

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

A paper writing purporting to be the last Will and Testament of Margaret S. Cogad, deceased, is exhibited before me, The undersigned, clerk of the Superior Court for said county, by D. Witherspoon the executor therein mentioned, and the due execution thereof by the said Margaret S. Cogad is proved by the oath and examination of H. W. Coabe and Geo. Deane, the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Margaret S. Cogad; that the said Margaret S. Cogad, 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 of the 20th day of July, 1926.

And this Deponent further saith, that the said Margaret S. Cogad 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 deponent's subscribing his name as attesting witness thereto, as aforesaid, the said Margaret S. Cogad 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.

Solemnly sworn and subscribed, this 28th
day of May, 1928, before me,
P. L. Hyatt
Clerk Superior Court.

H. W. Coabe
Geo. Deane

North Carolina }
Cherokee County. } ss. 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 Margaret S. Cogad, deceased.

Let said Will together with the probate, be recorded and filed.
This 28th day of May, 1928.

P. L. Hyatt
Clerk Superior Court.

North Carolina
Macon County

I, Margaret S. Cogad, resident of Cherokee County, State of North Carolina, being of sound mind and disposing memory, do make, publish and declare this my last will and testament, revoking any and all former wills heretofore made.

Item 1- It is my will and desire that, after my death, all of my just debts should be paid by my executors herein-after named as early as possible.

Item 4- I devise my home, situated in the town of Andrews, Cherokee County, North Carolina, to my husband, M. G. Cogad, during and for, the term of his natural life; but if he deems it advisable to sell this home and invest the proceeds thereof in some other home for his use during his natural life, it is my wish that he do so; and in the event he should decide to sell the same and invest the proceeds thereof in another home, he has full power and authority to make, acknowledge and deliver a deed therefor, without the consent or signatures of any of my other executors hereinafter named.

At his decease, the said home above devised, or the one purchased in lieu of said home, shall stand, and is hereby devised and shall go as my other property hereinafter mentioned, and be distributed at the time of his death.

Item 5- All the remainder of my real estate, wherever situated, it is my will and desire that

same shall be sold at its true value, as nearly as same can be ascertained by my executors hereinafter named, or any two of them; and I especially recommend that my executor M. E. Bogard, be consulted about the value thereof, and that he have the handling thereof and the power to negotiate any trade, or trades, concerning same, after due consultation with the other executors, in order that a fair and reasonable price may be had for said lands; and the proceeds arising from any sale or sales, of such lands whether made in bulk or parcels shall be held by my executors and as soon as practicable, invested by them in some trust company, until all of said lands have been sold; at which time said money, or moneys, arising from the proceeds of said sale shall be divided among my grandchildren, Margaret Bogard, Mark Bogard and Mildred Bogard, equally, share and share alike.

Item 6—It is my will and desire that in the event that M. E. Bogard should need the use of any of my estate, above bequeathed or devised, for his support and maintenance during his natural life, same shall be used by him for such purpose.

I hereby nominate and appoint my husband, M. E. Bogard, Don Witherspoon and W. J. Latham, executors of this my last will and testament. All erasures in this will were made by me in person prior to my signing of this will.

In witness whereof I, the said Margaret S. Bogard, do hereby set my hand and seal, this the 23rd day of July, 1926.

Margaret S. Bogard (Seal)

Signed, sealed, published and declared by the said Margaret S. Bogard, to be her last will and testament, in the presence of us, who at her request and in her presence do subscribe our names as witnesses thereto.

Attest:

A. W. Horne

H. W. Gabe

Geo. Dean

State of North Carolina.

Macon County.

} ss. In the Superior Court,

A paper writing purporting to be the last Will and Testament of Margaret S. Bogard, deceased, is exhibited before me, the undersigned, clerk of the Superior Court for said county by M. E. Bogard the executor therein mentioned and due execution thereof by the said M. E. Bogard by the oath and examination of A. W. Horne, H. W. Gabe and Geo. Dean the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will and Testament of Margaret Bogard; that the said Margaret Bogard, in the presence of this deponent, subscribed her name at the end of said paper writing now shown as aforesaid, and which bears date of the 23 day of July, 1926.

