North Carolina, Cherokee County, In the Superior Court.
In the matter of the last Will and Testament of Adelaide Mingus and Victoria Mingus:

A paper writing, purporting to be the last Will and Testament of Adelaide Mingus and Victoria Mingus, both deceased, is exhibited before me, the undersigned Clerk of the Superior Court for Cherokee County, by Willie Mingus, the Executrix therein named, and which bears date of April 29, 1909, and purports to be witnessed by J.R. McClelland and Allie McLelland, as subscribing witnesses thereto; And the said J.R. McLelland, being by me duly sworn, deposes and says that he is a subscribing witness to said paper writing, now shown him, purporting to be the last Will and Testament of Adelaide Mingus and Victoria Mingus; that the said Adelaide Mingus and Victoria Mingus both declared said paper writing to be their joint Will and said Victoria Mingus subscribed her name at the end of said paper writing and the said Adelaide Mingus made her mark to her name thereto, requesting this affiant to write her name, which affiant did, in the presence of this deponent and the other witness, Allie McLelland, and that deponent and said Allie McLelland signed said Will in the presence of said Adelaide Mingus and Victoria Mingus, and in the presence of each other;

And said J.R. McLelland further deposes and says that the said Adelaide Mingus and Victoria Mingus, did at the time of subscribing their names as aforesaid, declare said paper writing so subscribed by them and each of them, and now exhibited, to be their last Will and Testament, and this deponent and the said Allie McLelland thereupon subscribed their respective names at the end of said Will, as attesting witnesses thereto, at the request and in the presence of said Adelaide Mingus and Victoria Mingus, and in the presence of each other. And deponent further says that at the time when said Adelaide Mingus and

Victoria Mingus subscribed their names to said last Will, as aforesaid, they were, both of them, of sound mind and memory, of full age to execute a Will and were not under any restraint, to the knowledge, information and belief of this deponent.

And said J.R. McLelland further says that the said Allie McLelland is dead, and that he knows the handwriting of said Allie McLelland and that he has often seen her write, and that the signature of the said Allie McLelland, subscribed as witness to said last Will, now exhibited, is in the handwriting of the said Allie McLelland, and is her proper signature, and that affiant saw her sign the same; that affiant knows the handwriting of the said Victoria Mingus to said Will is in the handwriting of the said Victoria Mingus, and is her proper signature, and that affiant saw her sign said Will as aforesaid.

J.R. McLelland

Subscribed and sworn to before me this October 20 1926.
L.C. Keener, Deputy
Clerk Superior Court

P.C. Hyatt, being duly sworn says that he resides in Murphy, Cherokee County, N.C. and that he was well acquainted with Allie McLelland, whose name appears to Last Will and Testament of Adelaide Mingus and Victoria Mingus, now exhibited, as one of the witnesses; that he has often seen the said Allie McLelland write and that the signature of the said Allie McLelland to said Will is in the proper handwriting of the said Allie McLelland and is her genuine signature;

That affiant knew Victoria Mingus well and for a long time, and knows her handwriting, and that the signature of the said Victoria Mingus, to said Will, as one of the makers thereof, is in the proper handwriting of said Victoria Mingus

and is her proper signature.

P. B. Hyatt.

Subscribed and sworn to before me this October 20 1926.
J. E. Keener, Deputy
Clerk Superior Court.

Nannie Sword, being duly sworn says that she resides in the town of Murphy, Cherokee County, N. C., that she knew Ollie McLelland well; that she knows the handwriting of the said Ollie McLelland, and that the signature of the said Ollie McLelland as a witness to the foregoing and attached Will, is in the proper handwriting of the said Ollie McLelland, and is her proper signature.

That affiant knew Victoria Mingus for many years, and knows her handwriting, and that the signature of said Victoria Mingus to said Will, as one of the makers thereof, is in the handwriting of said Victoria Mingus, and is her genuine signature.

Nannie Sword.

Subscribed and sworn to before me this October 20 1926.
E. E. Keener, Deputy
Clerk Superior Court.

North Carolina, Cherokee County. In the Superior Court.

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last Will and Testament of Adelaide Mingus and Victoria Mingus, both deceased. Let said Will, together with the probate, be recorded and filed.

This October 20 1926.

E. E. Davis
Clerk Superior Court.
Cherokee County, North Carolina.

North Carolina, Cherokee County.

In the name of God, Amen.

We, Adelaide Mingus and Victoria Mingus, of the State and County above named, being of full age to make and publish a Will, and being of sound ~~mind~~ and disposing minds, memory and understanding, do make, publish and declare this our last Will and Testament, to-wit:

(1). We devise and bequeath to our beloved neices, Willie Mingus and Binnie Mingus all our property of whatsoever kind and wheresoever situate.

