

In the event of my death without other and further distribution of the remainder of my estate it is my wish and desire that this paper writing be taken as in effect and purpose my last will and testament and the basis of the final distribution of my effects and to that end I hereby appoint my Son Thos. D. Johnston my Executor who is hereby fully charged with the duty authority of carrying out the purposes and intent expressed in it viz: A distribution of equal portion of my remaining property to each of my Children or their legal heirs with same conditions annexed as expressed in my Deed of Gift now about to be made and taking herewith and the receipts thereof of like tenor and manner as those bearing even date with these presents. And in regard to property not easily parcelled out and assessed in equal portions whether the same be lands or stocks real or personal property it is my direction that the same be sold at public Auction to the highest bidder for Cash or on time duly advertising the time place terms &c. And after deducting the necessary Expenses and his reasonable Commission divide the proceeds equally among my Children or their legal heirs as herein directed. But at said sale the said Thos. D. Johnston is not to be debarred from becoming a purchaser on account of his Executorship, but is to be on equal footing in regard thereto with the rest of my Children. My purpose being not only to secure equality in distribution of my effects among my Children according to the terms and limitations and conditions expressed in my said Deed of Gift but also to provide them in with safe guards against the contingency of litigation. It being an express condition of this and each instrument that the recipient in receiving the same recognizes the Validity and Effect of this paper writing as my last will and testament and thereby expressly pledges their acquiescence and assent to the provisions and conditions thereof both now and ever hereafter. In testimony whereof I have hereunto set my hand and seal this 18th of September A.D. 1885

Wm. Johnston ^{my} ~~Dr.~~

On last page the words "and take" interlined before signing

A Condensed Statement of different funds held by me for the use and benefit of myself and Children and which I now propose as advancements to them and support to myself by retaining a Child's part and dividing by 7 instead of 6

York & Chester Bds. 250 of \$100 each.	Surplus	Former Advancement.
$\$2500 \div 7 = \350	\$500	R. B. J. \$17000 + 33900 = 50, 900
Christiana Sem. $\$50000 \div 7 = 7000$	\$1000	T. D. J. \$17000 + 33900 = 50, 900
N.Y. R.R. Bonds		

Laurens Cty Bds. 21000 $\div 7 = 3000$	\$3000	
S.C. Deficiency Bds 29000		
M.C. Monticello Bds 29000		
$\$50000 \div 7 = 8000$	\$8000	

Mr. R. J. ^{not yet paid} $17000 + 33900 = 50, 900$

Martha $17000 + 33900 = 50, 900$

Being desirous of making a distribution of certain funds among my children and myself which I think may be done with mutual benefit to them and myself without detriment to either; To myself in relieving me from the actual care of their management and to them by furnishing them with the means and material aid to enable them to raise their families free from want and fit them by suitable education for the duties of life from the interest arising therefrom but the principal to be held by them as a sacred fund and only to be reduced or infringed upon as and when necessity may require. This mode I consider from a long lifetime experience to be the safest and best endowment I can make for the benefit of a rising generation springing into life with natural habits and principles and giving to each an opportunity to exercise the talents nature may have endowed them with. And while I do not impose it as a positive condition of this gift, still I shall expect each and every one of the recipients to hold the fund as sacred in something like the present form or shape using and disposing of the interest as it may arise and adding to the principal whatever surplus if any remain after a competent and comfortable living and in case any change be thought of or determined on as advisable and proper to let it be done with caution and deliberation having for its object always a desire for better security rather than doubtful or uncertain gain. It will be seen that in disposing of the different items of the fund I have as nearly as could be done with ease reserved to myself a child's part dividing by 7 instead of 6. The Columbia Bridge Stock being owned by myself and J. M. Campbell who has the immediate management of it and not being easily divisible without trouble and intention of renewing stock certificates I have omitted but in lieu thereof have divided the Columbia City Bonds by 6 instead of 7 which I consider and believe to be a full and fair equivalent for the omission. The surplus left of the different items amounting to \$560 together with my Asheville Bank Stock \$5250, I have retained and set apart to help meet costs taxes repairs &c that will fall due and have to be paid on the residue of my property of houses lands &c so that I need not be found wanting in case any unusual or unexpected call should be made against any of my estate and that the \$10000 due each to Martha Adkins and Annie Daniel and \$1100 to Ella Brodins for balance of her \$10000 not yet paid when these are paid off or otherwise accounted for will leave my estate free to equal distribution on final settlement. All these gifts being designed as mere advancements pointing to an equal division without interest or unpaid balance. This