And this deponent further saith, that the said Margaret Bogard the testator aforesaid, did, at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by him and exhibited to be her last Will and Testament, and this deponent did thereupon subscribe her name at the end of said Will, as an attesting witness thereto, and at the request and in the presence of said testator. And this deponent further saith, that at the same time when the said testator subscribed her name to the said last Will as aforesaid, and at the time of the deponent's subscribing her name as an attesting witness thereto as aforesaid, the said Margaret Bogard 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 23 day of August, 1927, before me.

Frank C. Murray.

clerk Superior Court.

A. W. Horne

H. W. Gabe

Geo. Dean

North Carolina

Macon County.

} ss. 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 Margaret Logsd, deceased. Let said Will, together with the probate, be recorded and filed. This 23 day of August, 1927.

Frank C. Murray.
Clerk Superior Court.

North Carolina.
Macon County.

In Re: The estate of Margaret S. Logsd,
Motion to remove the will for probate from the Superior Court of Macon County to the Superior Court of Cherokee.

Margaret Logsd, granddaughter of Margaret S. Logsd, deceased, hereby consents that Burn and Patton may represent her in the matter of the removal of the will of Margaret Logsd from the Superior Court of Macon County to the Superior Court of Cherokee County for probate, and hereby constitutes them her attorneys to put in such answer as may be necessary, and also appoints her mother, Hallie Logsd, to act for and in her behalf if same should be necessary.

This the 27th day of March, 1928.

Margaret Logsd.

North Carolina,
Macon County.

In Re: In the Matter of
The Will of Margaret S. Logsd,
Deceased.

Motion to move the probate of said will from the Clerk of the Superior Court of Macon County to the Clerk of the Superior Court of Cherokee County and to revoke Letters of Administration Cum Testamento Annexo to J. S. Conley:

Whereas, Margaret S. Logsd died during the month of August, 1927, leaving a last will and Testament in which she appointed her husband M. E. Logsd, Don Witherspoon and W. J. Latham Executors; and whereas, said will was offered for probate before the Clerk of the Superior Court of Macon County; and whereas, same was admitted to probate before said Clerk; and whereas, W. J. Latham, Don Witherspoon and others have made motion to have the letters heretofore granted to J. S. Conley as Administrator Cum Testamento Annexo revoked on the ground that the Clerk of the Superior Court of Macon County has no jurisdiction to probate said will, for that Margaret S. Logsd was domiciled in Cherokee County at the date of her death.

Now, therefore, it is adjudged after the hearing of the petition and the answer thereto, by the Court that the Clerk of the Superior Court of Macon County does not have jurisdiction to probate said will, or to grant Letters of Administration, the said Margaret S. Logsd having been domiciled in Cherokee County at the time of her death.

It is therefore ordered by the Court that the Letters of Administration Cum Testamento Annexo issued to J. S. Conley be and the same are hereby revoked; and the said J. S. Conley and his bondsmen be and they are hereby released from any and all further liability or any liability that the said Conley or his bondsmen may have been subjected to during the time that he has been appointed Administrator of the Estate of Margaret S. Logsd with the will annexed, and that the probate of said will in Macon County be revoked and set aside.

It is further ordered that the original will, together with all the record, be forwarded by the Clerk of this Court to the Clerk of the Superior Court of Cherokee County to the end that said will may be probated and said estate administered on as the law directs.

It is further found as a fact that Mr. W. J. Latham in the presence of the Court renounces his right to qualify as Executor of the last will and Testament of Margaret S. Logsd, deceased, in the County of Cherokee or elsewhere.

This the 30th day of March, 1928.

Frank C. Murray
Clerk Superior Court of Macon County

North Carolina ---- Macon County ---- Before the clerk of the Superior Court,

In the Matter of the Will of
Margaret S. Bogard, Deceased.

