in value than the share in his estate which shall have been received by each of my children from him then said Emeline Eleanor shall receive from my estate only such amount as will make her share in my estate together with that so received from her father's estate equal in the aggregate to the share of each child so received from my said husband by will and

from mine.

I hereby constitute and appoint my said husband Charles E. Moody sole executor of this will and direct and request that he shall not be required to give any security or assurance whatever for the performance of his duties as such.

In witness whereof I have hereunto set my hand and seal this 17th day of September 1877

Mary Janet Moody ~~test~~

We whose names are hereto subscribed do certify that Mary Janet Moody the testator subscribed her name to the foregoing instrument in our presence and in the presence of each other of us and at the same time she declared in our presence and hearing that the same was her last will and testament and requested us and each of us to sign our names thereto as witnesses to the execution thereof and which we have done accordingly in the presence of the testator and of each other the day of the date of said will

Edmund Moody Jr. residing at Milwaukee

Benn^d M. A. Williams residing at Milwaukee,

A child Janet E. having been born to the testatrix and Charles E. Moody her husband since the execution of the foregoing will, I the undersigned testatrix hereby reaffirm, reexecute and republish the foregoing will on this 7th day of September 1888, as applicable to said last born child, equally with all other children of myself and my said husband and with his daughter Emeline Eleanor; it being my intention to provide alike for said child and his children and his said daughter in the terms expressed in

my foregoing will, subject to the foregoing
bequest & devise to him in case he survives
me; & now declare the same as my last will
and testament,

Mary Janet Moody.

We, whose names are hereto subscribed do
certify that Mary Janet Moody the testatrix
subscribed her name to the foregoing
instrument in our presence & in the presence
of each of us, and at the same time she declared
in our presence & hearing that the same was
her last will & testament, and she re-affirmed
re-published & re-executed the same and requested
each of us to attest the same as witnesses
of such re-execution & re-publication, which
we have accordingly done in her presence
& in the presence of each other, all at
Milwaukee this September 7th 1888
Benjⁿ M Williams
Edmund Moody Jr.

State of North Carolina }
Buncombe County }

In the matter of the Last Will and
Testament of Mary Janet Moody.

Chas E Moody being duly sworn says:
That he is the executor
named in a paper writing purporting to be
the last will & testament of Mary Janet
Moody and a codicil thereto, now before
for probate by him the said Charles E.
Moody, and disposing of property in this
County and state and made by the said
Mary Janet Moody, without the state, that
the said Mary Janet Moody is dead and that
at the time of her death she was domiciled
in the County of Buncombe in the State of
North Carolina, and that Edmund Moody Jr
and Benjⁿ M. Williams are subscribing
witnesses to said paper writing purporting to be

the last will and testament aforesaid and
Benjⁿ M. Williams who with the said Edmund
Moody Jr. is a witness to said paper purporting
to be a codicil as aforesaid, are all non
residents of this State and residents of the
City of Milwaukee in the State of Wisconsin
Charles E Moody
Sworn to and subscribed before me this the
26 day of August A.D. 1888
By J. D. Reynolds J. C.

State of North Carolina } Superior Court
Buncombe County } Before the clerk.

In the matter of the probate of
the last will and testament of
Mary J. Moody. To C. E. Shepherd Esq of the City of
Milwaukee, in the State of Wisconsin.

A paper writing purporting to be the last
will and testament of Mary Janet Moody dated the
17th day of September, 1877, with a codicil thereto
dated September 7th 1888, is exhibited for probate
before H. T. Reynolds, Clerk Superior Court of
Buncombe County by Charles E. Moody, the executor
therein named, and it having been made to
appear to the Court by the affidavit of the
said Charles E. Moody that the said Mary Janet
Moody is dead and that at the time of her
death she was domiciled in the said County
of Buncombe in the State of North Carolina
and it further appearing by said affidavit
and also by the endorsement on said
paper writing that Edmund Moody Jr
and Benjⁿ M. A. Williams the subscribing
witnesses to said will and Benjⁿ M. Williams
a subscribing witness with the said Edmund
Moody Jr to said codicil are all non
residents of this State and residents
of the City of Milwaukee Wisconsin.
I, H. T. Reynolds, Clerk of said Court, having confidence
in your prudence and fidelity do hereby

Authorize and empower you to cause the said Benj^m M. A. Williams, Benj^m M. Williams and Edmund Moody Jr to come before you at such time and place as you shall appoint and then to examine on oath concerning all such matters and things as they may know respecting the said paper writing hereto attached purporting as aforesaid to be the last will and testament of the said Mary Janet Moody and all such matters and things as they may know respecting the said paper writing purporting to be a codicil to said last will and testament and especially will you inquire into such matters and things as they may know concerning the execution and publication of said paper writing, and their deposition to take in writing under your hand and seal and to send to us in a sealed package directed to W. J. Reynolds, Clerk of the Superior Court of Buncombe County. In witness whereof the said Clerk has hereunto set his hand and allowed the seal of his office, this the 23rd day of August A.D. 1889,
W. J. Reynolds
Clerk Superior Court

State of Wisconsin
City of Milwaukee

In the matter of the Probate
of the last Will and Tes-
tament of Mary Janet Moody,

To the Clerk of the Superior Court of Buncombe County in the State of North Carolina,
Pursuant to the annexed commission to me directed, I C. E. Shephard, an Atty at Law of the City of Milwaukee, Wisconsin on the 10th day of September 1889

