

186
I Hannah Rhodes of
the County of Henderson and State
of North Carolina being of sound mind
and memory but considering the uncertain-
-ty of my earthly existence, do make and
declare this my last will and Testament
in manner and form following-
that is to say:-

First my beloved Grand-
-son William D. Miller shall provide
for my body a decent burial and
pay all funeral expenses together
with all my just debts now or here-
-to before owing

Then I give and
-devise to my said beloved Grand-
-son William D. Miller and his
-wife Rachel W. Miller and
their heirs forever (love and affec-
-tion moving me thereto, by reason
of the uniform kindness shown
me by the said William & Rachel)
a certain tract or parcel of
-land containing eighty five
acres, more or less, lying on the
East side of French Broad River
Beginning at the mouth of Crab
Creek & running 45 poles down
the river to a Persimmon on the
banks of the River: Then one
hundred and eighty poles South
65° E. to a Spanish Oak in the
fork of the Road - thence along
the top of a ridge 46 poles to a
Black Oak: thence 45 poles to a small
Post Oak at the corner of the Fence:
Thence 25 poles to a creek at the
mouth of the Mill Race -
Thence down the said Creek
to the Beginning - to have
and to hold to them the
said William and Rachel
their heirs and assigns forever

It was conceived in my mind for that purpose when I desire to conform to my wishes, which are

in fee simple - The said land being part of Nicoll's old survey the same having been deeded to my husband Thomas Rhodes and myself by my father John Nicoll on the 15th of April in the year 1803. the deed to the same being recorded in Book "C" in pages 193 & 194 in the Register's Office Buncombe County -

In witness whereof I the said Hannah Rhodes do hereunto set my hand & seal this 4th day of January A.D. 1872 hereby revoking all former wills and Testaments by me made

Hannah Rhodes *H.S.B.*

Signed Sealed Published & declared by the said Hannah Rhodes to be her last will & Testament in the presence of us who at her request & in her presence do subscribe our names as witnesses thereto -

Ans. D. Symeant

Ann E. Patton

D. Harrison Graves

J. A. Spann

State of North Carolina, In the Probate Court of Henderson County.

In the matter of the will of Hannah Rhodes - J. A. Spann one of the attesting witnesses to the paper writing dated the 4th day of January 1872 purporting to be the last will & Testament of Hannah Rhodes deceased - being duly sworn deposes & says: That he was acquainted with the said Hannah

Rhodes. That at her request and in her presence, he subscribed his name to the said paper writing as one of the witnesses thereto.

That John D. Hymen and Ann E. Patton, two of the other subscribing witnesses to said paper writing are dead & D. Harrison Graves the other attesting witness to said paper writing is a non resident of this State, now residing in Washington City D.C.

J. F. Spann,

Sworn to and Subscribed before me this 23rd day of September 1882

C. H. Pace
Judge of Probate

State of North Carolina, In the Probate
Henderson County Court.

In the matter of the will
of Hannah Rhodes deceased.

E. P. Hymen being duly
sworn deposes and says:

That she is the widow of the late John D. Hymen now deceased and sister of Ann E. Patton now deceased; that she was well acquainted with the handwriting of both the said John D. Hymen & Ann E. Patton and the paper writing now exhibited purporting to be the last will and testament of Hannah Rhodes dated the 4th day of January 1872 attested by John D. Hymen, Ann E. Patton, D. Harrison Graves & J. F. Spann bears the signature

It has been examined for that purpose whom I desire to conform to my wishes, who is a

187

of the said John D Hymen & Ann E Patton as attesting witnesses thereto and that said signatures are in their own genuine & proper hand writing - and that the said John D Hymen & Ann E. Patton are now dead - That she was acquainted with Hannah Rhodes at the date and time of the execution of said paper writing. She 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. Deponent further saith: That said will was written by her husband at the request of the Hannah Rhodes and at the house of deponent - and deponent had the means & opportunity of knowing that the said Hannah Rhodes was of sound mind and memory.

E. R. Hymen

Sworn to & subscribed before me this the 23^d day of September 1882

E. M. Pace

Judge of Probate.

State of North Carolina In the Probate Court
Henderson County

A paper purporting to be the last will & testament of Hannah Rhodes is exhibited before me the undersigned Judge of Probate for the County of Henderson W. D. Miller & Rachel Miller the legatees herein named - and

the due execution thereof by
the said Hannah Rhodes
is proved by the oath and exam-
-ination of J. D. Spauld one of
the subscribing witnesses to said
paper writing and by the oath
of Ellen D. Hymon who says that
she is well acquainted with the
hand writing of John D. Hymon
and Ann E. Patton and their
signatures to said paper writing
as witnesses thereto are in their
own proper hand writing -
That the said John D. Hymon
+ Ann E. Patton are both since
dead - That she was well acquaint-
-ed with the said Hannah
Rhodes and at the date of
the execution of said will
she was of sound mind +
full age to execute a will
and not under coverture -
And in appearing that D.
Harrison Graves the other
subscribing witness to said
paper is a non resident of
this state - It is therefore adjudged
that said paper writing and
en-~~entire~~ment thereof is the last will
+ testament of the said Hannah
Rhodes duly proven and
ordered to be recorded - This 23^d day
of Sept. 1882.

Wm. Pace
Judge of Probate

It has been examined for that purpose where I desire to conform to my wishes, who of a