(2). We hereby nominate, constitute and appoint our said niece, Willie Mingus, the Executrix of this our last Will and Testament, and direct that she be permitted to qualify and serve without any bond being required of her in any matter affecting or touching our estate.

Witness our hands and seals this 29th day of April 1909.

Adelaide her + mark Mingus (Seal)

Victoria Mingus (Seal)

Signed, sealed, published and declared by Adelaide Mingus and Victoria Mingus to be their last Will and Testament in the presence of us, who at their request and in their presence and in the presence of each other do subscribe our names hereto as witnesses,
This the 29th day of April 1909.
J. R. McLelland
Ollie McLelland

Recorded and filed
October 21st 1926.

State of North Carolina } ss. In the Superior Court.
Cherokee County.

A paper writing purporting to be the last Will and Testament of Victoria A. Mingus, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Willie Mingus the executrix therein mentioned, and the due execution thereof by the said Victoria A. Mingus is proved by the oath and examination of P. C. Hyatt and M. W. Bell, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself deposeth and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Victoria A. Mingus; that the said Victoria A. Mingus, in the presence of this deponent, subscribed her name at the end of said paper writing which is now shown as aforesaid, and which bears date on the 7th day of March, 1926.

And This Deponent Further Saith. That the said Victoria A. Mingus the testatrix aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her and exhibited to be her last Will and Testament, and this deponent 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 this deponent further saith that at the same time when the said testatrix subscribed her name to the said last Will as aforesaid, and at the time of the deponents subscribing his name as attesting witness thereto, as aforesaid, the said Victoria A. Mingus 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.

Severally sworn and subscribed
This 20 day of October, 1926.
before me:
J. C. Reno
Deputy Clerk Superior Court.

M. W. Bell
P. C. Hyatt

North Carolina } ss. In the Superior Court.
Cherokee County }

It is therefore considered and adjudged by the court that the said paper writing and every part thereof is the last Will and Testament of Victoria A. Mingus, deceased. Let said Will, together with the probate, be recorded and filed.
This 20 day of October, 1926.

E. E. Davis
Clerk Superior Court.

North Carolina. Cherokee County.

In the name of God, Amen.

I, Victoria A. Mingus, of Cherokee County, North Carolina, being of sound and disposing mind, memory and understanding, but realizing the uncertainty of life, do make, publish and declare this my Last Will and Testament,

(1). I hereby devise and bequeath to my beloved nieces, Willie Mingus and Bonnie Mingus, share and share alike, all of my property of every kind wheresoever situate, to be theirs in fee simple.

(2). I hereby nominate, constitute and appoint my said niece, Willie Mingus, the Executrix of this, My Last Will and Testament, and direct that she be permitted to qualify and serve without any bond being required of her in respect of my estate; hereby revoking and declaring null and void any and all wills by me heretofore made.

In Witness whereof I have hereunto set my hand and affixed my seal this the 7th day of March 1914.

Victoria A. Mingus (Seal).

Signed, sealed, published and declared by Victoria A. Mingus to be her Last Will and Testament in the presence of us, who at her request and in her presence, and in the presence of eachother do hereunto subscribe our names as witnesses, this March 7th 1914.

P. G. Hyatt
M. A. Bell.

Recorded and filed
October 21, 1926.

North Carolina
Cherokee County.

In Superior Court
Before the Clerk.

In the Matter of the Last Will
of J. M. Hamby, Deceased.

A paper writing purporting to be the Last Will and Testament of J. M. Hamby deceased, is offerd for probate before the undersigned Clerk of Superior Court of Cherokee County by the Egatees and devisees set out in said paper writing, and thereupon S. J. Baines and R. W. Shearer, two of the witnesses to said paper writing, and examined under oath before the undersigned Clerk and the substance of their testimony reduced to writing and subscribed by each and sworn to by the said witnesses.

The Court being of the opinion upon the testimony of the said witnesses that the said paper writing is not sufficiently proven to be the Last Will and Testament of J. M. Hamby to be admitted to probate as his written will, denies the application to probate the same as such but leaves open the question of probating the said paper writing as the nuncupative will of the said J. M. Hamby and directs that a notice be published in the Cherokee Scout, a newspaper published in Cherokee County, once a week for six weeks calling the next of kin of said J. M. Hamby (there being no widow) to contest such will if they think proper.

It is further ordered that the said hearing to probate the said will shall be before the undersigned Clerk of the Superior Court at his office in the Courthouse in Murphy, North Carolina, on the 30th day of October, 1926, a copy of the said citation being hereto annexed and made a part of this order.

To the refusal of the Clerk to probate the paper writing as the written will of J. M. Hamby, the propounders except and appeal to the Superior Court.
This September 18, 1926.

E. G. Davis