

State of North Carolina
Cherokee County.

Whereas life is uncertain and long
of sound mind, disposing my money,
more and publish my last will
and testament. Lately knowing all
aids wife, I devise and bequest to
my dear beloved wife Sarah J.
Warner part of land 7 land No 30 where
I now live in the Town of Andrews
and all of my house hold and kitchen
furniture and two thousand dollars
out of my personal and real property
and at her death the property to be
divided equally between my two
children, Lulu & Louie and
remainder and John to have when he
now lives. Let the same to the line
between the two houses from the
Rail Road to the River after the burial
expenses are paid.

John W. Warner and Nancy Luma
Warner and I bequest to John W.
Warner my dear beloved son my
one half undivided interest, known
as Maria lands Tract No. 87 Tract
No 88 Tract No 89 Tract No 90 Tract No 17
Tract No 86 Tract No 96 Tract No 92
Tract No 16 Tract No 18 Tract No 19
in District No 7 and two thousand
dollars and I bequest to Nancy
Luma Warner my dear beloved
daughter known as John lands
Tract No 11 and
Tract No 12 Tract No 13 Tract No 15
in District No 7 all so my one half
undivided interest in Oak Wood
Tract addition to Andrews part of
Tract No 29 in District No 7 and
Twenty thousand dollars all of
the balance of my personal and
real property to be divided equally
between my two children after

paying my debt and burial expenses
and the Lulu's appoint. in the executor
of my will George B. Warner my
brother and A. M. Warner advise my
brother

Andrews N.C., this June 10-1915

W.P. Warner
William Pitt Warner

State of North Carolina for the Superior
Cherokee County

A paper writing without subscribing
witnesses, purporting to be the last
will and testament of W.P. Warner,
deceased, is exhibited for record in
open court by Geo. B. Warner one of
the executors therein named; and it
is shewn upon proof by the oath and
examination of Geo. B. Warner that the
said will was found among the valuable
papers and effects of the said W.P. Warner
after his death; and it is further proved by
the oath and examination of three com-
petent and credible witnesses to-wit;
Dr. H. H. Wells, John E. Fair and J. P. Hill
that they are acquainted with the
said writing of the said W.P. Warner
subscribed to the said will, and the
said will itself, and every part thereof
is in the handwriting of the said W.P.
Warner; and it is further proved by the
evidence of the three last mentioned wit-
nesses that the said handwriting is
genuinely known to be the handwriting of the
said W.P. Warner. It is therefore ordered
by the court that the said paper writing is
the last will and testament of the said
W.P. Warner and the same is read & re-
corded and filed.
Attest and sworn before
me this 18th day of June 1916
J. A. Fair
Clerk

H. H. Wells
John E. Fair
J. P. Hill

North Carolina In the Superior Court.
Cherokee County Before A. R. Fair Clerk.
In the matter of the
will of R. Victor Wells.

Matth F. Wells being duly sworn dep:
That R. Victor Wells late of the County of
Cherokee is dead, leaving first wife and
putting his last will and testament;
and that the said Matthe F. Wells is
the executor therein named, and that
the lady as the said will and other
it for probate.

Further that the said R. Victor Wells
left real and personal property in
the state of North Carolina in the County of
Cherokee. The real estate being worth
about \$7800⁰⁰ and the personal property
being worth about \$400⁰⁰, and that the
applicant, Matthe F. Wells is the sole
devisee and legatee, and is every
interested under the said will to all the
property of R. Victor Wells.

And further that R. M. Wells and
Mrs J. John Brown are the witnesses
to said will, and that the said R. M.
Wells resides at Asheville N. C. being
more than seventy-five miles from
Murphy N. C. the place where said will
is to be proved, and that the said witness
Mrs J. John Brown is dead in the
Town of Murphy where evidence can be
given before said Clerk, A. R. Fair.

Wherefore, she prays that the Clerk of said
Court issue a Commission to some
person to be may select, authorizing
the said Commissioner to take the
depositions of said witness R. M. Wells
concerning the execution of said will
and to return the Commission with
the examination or deposition of said
witness to the Court as provided by the
statutes in such cases. Matthe F. Wells
sworn to and subscribed before me this 28th day
of December 1916. A. R. Fair Clerk

North Carolina In the Superior Court.
Cherokee County Before, A. R. Fair Clerk.
In the matter of the
will of R. Victor Wells.

Order of North Carolina J. E. Latham Esq. Attorney:
We, upon special oath and compulsion
in your indigently, do authorize and empower
you to cause R. M. Wells to appear before
you at such time and place as you
may appoint; and him or her to examine
concerning all such matters and things
to be shown in proof of and concerning a
certain paper writing purporting to be
the last will and testament of R. Victor
Wells, deceased, being dated the 16th day
of May, 1916, and of and concerning the
execution thereof by the said R. Victor Wells.

