

the matters in issue before the court at this hearing, that the said Jesse Bane died at his residence on the 8th day of February, A.D., 1922, in The City of Cameron in Marshall County, West Virginia, and that the said Jesse Bane, at the time of his death had a known place of residence in the said City of Cameron, and died possessed of certain real and personal estate situate in the said County of Marshall, and the writing bearing date on the 3rd day of December, 1921 as set forth in said petition executed in the manner provided by law for the execution of wills and purporting to be the true last will and testament of the said Jesse Bane, deceased, having this day been produced before this Court, and it further appearing to the Court that at the time of the execution thereof by the said Jesse Bane, deceased, that he was of sound and disposing mind and memory and legally qualified to make a will, the said paper writing was proved according to law by the oaths of T. C. Pipes and G. W. Pipes, the subscribing witnesses thereto; and on motion of the said Jesse E. Bane, the executor named in said writing, by his attorney, it is ordered that the said writing be and the same hereby is, established, probated, and admitted to record as and for the true last will and testament of the said Jesse Bane, deceased.

And the said Jesse E. Bane, executor named in said writing, desiring to take charge of the said estate at once, thereupon came the said Jesse E. Bane and qualified as such executor by taking the oath and giving bond, with T. C. Pipes as his surety, in the penal sum of Seven thousand (\$7000.00) Dollars, condition as the law directs.

Thereupon, G. W. Pipes, E. L. Hinerman and S. B. Hinerman were appointed by the Court to appraise said estate and make proper return thereof to the Clerk of this Court.

Teste:

J. E. Chase, Clerk.

WILL OF HARRIET PHILLIPS.

IN THE NAME OF GOD AMEN

I HARRIETT PHILLIPS A Resident of CAMERON District Marshall county west Virginia, Being of sound mind and Deposeing Memory and realizing the uncertainty of this Mortal life do make this my last will and testament hereby revoking any former will or wills by... heretofore made as null and void, To my grandson STANLEY GRAY I Give devise and Bequeath twenty five acres of the land left to me by my husband David Phillips deceased, the same to be out off the land adjoining the lands of Minnie Gray so as to be to the best interest of both the 25 acres above set out and the remainder of my land, To my Daughter Minnie Gray and my son Frank Phillips I Give devise and bequeath all the remainder of my estate real, personal and mixed equally share and share alike, I appoint my son Frank Phillips Executor of this my last will and testament, In witness whereof I have signed and sealed and published and declared this instrument as and for my last will and testament at my home in Cameron, West Virginia, this 12th day of December, 1921.

the First day of June 1916

Harriet Phillips (Seal)

On this the 1st day of June 1916 at the home of the above Harriett Phillips in Cameron District Marshall county west yirginia The testator Harriett Phillips signed and sealed and published and declared the foregoeing as and for her last will and Testament and we at her request and in her presence and in the presence of each other hereto subscribe our names as and for subscrib~~e~~ing witnesses,

M. A. Walton

T. C. Pipes

OFFICE OF THE CLERK OF THE COUNTY COURT OF

MARSHALL COUNTY, WEST VIRGINIA, MAY 10th, 1922.

In the matter of the petition for the probate of the last will and testament of Harriet Phillips, deceased.

This 10th day of May, 1922, came Frank Phillips, Minnie S. Gray and Stanley Gray and presented their petition to the Clerk of the County Court of Marshall County, West Virginia, in the vacation of the said court, praying for the admission to probate of a certain paper writing, bearing date on the 1st day of June, 1916, and herewith filed, as and for the true last will and testament of said Harriet Phillips, deceased, late a resident of said Marshall County and having a mansion house therein.

And it appearing from said petition that T. C. Pipes and M.A. Walton, the latter now deceased, are the subscribing witnesses to said paper writing, and that the said petitioners, who are all of full age, are the only parties interested in the probate of said paper writing, on motion of the said petitioners, it is ordered that the said petition be and the same is hereby filed, and the hearing on the matters and things involved in said petition be and the same are set for hearing forthwith.

And the matters and things involved in said petition being now ready for hearing, and it appearing that the said Harriett Phillips departed this life on the 2nd day of April, 1922, in the County of Marshall and State of West Virginia, and that at time of her death she had a known place of residence and mansion house in said county, and that the said Frank Phillips, Minnie S. Gray and Stanley Gray are all the devisees of said decedent and all the parties interested in the probate of said paper writing as and for the true last will and testament of the said Harriett Phillips, deceased, have been properly convened before the said Clerk of said County Court, said Clerk of said Court proceeded to hear and determine said motion for probate.

And it appearing from the evidence of T. C. Pipes, the surviving subscribing witness to said paper writing, heard in person before the said Clerk of said court, bearing date on the 1st day of June, 1916, that the same was duly signed, executed, published and declared by the said Harriett Phillips as and for her true last will and testament, and that said paper writing was duly witnessed by the said T. C. Pipes and M. A. Walton, the subscribing witnesses thereto, on the 1st day of June, 1916, at her request and in every respect in the manner required by law relating to the mode of

executing wills; that the said Harriett Phillips was of sound mind and disposing memory at the time said paper writing was so executed and witnessed; that M. A. Walton, one of the subscribing witnesses to said paper writing departed this life previous to the death of the said testator and his signature as such subscribing witness being fully proven, it is ordered that the said paper writing, bearing date on the 1st day of June, 1916, be and the same is hereby admitted to probate and recorded and established as and for the true last will and testament of said Harriett Phillips, deceased, late of said Marshall County.

And thereupon came Frank Phillips, named and appointed executor in said will and took the oath required by law as such, and together with A. L. Hooton, his sureties, who first qualified as to his sufficiency, entered into and acknowledged a bond in the penal sum of \$1500. conditioned and payable as the law directs.

And D. H. Hennen, B. L. Hagerman, and J. C. Fry are this day appointed to appraise the goods and chattels of the said Harriett Phillips, they to be first duly sworn for that purpose.

TESTE: J. Chase, Clerk.

"SARAH A. GARDNER "WILL."

Last Will and Testament.

I, Sarah A. Gardner, of Elm Grove, Ohio County, West Virginia, being of sound and disposing mind and memory and desiring to make such disposition of my worldly estate as I deem best, do hereby make, publish and declare this to be my last Will and Testament, hereby revoking any and all former wills and codicils whatsoever by me made.

First; I direct that all my just debts and funeral expenses be paid out of my estate as soon after my decease as conveniently may be and to that end charge my whole estate, real and personal, with the same.

Second; I give, devise and bequeath to my beloved children, Hallie Augustus Gardner, Charles Leonard Gardner and Flora Belle Fleahman all the rest and residue of my estate, and direct the executor of this my last will and testament to convert all the estate, both personal and real into cash and divide same equally among my said children share and share alike.

I nominate and appoint George H. Grodhaus, of Elm Grove, Ohio County, West Virginia, to be the executor of this my Last Will and Testament.

In Witness Whereof I have hereunto set my hand and seal to this my Last Will and Testament at Elm Grove, Ohio County, West Virginia, this 19th day of June, 1919.

Sarah A. Gardner (Seal.)

Signed, sealed, published and declared by the said Sarah A. Gardner as and for her last will and testament in the presence of us, who in her presence, at her request