To J. S. Conley, Administrator cum testamento annexo of Margaret S. Bogard, and to Mildred Bogard and Margaret Bogard, Distributees of the Estate of Margaret S. Bogard and devisees and Beneficiaries under the Will of Margaret S. Bogard:

Take notice that on the 20th day of March, 1928, at one o'clock P. M. at the office of the clerk of the Superior Court of Macon County, in Franklin, N. C., the undersigned will enter a special appearance before the said clerk of the Superior Court, and move to vacate and set aside the orders of the said clerk probating the will of Margaret S. Bogard in Macon County and appointing J. S. Conley, Administrator cum testamento annexo of the said estate, and to stay further proceedings thereon in Macon County, and to transmit the said will to Cherokee County and proceedings thereunder, upon the grounds set out in said motion, a copy of which is hereto annexed. This March 6th, 1928

W. T. Latham

Executor of Margaret S. Bogard.

D. Witherspoon

Executor of Margaret S. Bogard.

Eleanor Louise Bogard

A daughter of Margaret S. Bogard,
and a distributee of the said estate
and a creditor thereof.

North Carolina ---- Macon County ---- Before the clerk of the Superior Court,

In the Matter of the Last Will of
Margaret S. Bogard, deceased,

Motion

Now come W. T. Latham and D. Witherspoon, named as executors in the last will of Margaret S. Bogard,

and Eleanor Louise Bogard, a daughter of the said Margaret S. Bogard and distributee of said estate, appearing specially for the purpose of this motion, and respectfully represent to the court:

1.

That Margaret S. Bogard died, on or about the — day of August, 1927, and that at the date of her death, she was domiciled in said Cherokee County, and had resided in said County for many years, and that she was not a resident of or domiciled in Macon County.

2.

That the said Margaret S. Bogard left a will duly executed under the terms of which she made a disposition of her real estate, almost all of which is in Cherokee County, North Carolina, but that she made no disposition of her personal property, consisting of notes, items of account and other property of like nature, and that as to her personal estate she died intestate, and that Eleanor Louise Bogard is a daughter of said Margaret S. Bogard and a distributee of said estate and a creditor thereof. That under the provisions of said will, her husband, M. S. Bogard, W. T. Latham and D. Witherspoon were appointed executors thereof, as more fully appears in the said will.

3.

That the said M. S. Bogard died shortly after the death of Margaret S. Bogard, and a short while before his death, he took the will of said Margaret S. Bogard to Franklin, N. C., for the purpose of having same proven by the witnesses thereto, who lived in said town of Franklin, and mistaking the law and his own rights and powers, he filed the same with the clerk of the Superior Court of Macon County, to the end that proof of the execution thereof might be taken.

4.

That the said clerk of the Superior Court of Macon County, on the 23rd day of August, 1927, without jurisdiction, upon oaths are advised and believe, attempted to probate the said will, and ordered the same to be recorded in the said County of Macon, and thereafter on the 12th day of September, 1927, without notice,

and without jurisdiction and authority to appoint J. S. Conley, administrator cum testamento annexo of the estate of said Margaret S. Cozad, which said appointment was without notice to the executors named in the said will, and without renunciation by them, and totally without jurisdiction in the premises, the attempted exercise of such jurisdiction being brought about by mistake of the said clerk of the Superior Court of Macon County.

5.

That the jurisdiction to probate ^{the} said will of Margaret S. Cozad and to issue letters of administration on her estate rests entirely in the clerk of the Court of Cherokee County, where the said Margaret S. Cozad resided and was domiciled at the time of her death, and had so resided and been so domiciled for many years.

Wherefore, your movants pray the Court to vacate the order for the probate of the will of Margaret S. Cozad, and to vacate and recall letters of administration cum testamento annexo issued to said J. S. Conley upon said estate, and to suspend further proceedings under the said will, and to transmit the same to the clerk of the Superior Court of Cherokee County, to the end that the said will be probated and the said estate administered according to law.

Respectfully submitted,

W. T. Latham

D. Witherspoon

Eleanor Louise Cozad

Movants.

W. T. Latham being duly sworn says that the foregoing motion is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, he believes it to be true.

W. T. Latham,

Sworn to and subscribed before me this 5 day of March, 1928.

(Notarial Seal)

L. E. Boyliss.

Notary Public, Cherokee County, North Carolina.

My commission expires 26 day of Oct. 1929

Filed 7 day of March 1928.

Frank S. Murray
Clerk Superior Court.

Received 7 day of March, 1928.

Served 7 day of " 11, 1928.

by delivering copies of the within notice and motion to J. S. Conley, Administrator c. t. a. of Margaret S. Cozad, and to Mildred Cozad and to

Mildred Cozad.

