

Will.

I, Eliza Cathey of the County of Mecklenburg & State of N.C., being of Sound Mind & Memory but considering the uncertainty of my earthly existence do make & declare this my last Will & Testament in manner & form following, that is to say,

1st That my Executor hereinafter named shall provide for my body, a decent burial for my body suitable to the wishes of my relations and friends & pay all funeral expences, and my just debts out of the moneys that may come into my hands apart of my estate.

Item I give & devise to my daughter Nancy F. Smith, one bed & stead & furniture & one Clock on stand.

Item I give & bequeath to my daughter Eliza F. Smith one bed & stead & furniture & my large Walnut folding Table.

Item I give & devise to my son Alexander A. Cathey all the balance of my property which is on hand at my death. Except the moneys on hand and due me after paying my debts, which balance is to be divided equally between, Nancy F. Smith, Eliza F. Smith, & Alexander A. Cathey. And Lastly I do hereby constitute & appoint my son Alexander A. Cathey my lawful Executor to all intents & purposes. June 20th 1870.

In Witness Whereof, I the said Eliza Cathey do set my hand and seal.

handed and Sealed.
Test.

{Sig} Eliza Bathay Seal

M. A. Alexander,
Stephen Wilson,
Eliza Wilson.

Codicil.

I do by this Codicil after a portion of the within Will dated June 2nd 1870. I give my granddaughter Sarah F. Smith one bedstead & furniture & my large Walnut folding Table. bequeathed in the within Will to my daughter Eliza F. Smith also my Cook Stove now on hand.
Sept. 26, 1876.

Eliza Bathay Seal

Test

M. A. Alexander
Stephen Wilson.

North Carolina } Before J. M. Morrow
Mecklenburg County } Clerk of the Superior Court.

A paper purporting to be the last Will & Testament & Codicil of Eliza Bathay, deceased is exhibited before me the undersigned Clerk of the Superior Court for said County by Alexander A. Bathay the Executor therein mentioned and the due Execution thereof

by the said Eliza bathey, deceased is duly proved before me by the
Oath & examination of J. J. M. Lord and also of M. A. Alexander
being duly sworn doth defend & say. that he is a subscribing witness
to the paper writing now shown him purporting to be the last
Will & Testament of Eliza bathey decd. that the said Eliza bathey
in the presence of the deponent subscribed her name & affixed a seal
at the end of said paper writing which is now shown as afore-
said and which bears date of the 2nd day of June 1870. And the
deponent further saith, that the said Eliza bathey the testatrix
aforesaid did at the time of subscribing her name as aforesaid,
declare the said paper writing so subscribed by her & exhibited
her last Will & Testament. And this deponent did thereupon
subscribe his name at the end of said Will as an attesting
witness thereto and at the request & in the presence of the
said testatrix and in the presence of Stephen Wilson and
Eliza Wilson the other subscribing witnesses thereto. And
this deponent further saith that at the said time when the
said testatrix subscribed her name to the said last Will
as aforesaid, and at the time of the deponent subscribing
his name as an attesting witness thereto as aforesaid, the
said Eliza bathey was sound of mind & memory, of full age
to execute a Will, and was not under any restraint to the knowledge
information or belief of this deponent & he believes the said

to execute a Will. And was not under any restraint to the knowledge information or belief of this deponent and further the said deponent says not. And the said J. J. McCord being duly sworn deposes and says, that he knew Stephen Wilson one of the other subscribing witnesses to the said Will and Testament and the Codicil thereto, that he is dead. And that he is well acquainted with the handwriting of the said Stephen Wilson one of the said witnesses, having often seen him write. And that his signature to the said Will and Codicil is genuine.

Sworn to & subscribed before me,
this 24th day of November 1888.
J. M. Morris, C. S. C.

Mo. A. Alexander
J. J. McCord

State of North Carolina
Mecklenburg County

Sworn deposed and says. That she knew Stephen Wilson and Eliza Bathey. That the said parties are dead. That she is well acquainted with the hand-writing of Stephen Wilson and Eliza Wilson and Eliza Bathey. That the hand writing of Eliza Bathey to the annexed Will and Codicil is genuine. and in her own handwriting. That the handwriting of Stephen Wilson and Eliza Wilson subscribing witnesses to the annexed Will and Codicil are genuine —

That I know the hand-writing of said parties as I have often
seen them write, that their signatures to the Will & Codicil
are genuine.

Sworn to & subscribed before me
this 24 day of Nov. 1888.
J. M. Morris C.S.C.

J. L. Williamson

North Carolina } In the Superior Court,
Mecklenburg County }

It is therefore adjudged & considered by the Court,
that the said paper-writing & Codicil & every part thereof is the last
Will & Testament of Eliza Cathey, Decd. And the same with the fore-
going examination & this Certificate are ordered to be recorded &
filed, this 24th November 1888.

J. M. Morris. C.S.C.

North Carolina } In the Superior Court,
Mecklenburg County }

To The Honorable The Clerk of the Superior
Court for Gaston County:-

This is to certify that the foregoing
paper-writing which is an exact, true & perfect copy of
the last Will & Testament of Eliza Cathey, Decd. who duly

paper-writing which is an exact, true & perfect Copy of
the Last Will & Testament of Eliza Cathey, dec'd. who duly
proven & allowed in the Probate Court or the Court of
the Clerk of the Superior Court for the aforesaid Mecklenburg
County, North Carolina.

That the said Will & Testament was duly proven according
to law in all respects, and that A. A. Cathey was duly
appointed as Executor of said last Will & Testament, and
has duly qualified as Executor according to law.

Official Seal

J. M. Morrow Clerk
Superior Court.

State of North Carolina
Gaston County

The foregoing Certificate of J. M. Morrow Clerk of the Superior Court
for Mecklenburg County, North Carolina, is adjudged to be in
due form and according to law.

Therefore let the said Copy of the Last Will & Testament of Eliza
Cathey, which is adjudged to be an exact, true & perfect Copy which
has been duly probated in Mecklenburg County according to law with this
Certificate: be duly enrolled accord to law. This 26th day of December 1889.
J. B. White, C. S. C.