

And says and each for himself de-
poseth and saith, that he is a sub-
scribing witness to the paper writing
now shown him, purporting to be
the last will and testament of Nancy
Stroup; that the said Nancy Stroup,
in the presence of this deponent, sub-
scribed her name at the end of said
paper writing, which is now shown
as aforesaid, and which bears the date
of the 3^d day of Feb, 1885.

And the Deponent further saith
that the said Nancy Stroup, the testator
aforesaid, did, at the time of subscrib-
ing her name as aforesaid, declare
the said paper writing so subscribed
by her and exhibited, to be her Last
Will and Testament, and the deponent
did thereupon subscribe their names
at the end of said Will as attesting wit-
nesses thereto, and at the request and in
the presence of said testator. And this
deponent further saith, that at the
said time when the said testator sub-
scribed her name to the said last
Will as aforesaid, the said Nancy Stroup
was of sound mind and memory, of full
age to execute a will, and was not
under any restraint, to the knowledge,
information and belief of the deponent.

And further these deponents say not.

Geo. H. Bell, (Sul)
Thos. H. Haddon, (Sul)

Severally sworn and subscribed this 10th
day of Feb, 1885, before me

C. H. Herndon,
Probate Judge

Last
Will
and
Testament
of
M. Roberts

In the name of God Amen!
Being sound in mind, but unwell and
feeble in body, and knowing the uncer-
tainty of life, I make this my last Will
and Testament

1st I Will and Bequeath that my lawful
debts and obligations be paid first care-
fully, avoiding the payment of any unlaw-
ful claims that may be presented. As
Guardian I owe Lecky Fox (Roberts) a
balance of Pension money, but she loaned
me all her money that she drew through
me, without interest, as you will find
amongst my papers. Perhaps I owe Sophia
Ledford a few Dollars of what she of what
she drew on a final Court, and I owe none
of H^m R. Roberts' heirs anything besides,
the interest they claim in Court should
not be paid. However, Judge J. L. Henry
is my council in the matter, and you will
retain him as such and abide his counsils.

2^d. I will and bequeath that all my
personal property, not needed as here-
after provided, be sold at private sale
to best advantage, and the proceeds, together
with a part of the money on hand and the
debts owing to me as will be found by
my papers and books, be applied to the
payment of the lawful debts and obligations standing
against me. If collections are success-
fully made, there will be a surplus
which will be put to interest.

3rd. I will and bequeath to my dear wife
all the balance of my personal effects and
landed and real Estate during her widow-
hood, together with One Hundred Dollars
in cash now on hand, with the following
provisions viz: 1st Provided a sufficient
amount of money cannot be raised to
meet the obligations against me as above,
then enough of my other land may be sold
to make up the deficiency, at private sale.
2^d Provided at the close of each

year, as soon as the yield of meatend
grains, the lands are known, the Exe-
utors (except my wife), or other disin-
terested ^{persons} shall lay out of said pro-
ducts an ample supply of provisions for
my dear wife ^{and} family for the next en-
suing year, and the surplus sold ^{and}
put to interest. This to take effect
immediately. "Ample supply of provis-
ions" as above, means all necessary
and ordinary supplies for all the
necessary needs and expenses of my
family and for wear and tear ^{and}
loss by accidents, shall be made up
every subsequent year.

4th I will and bequeath, that, at the
termination of my dear wife's widowhood,
all the personal property and real estate
and its increase ^{and} proceeds be turned
to the sole use of my three children
Joetta Belle Roberts, Wayne Roberts, and
Judson Roberts and their heirs forever
to keep, have, and use as their own, but
if they or any one of them should be
not of age to receive, then the effects
to be placed in the hands of a compe-
tent Guardian. If my wife should re-
main a widow and be living when my
youngest child arrives at 21 years,
then she will have an equal or chief
part with my other heirs ^{and} all my effects
then remaining, but no heir shall
have its part permanently allotted to it,
until the youngest one becomes of the
age of 21 years - then ^{and} there shall be
an equal divide amongst all by valua-
tion as above indicated. Yet each heir,
as it arrives at the age of 21 years, shall
have for his or her exclusive free use,
until the youngest one arrives at
21 years, a part of all of said estate laid
out and located by the Executors, ^{not to exceed}
his or her equal part at that time, but

shall render it back at the general dividing
of the whole Estate, to be divided with all the
balance. Any part of item 3^d that may
come in conflict with this, is hereby rendered
null and void.

5th I will and bequeath that if any
Pension money accrue from the appli-
cational have made, that one fourth of said
money go to the use of my wife, if drawn
during her widowhood; the other $\frac{3}{4}$ th, with
all other surplus moneys, be put to inter-
est on mortgages or other safe securities,
and kept until the heirs become of age, and
equally divided amongst them.

6th I will that R. V. Blackstock be not
allowed to have anything to do with my
property in any way direct or indirect.

7th And I hereby authorize and appoint
and duly empower my dear wife, J. F. Fox,
and W. S. Roberts my lawful, and ^{past per}
Executors of this my last Will and Testament,
and do enjoin upon them, by the sanction of
of this Instrument, ^{to} accept, and qual-
ify as such, and carry out, the true intents
of this Will faithfully.

In testimony whereof, I have her-
unto set my hand and seal.

This November 1st, 1882.

(Interlined before assigned).

In presence of
E. F. Roberts,
Jos. Brank

Marion Roberts ^(seal)

State of North Carolina } Before E. M. Henderson,
Buncombe County } Private Judge
In the matter of the last Will and Testa-
ment of Marion Roberts.

Martha A. C. Roberts, J. F. Fox and W. S.
Roberts being duly sworn, depose and
say:-

Marion Roberts, late of the County and
State aforesaid, did on the ^{1st} day of

Feb. 1883, deposit this life, leaving a
last Will and Testament with the
affiants as Executors & Executors.
II That the value of the Testator's Property,
as near as can be ascertained at this
date, is about \$793.00 for Personal, and
the Real, \$2500.00.

III That the names of the Legates are as
follows:

Martha A.E. Roberts, his
wife, Jettie Belle Roberts, Wayne
Roberts and Jackson Roberts, all reside
in Buncombe County, and the children
all under age.

M. S. Roberts,
J. J. Fox.

Known and subscribed before me, this
11th day of Feb., 1883.

E. W. Herndon,
Judge of Probate.

State of North Carolina In the Probate Court
Buncombe County Feb. 16, A.D. 1883.

A paper writing purporting to be the
last Will and Testament of Marion Roberts
deceased, is exhibited for probate by
Martha A.E. Roberts, J. J. Fox, and M.S.
Roberts, the Executors therein named,
and the due execution thereof by the said
Marion Roberts is proved by the oath and
examination of E. F. Roberts & Joe Brunk,
who depose and say that every part of the
said Will is in the hand-writing of the
said Marion Roberts, as per affidavit here-
unto attached.

It is therefore considered by the Court
and is hereby certified that the said
paper writing and every part thereof is the
last Will and Testament of the said
Marion Roberts, and the same is ordered to
be recorded and filed together with the
certificate

And thereupon the said Martha A.E. Roberts,
J. J. Fox, and M. S. Roberts, executors as aforesaid,
duly qualified as such by taking the oath
required by law.

E. W. Herndon,
Judge of Probate

State of North Carolina