Shiriff of Macon County,
fines \$5.00 paid.

North Carolina,
Macon County.

Before the Clerk of the
Superior Court.

In the Matter of the Will of
Margaret S. Cozad, deceased.

J. S. Conley, Administrator cum Testamento Annexo of Margaret S. Cozad, and Mildred Cozad, grandchild of Margaret S. Cozad and beneficiary under said will, for their answer to the notice and motion to move from Macon County Superior Court to Cherokee County Superior Court say:

1. That in answer to paragraph one of said motion these respondents say that Margaret S. Cozad died during the month of August, 1927, as therein stated; that the said Margaret S. Cozad spent much time with the devisee in her last will and testament, said devisee living in the County of Macon and State of North Carolina.

2. Answering paragraph two of said motion, these respondents admit that Margaret S. Cozad left a last will and testament in due form and that she named the executors therein mentioned, but they deny that this estate is indebted to Eleanor Louise Cozad or that she is a distributee of any of the proceeds

mentioned in said will; the facts will be set out fully hereafter.

3. In answer to paragraph three these respondents admit that M. E. Cozad, one of the executors, took the will of the said Margaret S. Cozad to Franklin, Macon County, and had it probated and that the witnesses to same lived there.

4. In answer to paragraph four these respondents say that same will be answered hereafter.

5. Answering paragraph five, these respondents say same will be answered in the further answer of these respondents.

And for further answer to said motion, these respondents say:

1. That shortly after the death of the testator Margaret S. Cozad, her husband M. E. Cozad, accompanied by W. J. Latham came to Franklin, Macon County, and brought the last will and testament of Margaret S. Cozad; that M. E. Cozad was one of the executors of said will and that W. J. Latham and Don Witherspoon were the other executors; that upon his arrival in Franklin and in the presence of one of the witnesses to said will, the said W. J. Latham said that he was not going to qualify as he anticipated litigation about the matter and that he did not care to have anything to do with it; this was in company with M. E. Cozad, and he said further, as respondents are informed and believe, that his co-executor Don Witherspoon would not care to qualify; this being true, the said M. E. Cozad produced before the clerk of the Superior Court of Macon County the said last will and testament of the said Margaret S. Cozad and requested the clerk of the Superior Court of Macon County to probate said will, and in addition thereto to appoint J. S. Conley of Franklin, Macon County, North Carolina, as Administrator cum testamento annexo of Margaret S. Cozad; this was done at the request, demand and direction of the said M. E. Cozad and while the executor W. J. Latham was present knowing all of the facts and, as respondents are informed and believe, was so informed by the said M. E. Cozad and recommended by the said W. J. Latham; that thereupon the clerk of the Superior Court of Macon County at the demand and direction of the said M. E. Cozad with full knowledge of what was being done by the said W. J. Latham, the clerk of the Superior Court did

appoint J. S. Conley administrator with the will annexed of the said Margaret S. Cozad, deceased.

2. That respondents are informed and believe and so aver, that shortly after the probate of the will of said Margaret S. Cozad her husband M. E. Cozad died leaving a last will and testament made a few hours before the death of the said M. E. Cozad, as respondents are informed and believe and when he was in extremis, in which he gave, devised and bequeathed all he had to one of the movants in this case Eleanor Louise Cozad (Eleanor Louise Hopkins).

3. That respondents are informed and believe that the said Eleanor Louise Cozad is the sole mover in this transaction and that no question would have been made about the probate of the will in Macon County, North Carolina, had it not been for the fact that the said M. E. Cozad being heavily involved in debt, executed the will aforesaid and made the said Eleanor Louise ~~Cozad~~ Hopkins (Eleanor Louise Cozad) sole devisee and legatee under said will, and thereupon the said Eleanor Louise Cozad commenced to look about to see where she could get some money out of the transaction, as respondents are informed and believe, and decided that she would have this cause moved from Macon County to Cherokee County and have W. J. Latham, the executor named in the will, appointed executor and bring suit against said W. J. Latham who is friendly to her, as respondents are informed and believe, and not friendly to the devisees under the will of Margaret S. Cozad and that judgment could be entered, as respondents are informed and believe, in the Superior Court of Cherokee County on any claim that she might have against the estate; and respondents further say, on information and belief, that there are large doctor bills and nurse bills that should be paid out of the estate of the husband, M. E. Cozad, and which the law enjoins upon the said husband's estate to pay, and she, the said Eleanor Louise Cozad desires that this money be collected out of these children and devised under the will of Margaret S. Cozad, and believe M. E. Cozad's estate of paying and charging it to the estate of

Margaret S. Cozad.

