

In the Matter of the Will of } Before J. B. Bain, Clerk.
S. Westray Battle.

Jane Battle being duly sworn, says:

That S. Westray Battle, late of said county, is dead, having first made and published his last Will and Testament; and that she is the Executor therein named.

Further that the said S. Westray Battle left real and personal property, consisting of stocks &c and worth about \$40,000.00 so far as can be ascertained at the date of this application, and that Jane Battle is, the party entitled under said Will to the said property.

Jane Battle
Sworn and subscribed before me this
the 6 day of May, 1927

J. B. Bain
Clerk Superior Court Buncombe County, N. C.

North Carolina) In the Superior Court,
Buncombe County) Before the Clerk.

Oath and examination of Jane Battle

Jane Battle, being first duly sworn, by the undersigned, Clerk of the Superior Court, of Buncombe County, N. C., deposes and says: That the paper writing or manuscript purporting to be the last will and testament of S. Westray Battle, deceased, now produced and exhibited by her for probate in open Court, was found among the valuable papers and effects of the said S. Westray Battle after his death in a locked metallic box in the vault of the Central Bank & Trust Company, of Asheville, North Carolina, and that said box was unlocked and opened by her on May 3rd, 1927, and said paper writing manuscript found in the presence of E. Lyle Jones, Dorothy Churchill, and Louis M. Bourke, all of Asheville, North Carolina.

This the 6th day of May, 1927.

Jane Battle

Subscribed and sworn to before the undersigned, Clerk of the Superior Court of Buncombe County, N. C., this the 6th day of May, 1927.

J. B. Bain, Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina,) In the Superior Court
Buncombe County.) Before the Clerk.

Oath and examination of Haywood Parker

Haywood Parker, being first duly sworn, says: That he is a resident of Asheville, North Carolina and knew the late S. Westray Battle, having often seen him write, and verily believes that the name of the said S. Westray Battle subscribed to the said paper writing or manuscript and the said paper writing or manuscript itself, and every part thereof, now produced and exhibited in open Court for probate by Jane Battle, is in the handwriting of the said S. Westray Battle, and that the said handwriting is generally known to the acquaintances of the said S. Westray Battle, including Dorothy Churchill, Louis M. Bourke, and this affiant.

Haywood Parker,
Subscribed and sworn to before me the undersigned Clerk of the Superior Court of Buncombe County, N. C., this 6th day of May, 1927.

J. B. Bain, Clerk Superior Court,
Buncombe County, North Carolina.

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

Oath and examination of Dorothy Churchill
Dorothy Churchill, being first duly sworn, says:

that she is a resident of Asheville, North Carolina, and knew the late S. Westray Battle and was acquainted with the handwriting of the said S. Westray Battle, having often seen him write, and verily believes that the name of the said S. Westray Battle subscribed to the said paper writing or manuscript and the said paper writing or manuscript itself, and every part thereof, now produced and exhibited in open court for probate, by Jane Battle, is in the handwriting of the said S. Westray Battle, and that the said handwriting is generally known to the acquaintances of the said S. Westray Battle, including Haywood Parker, Louis M. Bourne and this affiant:

Dorothy Churchill

Subscribed and sworn to before the undersigned,
Clerk of the Superior Court of Buncombe County, N. C.,
this the 6th day of May, 1927.

J. B. Bains, Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina,)
Buncombe County) In the Superior Court
Before the Clerk

Oath and examination of Louis M. Bourne

Louis M. Bourne, being first duly sworn, says:
That he is a resident of Asheville North Carolina, and knew the late S. Westray Battle and was acquainted with the handwriting of the said S. Westray Battle, having often seen him write, and verily believes that the name of the said S. Westray Battle, subscribed to the said paper writing or manuscript and the said paper writing or manuscript itself, and every part thereof, now produced and exhibited in open court for probate, by Jane Battle is in the handwriting of the said S. Westray Battle, and the said handwriting is generally known to the acquaintances of the said S. Westray Battle, including Dorothy Churchill, Haywood Parker and this affiant.

Louis M. Bourne.

Subscribed and sworn to before the under-

signed clerk of the Superior Court of Buncombe County, N. C., this
the 6th day of May, 1927.

J. B. Bains, Clerk Superior Court,
Buncombe County, North Carolina.

North Carolina,)
Buncombe County) In the Superior Court
Before the Clerk.

A paper writing or manuscript purporting to be the last will and testament of S. Westray Battle, deceased, is produced and exhibited for probate in open court by Jane Battle, the executrix therein named, and it is thereupon proved in open court by the oath and examination of said Jane Battle that the said paper writing or manuscript purporting to be the last will and testament of said S. Westray Battle was found among the valuable papers and effects of the said S. Westray Battle after his death in a locked metallic box in the vaults of the Central Bank & Trust Company, at Asheville, North Carolina.

And it is further proved by the oath and examination of three competent and credible witnesses, to wit: Haywood Parker, Dorothy Churchill and Louis M. Bourne, that they, and each of them, are acquainted with the handwriting of the said S. Westray Battle, having often seen him write, and verily believe that the name of the said S. Westray Battle, subscribed to the said paper writing or manuscript and the said paper writing or manuscript itself, and every part thereof, is in the handwriting of the said S. Westray Battle. It is further proved by the evidence and examination of the three last mentioned witnesses that the said handwriting of the said S. Westray Battle is generally known to the acquaintances of the said S. Westray Battle, including said witnesses.

