

And it appearing to the Satisfaction of the Court, that S. W. Webb is dead leaving a Last Will and Testament in which Martha S. Webb, was duly appointed Executrix. The said will was executed on the 9th day of September A.D. 1879, at Somersworth, Stafford County, New Hampshire; and that Henry W. Moore, Christopher W. Wells, and William Burleigh are the subscribing witnesses thereto, all of which appears to the Satisfaction of the Court from the depositions of Henry W. Moore and Christopher W. Wells, two of the subscribing witnesses to the said last will and Testament which depositions were duly taken by William D. Penapp, a Commissioner duly appointed for that purpose by J. L. Cuthy, Clerk of the Superior Court of Buncombe County, and from other proofs and evidence.

It is therefore Considered, Ordered and adjudged by the Court, that said Paper writing described as above, is the last will and Testament of S. W. Webb. Decreed and the same is admitted to probate and Ordered to be recorded in the Office of the Clerk of the Superior Court of Buncombe County, in the Records of Wills. It is further Ordered, that Mrs Martha S. Webb, be permitted to qualify as Executrix of said Last Will and Testament and that Letters, Testamentary issue to her as such Executrix.

Judgment rendered January 8th 1896.

J. L. Cuthy Clerk
Superior Court, Buncombe
County.

Last Will and Testament of

E. F. Kimes.

I, E. F. Kimes, of the County of Buncombe and State of North Carolina, do hereby make and Publish this as and for my last will and Testament, hereby revoking any and all others made by me at any time heretofore made.

- 1st I direct that my Executor hereafter named shall pay all my just debts as soon as possible after my death.
- 2nd I devise and bequeath to my wife, S. W. Kimes, all my property both real and personal, and wherever situated to be held by her and her heirs forever.
- 3rd, I hereby appoint my said wife, S. W. Kimes, the sole, Executrix of this my last will and Testament.

In Testimony whereof I have hereunto set my hand and seal, this the 14th day of December A.D. 1895.

E. F. Kimes

(Seal)

Signed and declared by the said E. F. Kimes, as and for his last will and Testament, in the presence of us (both living present at the same time) who at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses.

B. Burnett, }
Luff Morick, }

North Carolina
Buncombe County } In the Superior Court Before the Clerk.

In Re.

Will of E. F. Kimes.

A Paper writing purporting to be the last will and Testament of E. F. Kimes, deceased, is exhibited before me, the undersigned Clerk of the Superior Court in and for said County, and State, by Mrs. S. W. Kimes, the Executrix therein mentioned, and the due execution thereof by the said E. F. Kimes, is proved by the oath and examination of B. Burnett and Luff Morick, the subscribing witnesses thereto, who being duly sworn, before and say, and each for himself, before me and said, that he is a subscribing witness to the paper writing now shown him purporting to be the last will and Testament of E. F. Kimes.

that the said E. F. Hines, in the presence of three persons, subscribed his name at the end of said paper writing, now shown as aforesaid, and which bears date the 14th day of December, 1895.

and the said defendants further say, and each for himself further saith, that the said E. F. Hines, the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing, as subscribed by him and exhibited, to be his last will and testament, and each of them did thereupon subscribe his name respectively at the end of said Will as over-riding witnesses thereto, and at the request and in the presence of the said testator.

and these defendants still further say, and each for himself still further saith, that at the said time when the said testator subscribed his name to said last Will and Testament as aforesaid, and at the time these defendants respectively subscribed their names as attesting witnesses thereto as aforesaid the said E. F. Hines 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 these defendants or either of them.

and further these defendants say, and each for himself saith, that they subscribed their names respectively to said last Will and Testament as attesting witnesses thereto, in the presence of said testator as aforesaid, and in the presence of each other.

and further these defendants say not,

B. Burnett Seal
Deft Merrick Seal
Solemnly sworn and subscribed before me,
this the 11th day of January 1896.

J. L. Carthy
Clerk Superior Court Buncombe County

North Carolina } In the Superior Court Before
Buncombe County } the Clerk.

In the
last Will and Testament of E. F. Hines.

upon the production before the undersigned Clerk of the Superior Court, in and for the County and State aforesaid, of a paper writing dated December 14th, 1895, purporting to be

the last will and testament of E. F. Hines, deceased, together with the foregoing and annexed affidavits of B. Burnett and Deft Merrick, the subscribing witnesses to said last Will and Testament, with upon the filing with me in my Office of said paper writing together with said affidavits.

It is considered and adjudged by the Court, that the said paper writing and every part thereof is the last Will and Testament of E. F. Hines deceased, and the same, with the foregoing and annexed affidavits and examination of the said witnesses, together with this certificate, are hereby ordered to be recorded and filed.

this 11 day of January 1896.

J. L. Carthy
Clerk Superior Court Buncombe County.

North Carolina } In the Superior Court
Buncombe County } Before the Clerk.

In the matter of
the Will of E. F. Hines, deceased.

S. W. Hines being first duly sworn says, that E. F. Hines, late of said County, is dead, having first made and published his last Will and Testament and that she the affiant, is the executrix therein named.

Further that the property of the said E. F. Hines consists of certain farms and parcels of real estate, situate, lying and being in the City of Asheville and County of Buncombe, and also a certain piece of real estate, situate, lying and being in the County of Rutherford. The total value of all of which real estate is about eight thousand (\$8,000) dollars, so far as can be ascertained at the date of this application; that besides the real property the said testator left considerable personal property, consisting of notes, bills receivable and other evidence of indebtedness, but the amount and value of this personal property it is impossible to ascertain at this time.

Further that your affiant is the sole legatee under said Will. S. W. Hines.

Sworn to and subscribed before me this 11th
day of January A.D. 1896. J. L. Carthy
Clerk Superior Court DuSable County.

State of North Carolina }
DuSable County } SS. In the Superior Court.

I, S. W. Hines, do swear (or affirm) that I
believe this writing to be and contain the last
Will and Testament of E. F. Hines deceased; and
that I will well and truly execute the same by
first paying his debts and then the legacies, as
far as the said estate shall extend, or the law will
charge me, and that I will well and faithfully ex-
ecute the office of an executor agreeable to the trust
and confidence reposed in me, and according to law;
so help me God.

Sworn and subscribed before me,
this 11th day of January 1896

J. L. Carthy
Clerk Superior Court

S. W. Hines.

I, Alice J. Reynolds, being of sound
mind and memory, but in feeble health,
do make and publish this my last Will
and Testament, hereby revoking all other
wills by me at any time heretofore
made.

Whereas I am well aware that by
reason of the incumbrances resting
upon my property it will require
skillful and untrammelled management
to prevent all of my property being
sacrificed for the payment of my debts
and, whereas I believe a man of good
business habits and judgment with full
power to control and dispose of my
property as if it were his own can
prevent a forced sale and sacrifice of
any part of said property, and by a dispo-
sition of it at the proper time or times
can convert the same into money, pay
off my debts and leave something for
my children.

Now therefore I give devise and bequeath
all my estate wherever situate to my
executor hereinafter named, his heirs
and assigns forever, to be held and disposed
of by him in trust for the payment and
discharge of the liens and incumbrances
now resting on my property and the
other debts that I may have unpaid,
and for the use and benefit of my
children, and to the end that he may
be able to carry out the objects of
his trust I hereby authorize and
empower him to sell mortgage
lease exchange or in any other
manner to dispose of as fully as if
he were the absolute owner thereof,
public or privately, all and every part
of my estate real or personal and
any and all property that may come
into his hands by such disposition of
my estate or which may from any
other source come into his hands.