4. That respondents are informed and believe that said Eleanor Louise Cozad has a claim of something over \$5000.00 that she desires to have charged against the estate of Margaret S. Cozad, and that she has filed such claim now and it is in the hands of the executor of M. E. Cozad, marked against the estate of Margaret S. Cozad; that there are large doctor bills that should be paid and are a proper charge, as respondents are informed and believe, against the estate of M. E. Cozad and have been charged to the estate of Margaret S. Cozad and are now in the hands of the executor of M. E. Cozad, and show that they are to be paid out of the estate of the said Margaret S. Cozad, and other sundry and numerous claims that should properly and legally be charged to the estate of M. E. Cozad and attempted to be collected out of the estate of the said Margaret S. Cozad, all of said claims amounting to approximately the sum of \$16,000.00.

5. That Margaret S. Cozad was the wife of M. E. Cozad and, as respondents are informed and believe and so allege, that the estate of the said M. E. Cozad is responsible for her doctor bills, funeral expenses, grocery bills, nurse bills and all expenses incident to her welfare, comfort and maintenance not only during her last sickness but during her entire life after she became the wife of M. E. Cozad.

6. That W. T. Latham, one of the executors named in said will is not now a resident or citizen of Cherokee County, North Carolina, as respondents are informed and believe, never has voted in this State, lives in the State of Virginia or some other State of the Union other than North Carolina; that he has a wife and children and that he goes home frequently to see them and, as respondents are informed and believe, has recently severed his connection with a company or companies that had him employed and is no longer connected with any of the business interests of said county and State; that said Latham has made a motion to have himself appointed executor of the estate of Margaret S. Cozad after he declared, as respon-

dents are informed and believe, to the dead man, M. E. Cozad, that he would not qualify; that as respondents are informed and believe, he does not even know one of the grandchildren of Margaret S. Cozad to whom she conveyed her property, has made no inquiry about them since her death, taken no interest in the matter and has joined in this motion solely, as respondents are informed and believe, to aid and assist and to help claim money out of the estate of Margaret S. Cozad that should and does belong to her devisees and to have said estate charged with the items above mentioned and many other items that it is possible to charge to said estate, in order to relieve the estate of M. E. Cozad from paying same solely in the interest and behalf of the estate of Eleanor Louise Cozad Hopkins.

7. That the said J. S. Bonley is an uncle of the devisees under the will of Margaret S. Cozad and interested in said devisees and is anxious for their education and welfare and comfort; and that the said W. T. Latham is an entire stranger, has no interest in said children, as respondents are informed and believe, but is only now seeking to be appointed and have this case removed from Macon County for the sole purpose of enabling the said Eleanor Louise Cozad Hopkins to claim debts that should be paid by the estate of M. E. Cozad.

Wherefore, these deponents pray the Court to dismiss said action but if it should be allowed it should not be moved until some satisfactory executor could be agreed upon and one that would be satisfactory to the grandchildren of Margaret S. Cozad; that this motion is made only for J. S. Bonley and Mildred Cozad, no service having been made on the devisee Margaret Cozad and she, the said Margaret Cozad, can not be bound by any order made by this Court as she is not in Court; and further that same cannot be moved in its present condition until a guardian ad litem, some competent and discreet person, is appointed to serve the interest of Mildred Cozad who is under the age of twenty-one years and a minor without general or testamentary guardians.

North Carolina,
Macon County.

Horne & Patton

J. S. Conley, being duly sworn, deposes and says:
That he is one of the respondents in the above entitled
cause and verifies this answer to the motion made in
this cause for himself and his co-respondent Mildred
Bozad, that he has read the foregoing answer and that the
same is true to his own knowledge except as to those
matters stated therein on information and belief, and
as to those matters he believes it to be true.

