

June 10, 1861- Macon County Superior Court:

A paper writing purporting to be the Last Will and Testament of Thomas Welch, deceased, wick are in words and figures following:

In The Name of God, Amen. I, Thomas Welch of the County of Macon and State of North Carolina, being of sound mind and memory and bearing in mind that it is appointed for all men to die, do make, publish and ordain this my Last Will and Testament.

This is to say, First of all, I will and desire that my body shall be buried in a decent and Christianlike manner and that all my just debts be paid by my executor, hereinafter named.

Secondly, I will and bequeath my beloved son, Joseph W. ( Wilburn) Welch, all that tract or tracts of land lying on the Tennessee River Known as the Queen place which I purchased from John Queen. Also Two Hundred acres of land lying in the forks of the Tuckasiegee River and Tennessee River, and below the mouth of the Tuckasiegee on the north side of the Tennessee River and also one-half interest in Six Hundred and Forty acres of mountain land lying on the top of the Smoky Mountains to the left of the High Rocks.

Thirdly, I will and bequeath to my beloved daughter, Louisa A. Huggins and her children after her death, all my house, land and plantation on the waters of Burningtown Creek, consisting of several tracts and joining. Also all my land in Cherokee County being two hundred acres, lying on a small creek which empties into the Tennessee River about 46 miles below Franklin, and also one-half of Six Hundred and Forty acres lying on the Smoky Mountains mentioned in the foregoing section. And also all my house hold and kitchen furniture and all my livestock and grain of every description except such is specifically herein after disposed of otherwise. And also all my farming and smith tools and all the iron I have on hand and loaned out and wagons unfinished except one which I owe J. W. Welch.

Fourth, I will and bequeath to my grandson, Thomas Allen, one horse, bridle and saddle worth One Hundred Dollars, one cow, one bed and furniture and one rifle gun to be paid to him by my executor when he attains the age of twenty one years.

Fifth, I will and direct that all the balance of my land, being mountain land, be sold by my executor on a credit of one, two and three years, and the proceeds thereof equally divided between my two daughters, Marianne Drenon and Amanda Allen.

Sixth, I will and direct that my three work oxen be sold by my executor after taking the range one summer season, and the proceeds applied to the payment of a debt which I owe James Bryson due in the Fall 1861, being part of the price on my Queen land, and so far as they do not pay and satisfy the same, my son, J.W. Welch, pay the balance since to him the land, in that event, will belong.

Seventh, I will and direct that all debts due me be collected and applied to the payment of my debts and expenses of winding up and settling my business and the surplus, if any, to be equally divided between my two children, J.W. Welch and Louisa A. Huggins, and if the amount should not be sufficient for those purposes, then the deficiency is to be paid equally by those two, viz, Joseph W. Welch and Louise A. Huggins.

Lastly, I nominate and appoint my friend, Henry G. Woodfin, Executor of this my Last Will and Testament, and hereby revoke and disclaim all other wills by me made and other paper writing purporting to be such.

In witness whereof, I herto set my hand and seal on the 21st day of March, 1861.

Signed: Thomas Welch

The foregoing was signed, sealed and published by Thomas Welch in our presence, who also witnessed the same:

Signed: Sophie Huggins

Joseph W. Welch

H.G. Woodfin

June 10, 1861- Macon County Superior Court

D.H. Allen and wife, Amanda, and Mariann Drenon, two of the heirs at law and next of kin of said Thomas Welch, came into court and entered a Caveat to the Probate thereof, and say that the same is not the Last Will and Testament of said Thoms Welch or any part thereof. And there upon the Court directs the following issue to be made up and transmitted to the Superior Court to be submitted to a jury, to wit: is the paper, the writing or any part thereof, if so, what part, the Last Will and Testament of the said Thomas Welch or not. And on motion it is ordered that a citation issue against Joseph Huggins and wife, Louisa, and J.W. Welch, two heirs at law and next of kin of the said " Thomas Welch, who reside within the state, to appear at the next term of Superior Court to see proceedings in the case and make themselves parties to the said issue if they shall think proper to do so.

September 1861- Macon County Superior Court

It appearing to the satisfaction of the Court that a paper writing has been offered to this court purporting to be the Last Will and Testament of Thomas Welch, deceased, and certain of his heirs at law and distributees having entered a Caveat to the probate it also appears to the satisfaction of the Court, that the interest of the estate requires the appointment of an administrator during the litigation in relation to the Last Will and Testament aforesaid, and R.C. Slagle applying for said administration, it is therefore ordered by the Court that the said R.C. Slagle be appointed administrator and that he enter into bond and security in the sum of \$1,000, which bond is accepted by the Court and J."S. Grey as security, and the said R.C. Slagle is duly qualified by taking the oath of office and letters issued.

September 9, 1861- Macon County Superiour Court

H.G. Woodfin, Executor Vs. D.H. Allen & Otheres

Therefore came a jury, to wit:

T.J. Kimsey, M.A. Russell, John Ramsey, R.A. Phillips, A. Conley, Peter Davis, A.B. Angel, Hugh Elmore, W.M Patton, Andrew Justice, F. Barnett, John Elmore being chosen, tried and sworn to be the issue, may they find the following paper to be the Last Will and Testament of Thomas Welch, deceased.

It is therefore considered by the court now here, that the foregoing paper is duly proven in solemn form according to law and that the same be recorded. Ordered by the court that a Provento issue, together with a copy in the premises according to law. It is agreed by the court that the defendant pay the cost of the same.

December 15, 1861- Macon County Superior Court

R.C. Slagle, Administrator of Thomas Welch, deceased, issues and inventory of the estate and tenders his resignation as Administrator which was accepted by the Court. H.G. Woodfin is appointed in his stead, and files bond in the sum of \$1,000 with J.G. Crawford and G.C. Sellers as security. The oath of office was administered and letter issued.

The court ordered that the said Woodfin take charge of and expose for sale the following property- to wit: 2 head of horses, 3 head of young cattle, 3 head of sheep, 14 head of hogs and a claim of wild hogs, and the rent corn, supposed to be about 165 bushels and that he take care of the balance of the property.

Ordered by the Court that H.G. Woodfin. Administrator of Thomas Welch, deceased, be allowed to list the taxables of said estate to the clerk.

September 13, 1862- Macon County Superior Court

The proceedings issued from the Court of Law of Macon County in the case of H.G. Woodfin against D.H. Allen and Others, was returned, whereupon H.G. Woodfin was duly qualified as Executor of the Last Will and Testament of Thomas Welch, Deceased.