I am going disposition I am convinced my dear children was substantially the
form which and cannot desire of your dear Mother and with the help of God
shall be mine. The spirit of your dear Mother and myself has been
the great blessing and comfort of our children and that they should
receive the spiritual benefit of our mutual endearments for their welfare
And to that end the gifts and advancements herein made to my said
children and all my property both real and personal which shall come to
or be received by them upon any future or further distribution of my estate
whether by will or after my death except such legacies bequests and devices
as I may make by a last will and testament under different limitations
and conditions and shall be made and received by them upon the
express provisions and conditions that the same shall be held by my said
children and each of them on their own names respectively as their sole se-
curities and individual property and that all uses charges and investments
of the principal of the same shall be made in their own names respectively
And upon the further provision and condition that in the event any of my
said children shall die without issue who shall arrive at the age of twenty
one years; and without having had issue who shall have lived to arrive
at the age of twenty one years; the principal or present fixed cash value
of the said gifts and advancements to such children respectively shall
not to be, and become the property of my said other children then surviving
and the kind heirs from one of or any of my children then dead to be taken
and held for their and not for their kindred and on the same terms conditions
limitations and provisions as herein specified for the gifts and advancements
made to my said children unless the same shall be called by the respective
to certain individuals of my kindred descendants and the same shall not be
received by the surviving husbands or wives of such of my children as
shall die without issue or having had issue which shall have or may thereafter
arrive at the age of twenty one years as administrator executor or adminis-
tratrix or executrix or as their devisee legatee or distributee of their said
deceased wives or husbands. provided that in every such case only the
present fixed cash value without interest or profits of the gifts and advancements
herein made to my said children or which shall hereafter come to or be
received by them upon any further distribution of my estate except by
will as hereinbefore mentioned shall be accounted for to the surviving
brothers and sisters or the kindred heirs of such of my children as may
then be dead and provided further that in no case shall my sons-in-law
or daughters-in-law or their legal representatives or the legal representatives
of either of them be held responsible for the interest or profits which
may come into their hands or into the hands of any of them from
said gifts and advancements nor for unavoidable losses or deprecia-
tion of the same nor for loss occurring or arising from investments
bonafide made in the names of my said children respectively as here-
in provided and by and with their respective consent nor for any

be respectively used or expended by my said children or with their consent for their maintenance according to the Society in which they may live provided always the interest and profit on said principal and all the gifts and advancements I have heretofore made to my said children respectively shall be first consumed and exhausted before the said principal shall be resorted to or used And in case any or either of my said children shall have any issue which shall arrive at the age of twenty one years whether in the life time or after the death or deaths of such of my said children then the gifts and advancements herein made to such of my said children respectively or which may come to them or any future distribution of my estate shall vest in such of my said children respectively or in their respective lineal heirs for ever absolutely and released and discharged from all the terms limitations and provisions herein imposed. The terms conditions limitations and provisions of this last of gift shall not apply to any gift or advancement which I have heretofore made to my children. Nor shall they apply to the gift and advancements of \$1000 each which are to be made to my daughter Martha Adelaide and Annie Laurie to make them equally advanced with my other children, nor to \$1400 to Ella Rosaline to make her gift of \$1000 complete. The cash value of present gift or distribution is fixed at \$15,000 and the former advancement at \$1000 each. Except to Mattie A and Annie Laurie and balance of \$1400 to Ella Rosaline not yet paid. In the event of the death of any of my said children leaving issue not twenty one years old the surviving father or mother of said issue can become the guardian of said issue and take charge of the lands which may go to the said issue as herein directed provided said guardian shall file sufficient bond and in all respects account for and be responsible for said funds as required by law and in case said issue shall die before reaching the age of twenty one the said guardian shall be bound in his or her bond to return said funds to my other children as herein provided for. Witness my hand and seal September 18th AD 1885

Wm Johnston

N.B. The words under different limitations and conditions initials on page 3rd line 23 before signing.

Buncombe County - In the Superior Court
In the matter of the will of J. B. Reynolds W. J. Reynolds
William Johnston dec'd Subscribing Clerk
Thomas D. Johnston being duly sworn doth say:
That William Johnston late of said County is dead having first made and published his last will and testament; And that said Thomas D. Johnston is the Executor named therein. Further that the property of the said William Johnston consisting of lands not being sold and not at all

is worth about \$ So far as can be ascertained at the date of this application; and that Robert B. Johnston, Mattie C. Johnston, Maria M. Cockles, Annie S. Weaver and Thomas D. Johnston all of Asheville etc. are the surviving children of said William Johnston and are the parties entitled under said will to the said property.
Sworn to and subscribed before me this 8th day of November 1890
W. J. Reynolds S.C.C. } Thomas D. Johnston