And the deposition and examination in
writing by you so taken, the same to
be returned, seal with your seal, to our
Superior Court, together with the Commission
within A. R. Fair, Clerk of the Superior Court
of the County of Cherokee, at his office in
Murphy, N. C. This the 28th day of December
1916. A. R. Fair

Clerk of the Superior
Court of Cherokee County
North Carolina

In the Superior Court

(Seal)

North Carolina

Bernhardt County
In the matter of the
will of R. Victor Wells

Before J. E. Latham
Commissioner

A paper purporting to be the last will
and testament of R. Victor Wells, deceased,
is as exhibit before me, the undersigned
Commissioner appointed by the Clerk of the
Superior Court for said County, and the
due execution thereof by the said R. Victor
Wells by the said and examination of
R. M. Wells one of the subscribing witnesses
thereof; who being duly sworn doth depose
and say that he and Mrs J. John Brown are
the subscribing witnesses to the paper writing

now shown him: purporting to be the last will and testament of R. Victor Wells, in that it said R. Victor Wells in the presence of the deponent and its other subscribing witnesses, Mrs. J. Yates Brown, subscribed his name at the end of said paper writing which is now shown as aforesaid, and which bears date of the 16th day of May, 1916.

And the deponent further says: that the said R. Victor Wells, the executor aforesaid did at the time of subscribing his name as aforesaid declare the said paper writing as executed by him and exhibited to the last Will and Testament and this deponent and Mrs. J. Yates Brown did thereupon subscribe their names at the end of said will, as acting witnesses thereto, and at the request and in the presence of said testator. And this deponent further says, that at the same time when the said testator subscribed his name to the said last will or aforesaid and at the time this deponent and Mrs. J. Yates Brown subscribed their names as acting witnesses thereto, as aforesaid, the said R. Victor Wells was of sound mind and memory, of full age to execute a will, and was not under any restraint to his knowledge, information or belief of the deponent; and further this deponent says yet.

R. M. Wells.

Subscribed and subscribed, the 30th day of Dec. 1916 before me the undersigned Commissioner; and at the same time and place I proceeded to take the deposition of R. M. Wells and of the subscribing witnesses touching the execution of said paper writing by the said R. Victor Wells, on his last Will and Testament, and heard and examined said deponent and a part of the proof and process of said will.

J. E. Swain
Commissioner

North Carolina
Buncombe County
In its session of the
proceedings of the will
of R. Victor Wells

Before J. E. Swain
Commissioner

Deposition of R. M. Wells.

Pursuant to the annexed commission touching the undersigned J. E. Swain, to take the deposition of R. M. Wells touching all such matters and things as he may know of and concerning a certain paper writing purporting to be the last will and testament of R. Victor Wells deceased, bearing date of the 16th day of May 1916 and of and concerning the execution thereof by the said R. Victor Wells. I appeared at my office, in the City of Asheville, County of Buncombe, in the State of North Carolina, on the 30th day of Dec. 1916 at 10 o'clock A. M., to examine said witness, R. M. Wells, who being by me duly sworn upon the Holy Evangelists of Almighty God to speak the truth, the whole truth and nothing else but the truth of and concerning said matters of inquiry depose and says as follows to-wit:

Q. What is your name, age, occupation, and where do you reside?

A. R. M. Wells, 46 yrs. Lawyer, live in West Asheville, N. C.

Q. Did you know the late R. Victor Wells who recently died at Murphy?

A. Yes.

Q. How did you know the late R. Victor Wells who recently died at Murphy?

A. Yes.

Q. Did you see the said R. Victor Wells sign his name to said paper writing, and if so did he sign it same in your presence and in the presence of Mrs. J. Yates Brown and the other subscribing witnesses thereto and when was the same signed and under what circumstances?

H- Yes, R. Victor Wells sent for me & with his wife, he signed the same in the presence of Mrs J. F. Brown and myself and we signed same at his request and in presence of said wife.

I- please state whether or not the said R. Victor Wells at the time he signed said paper writing published and decreed the same to be his last will and testament and whether or not the said R. Victor Wells was at said time of signing said will and testament and if free and to execute a will, or whether or not he was under any restraint or under any influence at said time to your knowledge, information or belief?

H- when said R. Victor Wells signed said paper writing he published and decreed same to be his last will and testament, he was of age & seemed to be well and of sound mind and memory and under no restraint or under influence to my knowledge or belief.

I- are you in any way interested in any of the property devised or bequeathed by the said R. Victor Wells in the said paper writing.

H- No.

R. M. Wells

Sworn to and subscribed before me at this date 30th day of Dec. 1916

J. E. Swain
Commissioner

State of North Carolina
County of Brunswick.

J. E. Swain, Commissioner, appeared in and by the aforesaid Commissioner to me directed to duly certify that the foregoing deposition and examination of R. M. Wells said witness being personally known to me was sworn to and subscribed before me at the time and place stated in the caption and read up to me, together with said paper writing purporting to be the

last will and testament of R. Victor Wells deceased, that it is correct and deposited by me in the post office at Asheville N.C. as a registered package directed to A. C. Fair Co. clerk of the Superior Court of the County of Cherokee, State of North Carolina, through N.C. by the 30th day of Dec. 1916

I further certify that same was received by me or otherwise to the estate of R. Victor Wells not to the executor, trustee and legal counsel in said will nor to any person interested therein, and am not in any way interested in the property described by said will

J. E. Swain
Commissioner

North Carolina In the Superior Court.
Cherokee County Before J. H. Foss, Clerk.
In the presence of the parties of the will of R. Victor Wells.