J. S. Conley

Subscribed and sworn to before me this the 20 day
of March, 1928.

Frank J. Murray
Clerk Superior Court.

Answer to Motion.

Filed March, 20, 1928

Frank J. Murray
C. S. C.

North Carolina,
Macon County.

Before the clerk,
of the Superior Court.

In the Matter of the Will of
Margaret S. Bozad, deceased.

Answer of Margaret Bozad.

Margaret Bozad, grandchild of Margaret S. Bozad, deceased,
and beneficiary under the Last Will and Testament of Margaret
S. Bozad, for her answer to the Notice and Motion to Remove
from the Superior Court of Macon County to the Superior
Court of Cherokee County, says:

1. That this respondent adopts each and every
allegation contained in the answer of J. S. Conley,
Administrator cum Testamento Ancho of Margaret
S. Bozad, and Mildred Bozad grandchild of Margaret

S. Bozad, and each and every allegation contained in the further answer
filed by the respondents hereinbefore mentioned.

Wherefore, this respondent adopts the prayer for relief
contained in the answer of the other respondents in this cause,
and asks for the same relief contained therein.

Geo. B. Patton

Attorney for Margaret Bozad.

Filed May 11, 1928

Frank J. Murray
C. S. C.

North Carolina,
Macon County.

In Superior Court,
Before the clerk,

In the Matter of the Will of
Margaret S. Bozad, deceased.

This cause coming on to be heard upon the special
motion of W. T. Latham and D. Witherspoon, executors of
Margaret S. Bozad and Eleanor Ann Louise, a daughter of Margaret
S. Bozad.

And it appearing to the court that Mildred Bozad has
been duly served with notice ~~and~~ of the motion, and that
she is a minor under twenty-one years of age, and should
be defended in this action by a guardian ad litem;
and it appearing to the court that J. S. Conley is a relative
of Mildred Bozad and is a suitable and discreet person, it is
ordered that he be and he is hereby appointed her guardian
in this said motion.

It appearing that Margaret Bozad has not been served
with notice, it is ordered that she be served with notice
of motion by reading a copy of the same and affidavit
annexed thereto, with a copy of this order. In the
event she does not appear by attorney and by her an-
swer in this cause, and this cause is continued
until the 30th day of March to be heard before the
undersigned at office in Franklin at one o'clock
P. M.

This the 20th day of March, 1928.

Frank S. Murray.

Clerk Superior Court - Mason County.

To the Clerk of the Superior Court of Cherokee County:
I, W. J. Latham, named as Executor of the last Will and Testament of Margaret S. Lored, deceased, hereby renounce and relinquish my right to qualify as Executor under the said will, and recommend my friend Don Witherspoon for said place.

This the 30th day of March, 1928.

W. J. Latham

Filed May 28th, 1928.

Recorded May 29th, 1928.

Monday Morning, February 18th, 1918.

Court met, pursuant to adjournment, present, and presiding the Hon. Geo. M. Trotter, County Judge, &c., when the following proceedings were had and entered of record to-wit:

o o o o o o o o o o o o
In the matter of the will of
Daniel Briscoe, deceased.

Be it remembered

That on this 18th day of February, A. D. 1918, before the Honorable George M. Trotter, Judge of the County Court of Knox County, Tennessee, came Leroy S. Briscoe, J. Earnest, and P. J. Briscoe, Jr., the widow and two sons of said Daniel Briscoe, deceased, and J. T. Carter, and produced in open Court four papers containing, purporting to be the last will, with three Codicils thereto, of Daniel Briscoe, lately deceased, they being named as Executors and Trustees therein:

Will: Said Original Will bearing date February 13, 1911, A. D. having the name of Daniel Briscoe signed thereto, and being attested by E. E. Lucky, May Mitchell and Forrest Andrews, as subscribing witnesses;

Cod. 1: The paper containing purporting to be the first Codicil of said Will, bearing date September 1, A. D. 1914, having the name of said Daniel Briscoe signed thereto, and being attested by E. E. Lucky and Forrest Andrews, as subscribing witnesses.

Cod. No. 11. The paper containing purporting to be the second Codicil to said Will, bearing date December 22, A. D. 1914, having the name of said