It is, therefore, considered, ordered and adjudged by this court that the said paper writing or manuscript so produced and exhibited for probate, as aforesaid, by Jane Battle was found among the valuable papers and effects of the said S. Westray Battle after his death, as hereinbefore fully set forth, and that these

witnesses, to wit, Haywood Parker, Dorothy Churchhill and Louis M. Bourne, are acquainted with the handwriting of the said S. Westray Battle, having often seen him write, and that they, and each of them, verily believe that the name of the said S. Westray Battle subscribed to said paper writing or manuscript, and the said paper writing or manuscript itself, and every part thereof, is in the handwriting of the said S. Westray Battle, and that his said handwriting is generally known to the acquaintances of the said S. Westray Battle, including said last mentioned witnesses, and it is further considered and adjudged by this court that the said paper writing or manuscript, and every part thereof, is the last will and testament of the said S. Westray Battle, and the same is ordered to be recorded and filed as required by law.

This the 6th day of May, 1927.

J. B. Gair, Clerk Superior Court,
Buncombe County, North Carolina.

Leoff.

Dr. S. Westray Battle
Asheville, N. C.

I, S. Westray Battle, being of sound mind and health, do make this my last will and testament.

After payment of my just debts I give and bequeath everything of which I may die possessed, including all of my personal effects, to my wife Jane Battle, who knowing my wishes will carry them out accordingly - I the said Jane Battle to act as my executrix of this my last will and testament without bond.

Dated at Asheville, N. C., this ninth day of January 1919.

S. Westray Battle.

Signed in the presence
of these witnesses
Frank Messer
N. L. Penland

S. Westray Battle.

I hereby certify that the foregoing is a true and perfect copy of the Will of S. Westray Battle, deceased, and of every part of same, the original of which has been probated and is now on file in this office.

This the 25th day of November, 1927.

J. B. Gair
Clerk Superior Court of
Buncombe County, N. C.
Edna C. Lumbill

State of North Carolina, }
Buncombe County. } In Superior Court.

Jane Battle, being duly sworn, says that I believe that the attached paper writing is the Last Will and Testament of S. Westray Battle deceased, and that I will well and truly execute the same by first paying his debts and then his legacies, as far as the said estate shall extend, or the law will charge me, and that I will well and truly execute the office of an Executor agreeable to the trust and confidence reposed in me and according to law; so help me God!

Jane Battle
sworn to and subscribed before me this the 6th day of May 1927.

J. B. Gair
Clerk Superior Court Buncombe County, N. C.

Buncombe County in the Superior Court,
State of North Carolina.

To all to whom these Presents shall come - Greeting:
It being satisfactorily proven to the undersigned, Clerk of the Superior Court for Buncombe County, that S. Westray Battle, late of said County, is dead, having made his last Will and Testament, which has been admitted to probate (a true copy whereof is herewith annexed), and

Jane Battle the Executrix named therein, having qualified as such according to law:

Now, thus are therefore to empower the said Executrix to enter in and upon all and singular the goods and chattels, the rights and credits of the said deceased, and the same to take into possession, wherever to be found, and all the just debts of the said deceased to pay and satisfy; and the residue of said estate to distribute according to the directions of said Will.

Witness my hand and the seal of said Court, this the 6th day of May, 1927.

J. B. Blair
Clerk of the Superior Court,

State of North Carolina,
County of Buncombe.) In the Superior Court,

I, J. B. Blair, Clerk of the Superior Court of Buncombe County, North Carolina, do hereby certify that the foregoing is a true and perfect copy of the Last Will and Testament of J. Wesley Battle, and the probates thereto, as the same appear on file and as Recorded in Record of Wills "N" at page 403, in my said office.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, this the 6th day of November, 1928.

J. B. Blair
(Official Seal.) Clerk of the Superior Court,
Buncombe County, North Carolina.

Cherokee County

Superior Court

In Re

The Last Will and Testament
of Edward Simpson Miller,
deceased.

Before the Clerk.

Harry Miller being duly sworn says that the paper writing purporting to be the Last Will and Testament of Edward Simpson Miller, deceased, this day exhibited by him as one of the Executors therein named to the said Court for probate, as such last will and testament, was found among the valuable papers of the said Edward Simpson Miller, after his death.

Harry Miller Affiant.

Subscribed and sworn to before me this December 17th 1928.

P. C. Hyatt Clerk Superior Court,

North Carolina
Cherokee County

In the Superior Court

In Re:

The Last Will and Testament
of Edward Simpson Miller,
deceased.

On this the 18th day of December, 1928, personally appeared before the undersigned clerk of the said Court C. L. Dobbs, T. E. Bayless and W. W. Hyde, who being first duly sworn say, and each for himself doth say that, he was acquainted with the handwriting of Edward Simpson Miller having often seen him write, and he verily believes that the name of the said Edward Simpson Miller at the bottom of the paper writing this day exhibited to the Court by Harry Miller, one of the Executors named therein and subscribed thereto and the said will itself and every part thereof preceding said signature, is in the handwriting of the said Edward Simpson Miller, which handwriting is generally known