1889 caused to come before me Edmund Moody Jr and Benj^m M. A. Williams and Benj^m M. Williams and proceeded to take the following depositions, to wit:
Edmund Moody Jr - and Benj^m M. A. Williams being duly sworn say each for himself that he is a subscribing witness to the paper writing now shown him and hereto attached purporting to be the last will and Testament of Mary Janet Moody ^{that the said Mary Janet Moody} in presence of this Depo^{nt} subscribed her name at the end of said paper writing now shown him as aforesaid and which bears date the 17th day of September A.D. 1877. And Depo^{nt} further says that the said Mary Janet Moody the testatrix aforesaid did at the time of subscribing her name as aforesaid declare the said paper writing to be her last will and testament, and this Depo^{nt} 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 said testatrix. And Depo^{nt} further says that at the said time when the said testatrix subscribed her name to the said last will and Testament as aforesaid and at the time of Depo^{nt} subscribing his name as an attesting witness thereto as aforesaid the said Mary Janet Moody 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 Depo^{nt}. And further these Depo^{nts} say not

Edmund Moody Jr ^{Sworn}
Benj^m M. A. Williams ^{Sworn}

Sworn to and subscribed before me
this the 10th day of Sept. A.D. 1889,
C. E. Shephard ^{Sworn}
Commissioner

State of Wisconsin } In the matter of the
County and City of Milwaukee } Probate of the last
will and testament
of Mary Janet Moody,

To the Clerk of the Superior Court of Buncombe
County, in the State of North
Carolina,

Pursuant to the annexed commission
to me directed J. C. E. Shepherd an
Attorney at law of the City of Milwaukee
in the County of Milwaukee and State
of Wisconsin on the 12th day of September,
A.D. 1889, came to come before me
Benj M Williams and Edmund Moody Jr
and proceeded to take the following depoi-
tions.

Benj M Williams and Edmund Moody Jr
being duly and severally sworn, say and
such for himself say, that he is a
subscribing witness to the paper writing
now shown him and hereto attached
purporting to be a codicil to the annexed
paper writing purporting to be the
last will and testament of Mary
Janet Moody, that the said Mary Janet
Moody, in presence of this deponent
subscribed her name at the end of said
paper writing now shown him to wit,
said Codicil and which bears date
the seventh day of September, A.D. 1888
And deponent further saith that the said
Mary Janet Moody, the testatrix aforesaid
did at the time of subscribing her name
as aforesaid declare the said paper writing
to be subscribed by her and hereto attached
to be a codicil to her said last will
and testament and a republication
thereof, and she did then and there
reaffirm, republish and reexecute said
will and said subsequent writing or
codicil as her last will and testament.

and this deponent did thereupon sub-
scribe his name at the end of said codicil
or subsequent written declaration as an
attesting witness thereto and at the request
and in the presence of said testatrix, And depo-
nent further saith that at said time when
said testatrix subscribed her name to
said codicil or republication of her last
will and testament as aforesaid, and
at the time of deponent's subscribing his
name as an attesting witness thereto as
aforesaid said Mary Janet Moody 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.
Benj M Williams (seal)
Edmund Moody Jr (seal)

Solemn and subscribed to before me this
the 12th day of September A.D. 1889
C. E. Shepherd (seal)
Commissioner.

State of North Carolina }
Buncombe County }

C. E. Shepherd of the City of Milwaukee who
was authorized and directed by this Court
to examine on oath the subscribing
witnesses to the last will and testament
and a codicil thereto of Mary Janet
Moody which said last will and
testament and codicil are here-
to attached and the said C. E.
Shepherd having duly reported his find-
ings to this Court and transmitted
the evidence by him taken as required
by law. It is adjudged that the said last
will and testament and codicil are duly
proven and that the same be recorded
and filed as required by law. This Sept
11th 1889
W. J. Reynolds
Clerk

Buncombe County in the Superior Court
In the matter of the will of } Before W. J. Reynolds
William J. Eller S. C. C.

Ellen Eller & J. A. Eller being duly sworn,
doth say:
That William Eller, late of said County,
is dead, having first made and published
his last Will and Testament; and that
Ellen Eller & J. A. Eller is the executrix and
Executors named therein.
Further that the property of the said
William J. Eller consisting of Personal and
Real Estate is worth about \$20000.00 so far
as can be ascertained at the date of this
application; and that Ellen Eller, Mamie
Eller, are the parties entitled under
said Will to the said property.

Sworn to and subscribed before me } Ellen Eller
this 4th day of December, 1889 } J. A. Eller
W. J. Reynolds S. C. C.

State of North Carolina } In the Superior
Buncombe County } Court.

A paper purporting to be the last
Will and Testament of William J. Eller
deceased, is exhibited before me the undersigned
Clerk of Court for said County, by Ellen Eller
and Joseph A. Eller the executors therein mentioned
and the due execution thereof by the said
William J. Eller by the oath and examination
of W. C. Weaver and C. J. Hope, the subscribing
witness thereto, who being duly sworn, doth
depose and say, and each for himself deposeth
and saith, that he is subscribing witness
to the paper writing now shown him,
purporting to be the last will and
Testament of William J. Eller that
the said William J. Eller, in the

Buncombe County: In the Superior Court.

In the matter of the will of
Mary J. Moody.

Chas. E. Mooney being duly sworn
doth say: That Mary J. Moody late of said County is
dead, having first made and published his last
will and testament, and that he the said Chas. E.
Moody is the executor named therein. Further that the
property of the said Mary J. Moody consisting of
Real estate and choses in actions is worth
about \$1500.00 so far as ascertained at the date of
this application; and that Chas. E. Moody in the first place
and E. E. Moody, J. S. Moody, Susan E. Moody, and Janet
E. Moody upon a certain contingency, are the parties
entitled under said will to the said property.
Chas. E. Moody

Sworn to and subscribed before me
this 17th day of Sept 1889.
W. J. Reynolds S. C. C.

Oath administered and letters issued this 17th day of
Sept 1889.
W. J. Reynolds S. C. C.