A paper writing purporting to be the last will and testament of R. Victor Wells, deceased, was filed in the County of Cherokee, having been received into the Court by J. E. Swain, Commissioner, and before appeared by the undersigned Clerk of the said Superior Court of Cherokee County, pursuant to the provision of Section #3131 of the Revised Code of North Carolina to have the deposition and examination of R. M. Wells and of the subscribing witnesses to said paper writing, touching the execution thereof by the said R. Victor Wells, together with said Commissioner and the examination and deposition of said witnesses, R. M. Wells, taken by and before said Commissioner pursuant to said commission.

And said paper purporting to be the last will and testament of R. Victor Wells deceased, together with the examination and deposition of R. M. Wells as a witness as above set out before me, the undersigned Clerk of the Superior Court for said County and the due execution thereof by the said

R. Victor Wells by the oath and examination of Mrs. J. Julia Brown and F. A. Sweeney witnesses (herein) who being duly sworn do depose and say that she and R. M. Wells are the subscribing witnesses to the paper writing now shown her, purporting to be the last will and testament of R. Victor Wells; that the said R. Victor Wells in the presence of the deponent and the other subscribing witnesses, R. M. Wells, subscribed his name at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 16th day of May, 1916.

And the deponent further says: that the said R. Victor Wells, the testator aforesaid, did at the time of subscribing his name to aforesaid document the said paper writing as subscribed by him and exhibited to be his last will and testament and the deponent and R. M. Wells did thereupon subscribe their names at the end of said will, as remaining witnesses thereto, and at the request and in the presence of said testator. And the deponent further says that at the same time when the said testator subscribed his name to the said last will as aforesaid, and at the time the deponent and R. M. Wells, subscribed their names as subscribing witnesses thereto as aforesaid the said R. Victor Wells 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 the deponent; and further the deponent said not:

Mrs. J. Julia Brown

Sworn and Subscribed, this 3rd day of January 1917 before me

Chas. F. A. Sweeney
for Chas. F. A. Sweeney

North Carolina

In the Superior Court.

Chas. F. A. Sweeney
In the presence of the
protator of the will
of R. Victor Wells

It is now shewn upon such examination and deposition of said subscribing witnesses R. M. Wells, taken as aforesaid and upon the oath and examination of the other subscribing witnesses, Mrs. J. Julia Brown, taken before the undersigned as aforesaid, considered and adjudged by the Court that the said paper writing and every part thereof, is the last will and testament of the said R. Victor Wells deceased; and the same with the said examination and said deposition and the exhibits are hereby ordered to be recorded and filed.

This January 3, 1917.

W. A. Fain

Chas. F. A. Sweeney
for Chas. F. A. Sweeney,
Clerk.

State of North Carolina
County of Chatham,
R. Victor Wells, of the Town of Murphy,
County of Chatham, State of North Carolina,
being of sound mind, but considering
it uncertain if my family assistance
to me in my last will and testament
Item I: It is my will and desire that
my Executor, hereinafter named shall
give my body a decent funeral, suitable
to the wishes of my relatives and friends,
and pay all my funeral expenses and to
do such and act like things as to my
Executor may seem right and proper.
Item II: I give and devise to my beloved
wife Maria F. Wells, all my real property
wherever situate to be hers absolutely
forever.

Item III. I give and bequeath to my said
beloved wife, Maria F. Wells, all my
personal property, & whatsoever rights
and claims and whatsoever interests to the
husband.

Item IV. In his my desire & my
real property and its giving & my
personal property, with real and mixed,
to my said wife, as in conformity with
my highest desires and love, and request
that I have for her and our mutual
happy home that we have had jointly
and together throughout our married
life and now and so that I am truly
made all my property in this will
bequeathed and I am intended to maintain
a Christian Home, and are thankful to
Almighty God for his kindness to me and
I trust that He, who has guided me
through life and cared for me through
these years will not forsake me in
death, and if I should die before other
members of my family are able to
provide them, nor forsake my wife
and children, if I should be required to
answer its Real Care & death before
and in any of them.

Item V. I hereby constitute and appoint
my beloved wife, Maria F. Wells, my
love and beloved & executor, to act
in line and purpose to execute this
my last will and testament, according
to the line intent and meaning of the
same, and every part thereof, hereby
naming and declaring myself void
of all wills and intentions by any
lawful means.

In witness whereof, I the said R. Victor
Wells have hereunto set my hand and
seal, at the 16th day of May, 1916
R. Victor Wells. (Seal)

signed, sealed, published and declared by
the said R. Victor Wells, to be his last
will and testament; in the presence of us,
who, at his request; and in his presence,
and in the presence of each other, do subscribe
our names as witnesses thereto.

R. M. Wells.

Mrs. J. Julia Brown.