

published in Belmont and return your affidavits
of having given such notice, with a copy
thereof, to the Probate Court;

Witness, George F. Lawton, Esquire, First Judge
of said Court, at Cambridge, this ninth
day of June in the year of our Lord one
Thousand nine hundred and twenty.
T. M. Esty, Register.

Recorded July 26-1920.

J. E. Bennett,
Deputy C. L. C.

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

A paper writing purporting to be the last
Will and Testament of Mary Elizabeth Messer
deceased, is exhibited before me, the undersigned
Clerk of the Superior Court for said County, by
Jez Messer one of the executors therein mentioned
and the due execution thereof by the said Mary
Elizabeth Messer by the oath and examination
of A. M. Bennett and C. S. Martin the subscribing
witnesses thereto, who being duly sworn, doth
depone and say, and each for himself depose
and saith, that he is a subscribing witness
to the paper-writing now shown him, purport-
ing to be the last Will and Testament of
Mary Elizabeth Messer; that the said Mary
Elizabeth Messer in the presence of the deponents
subscribed her name at the end of said
paper-writing, which is now shown as
aforesaid, and which bears date of the 27th
day of September 1918.

And the deponents further say, that Mary
Elizabeth Messer 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 these
deponents did thereupon subscribe their
names at the end of said Will,
as an attesting witnesses 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 an attesting witness thereto,

as aforesaid, the said Mary Elizabeth Messer 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 28th
day of September 1920,
before me.

A. L. Johnson
Clerk Superior Court

C. M. Bennett
C. C. Martin.

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 Mary Elizabeth Messer deceased. Let the said Will, together with the probate, be recorded and filed.

This 28th day of September 1920

A. L. Johnson
Clerk Superior Court

State of North Carolina Cherokee County

I, Mary Elizabeth Messer, of the County of Cherokee and State of North Carolina, being of sound mind, but considering the uncertainty of my earthly existence do make and declare this my last Will and Testament:

First. My executors hereinafter named shall give my body a decent burial, suitable to the wisher of my friends and relatives and pay all funeral expenses, together with all my just debts, out of the first moneys which may come into their hands belonging to my estate.

Second. It is my will and desire that my executors shall sell all of my personal property except my household goods, disposing of the proceeds thereof as hereinafter provided.

Third. It is my will and desire that my executors hereinafter named shall sell all of my real estate, consisting of 267 acres of land, more or less, lying in Cherokee County, N. C., and being the lands conveyed to me by W. L. Fair and wife, John E. Fair and wife, and others, by deed dated December 1, 1893, which deed is at the present time unregistered, also mineral interest conveyed by J. W. Coofier, et al. to me by deed dated December 21, 1893, either at public or private sale as may seem to them best in order to realize the full value of said property. If said land is sold at public sale the same to be advertised for thirty days in the same manner as is provided by law for the sale of property by a trustee.

Fourth. Out of the proceeds of my real and personal property I will and bequeath to my husband, James Messer, the sum of Five Hundred (\$500.00) Dollars, to be paid to him in cash by my executors, the same to be in lieu of any interest he might hold in my estate by reason of our marriage.

Fifth. I will and bequeath to my daughter, Inez Messer, the sum of Four Hundred (\$400.00) Dollars, to be paid to her in cash by my executors.

Sixth. I will and bequeath to my daughter Ora Mack, the sum of \$65.00, to be paid to her in cash by my executors, in order to give her the equivalent to the price of a milch cow that I have given to my daughter Inez Messer.

Seventh. I will and bequeath to my son, Weaver L. Messer, the sum of \$65.00, cash to be paid to him by my executors, in order to give him the equivalent to the price of a milch cow that I have given my daughter, Inez Messer.

Eighth. After paying the bequests above mentioned to my husband and three children, it is my will and desire that my executors hereinafter named shall divide all of the residue of the funds then remaining in their hands acquired by sale of my real and personal property between my three children, Inez Messer, Ora Mack and Weaver L. Messer, share and share alike, and in the event of the death of my husband James Messer, prior to the distribution of my estate, the amount bequeathed to him shall also be divided by my executors between my three children, share and

share alike.

Ninth. It is my will and desire that my son, Weaver L. Messer, shall receive out of my household goods one feather bed, twelve quilts, two blankets, in order that he may have an equal share of household goods to correspond with like articles already given to my daughters, Inez Messer and Ora Mack, and that the remainder of my household goods shall then be divided equally, as near as may be between my said three children.

Tenth. It is my will and desire that in case any of my children die prior to the distribution of my estate that their share shall be equally distributed among their legal heirs at law.

Eleventh: I hereby constitute and appoint my daughter, Inez Messer, and my son, Weaver L. Messer, as my lawful executors to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same, and every part and clause thereof, and in the event that either of them dies beforehand or refuses to act then the other shall qualify and act alone.

I hereby revoke and declare utterly void all other wills and testaments made by me heretofore.

In W. Inez Messer, I, the said Mary Elizabeth Messer, do hereto set my hand and seal this the 27th day of September, 1918

Mary Elizabeth Messer (and)

Signed, sealed, published and declared by the said Mary Elizabeth Messer 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 each other) do subscribe our names as witnesses thereto.

A. M. Bennett,
Geo. Martin.

Recorded September 30, 1920.

Deputy Clerk.

North Carolina,
Superior Court,

Cherokee County,
Before the Clerk.

A paper writing, without subscribing witnesses, purporting to be the last will and testament of L. L. Witherspoon, deceased, is exhibited for probate in open Court by M. W. Bell, the executor therein named; and thereupon it is proved by the oath of said M. W. Bell that about 4.45 o'clock P. M. on Saturday, April 3, 1920 the said L. L. Witherspoon then handed to affiant a sealed envelope endorsed as follows; "To be opened by M. W. Bell after my death, to whose custody the contents is intrusted, L. L. W."

That thereupon he, the said M. W. Bell took said envelope and put same in his office safe and kept the same in the exact condition as when handed to him by said L. L. Witherspoon, except that he, the said M. W. Bell, noted on the said envelope the following: "Handed to me about 4.45 P. M. Apr. 3, 1920 in J. H. Woods store by L. L. Witherspoon. M. W. Bell"; until about 9 o'clock A. M. on Dec. 31, 1920, when he, the said M. W. Bell, opened said envelope and found therein the said paper writing, whereupon he, the said M. W. Bell, made the following endorsement on said envelope, viz: "Mr. L. L. Witherspoon died suddenly about 11 P. M. Dec. 30, 1920. After advising D. Witherspoon and Mr. E. B. Norvell and Mr. John H. Dillard I opened this envelope about 9 A. M. Dec. 31, 1920. M. W. Bell."

That said paper writing has been carefully kept by him ever since the same was handed to him, as