North Carolina
Buncombe County

In the Superior Court

In the matter of the probate of the will of William Johnston deceased

A paper writing without subscribing witnesses purporting to be the last will and testament of William Johnston deceased late of the said County of Buncombe is exhibited for probate in open Court by Thomas D. Johnston the Executor therein named, and it is thereupon proved by the oath and examination of said Thomas D. Johnston and Mattie C. Johnston that the said will was found among the valuable papers and effects of the said William Johnston after his death in the care and custody of the said Mattie C. Johnston in whose hands the same was lodged together with said other valuable papers by said William Johnston for safe keeping. And it is further proved by the oath and examination of those competent and credible witnesses to wit:

Gorge A. Shuford, Albert J. Summy, John W. Campbell all of the County of Buncombe, State of North Carolina that they are acquainted with the handwriting of the said William Johnston having often seen him write and truly believe that the name of the said William Johnston subscribed to the said will and the said will itself and every part thereof are in the handwriting of the said William Johnston. And it is further proved by the evidence of the three last mentioned witnesses that the said handwriting is generally known to the acquaintances of said William Johnston. It is thereupon considered and adjudged by the Court that the said paper writing is the last will and testament of the said William Johnston and the same is ordered to be recorded and filed; And the said said Thomas D. Johnston Executor as aforesaid duly qualified as such by taking the oath required by law.

W. J. Reynolds
Clerk Superior Court

North Carolina
Buncombe County

In the Superior Court
In the matter of the probate of the will of William Johnston deceased.
Mattie C. Johnston being duly sworn deposes and says that

The paper writing purporting to be the last will and Testament of William Johnston dec'd which is this day exhibited before the Clerk of Superior Court of Buncombe County for probate by Thomas A Johnston the Executor therein mentioned was lodged in her hands together with other valuable papers by the said William Johnston during his lifetime for safe keeping and that the same was kept by her till after the death of said William Johnston and was then delivered by her to said Thomas A Johnston the Executor therein named

Mattie A Johnston

Sworn to and subscribed before me this the 8th day of November 1890

W. J. Reynolds,
Clerk Superior Court

North Carolina }
Buncombe County } Superior Court

In the matter of the probate of the will of William Johnston deceased

Thomas A Johnston being duly sworn says that the paper writing purporting to be the last will and Testament of William Johnston deceased and this day exhibited by him before the Clerk of the Superior Court of Buncombe County for probate was found by him among valuable papers and effects of said William Johnston and in the custody of Mattie A Johnston by whom the same was delivered to him

Thos. A. Johnston

Sworn to and subscribed before me this 8th day of November 1890

W. J. Reynolds,
Clerk Superior Court

North Carolina }
Buncombe County } In the Superior Court

In the matter of the probate of the will of William Johnston deceased

George A. Shuford, Albert J. Summey and John M. Campbell of the County of Buncombe State of North Carolina being duly sworn say that they are acquainted with the handwriting of William Johnston deceased late of the said County of Buncombe having often seen him write and verily believe that the name of the said William Johnston subscribed to the paper writing purporting to be his

last will and Testament which is this day exhibited in open Court for probate by Thomas A. Johnston the Executor therein named and the said Will itself and every part thereof is in the handwriting of said William Johnston and that the said handwriting is generally known to the acquaintance of said William Johnston deceased-

Geo. A. Shuford
A. J. Summey
John M. Campbell

Sworn to and subscribed before me this 8th November 1890
W. J. Reynolds
Clerk Superior Court

State of North Carolina }
Buncombe County }

In the matter of the probate }
of the last will and } Application
Testament of George }
Newton Alexander deceased }

To W. J. Reynolds Clerk of the Superior Court of Buncombe County North Carolina:

This application of the undersigned the surviving Executor named in the Last Will and Testament of George Newton Alexander deceased respectfully shows:

That: That on the 14th day of May A.D. 1890 George Newton Alexander late a citizen and resident of the County of Buncombe and State of North Carolina died leaving a last Will and Testament bearing date the 26th day of February A.D. 1893 in which said Last Will and Testament William M. Porter and the undersigned your applicant are appointed and named as Executors: And that since the date of said Last Will and Testament the said William M. Porter has died.

Second: That your applicant the undersigned is the only surviving Executor so mentioned in said Last Will and Testament of the said George Newton Alexander deceased.

Third: That the said George Newton Alexander Estate consists mostly of Real Estate with some personal property and is valued all together at about the sum of Seventy hundred (\$700) Dollars

Fourth: That the names of the parties that are entitled to the property of the said George Newton Alexander deceased are as follows, to wit: Mary Jane Alexander, Martha Ann Trout, The Foreign Mission Board of the Southern Baptist Convention Richmond Va, and Wake Forest College Raleigh N.C. and that Mary Jane Alexander and Martha Ann