

handwriting when it is subscribed as an attesting witness to said last will and testament and said Codicil of said Col. George Barner is said Dodge's genuine handwriting.

C. H. Daughton.

Subscribed and Subscribed  
before me

Third August Eleventh (11) 1898.

J. Blains, C. J. C.

North Carolina } In the Superior Court  
Athens County }

It is therefore considered and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of George Barner deceased. Let the said Will together with the probate be recorded and filed.

This 18<sup>th</sup> day of July 1899.

C. J. Eller,  
Clerk Superior Court.

North Carolina, Athens County.

I Jacob Eller of the aforesaid County and State being of sound mind but considering the uncertainty of my earthly existence do make and declare this my last will and testament first my Executor hereinafter named shall give my body decent burial suitable to the wishes of my friends and relations and pay all funeral expenses together with all my just debts out of the first money which may come into his hands belonging to my estate.

Second I give and devise to my youngest son J. H. Eller his heirs and assigns the tracts of land on which I now reside containing 110 acres more or less adjoining the lands of W. E. Perkins heirs and Sherman and Wade Mink Marshal Pennington J. M. Eller W. H. Testerman Harry Testerman the said J. H. Eller is to keep and sow for me and my wife Ellen Eller as long as we live.

Third I give and devise to my son G. W. Eller and his heirs in fee simple a certain tract or parcel of land in Walnut Hill Township Athens Co. containing 30 acres more or less adjoining the lands of Jacob Blains Longo Blains Log of Barber and others known as the old Yates Place.

I want that the residue of my personal property after paying my lawful debts to be divided equally among my four daughters to wit Louisa Stewart Mary Pierce Almira May Alice Thompson and they shall still according to my will and all be made equal to them I give all of my personal property goods notes and so forth the same to be theirs at my death.

Fourth I hereby constitute and appoint my trusty friend J. H. Eller my lawful Executor for all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made in witness whereof said Jacob Eller do hereunto set my hand and seal this 1 day of September 1898.

Jacob Eller (Seal)

Signed & sealed, published, and declared by the said Jacob Eller to be his last will and testament in the presence of us who at his request and in his presence subscribed our names as witnesses thereto.

W. H. Testerman  
C. F. Segraves

State of North Carolina } In the Superior Court  
Ashe County }

A paper purporting to be the last will and testament of Jacob Eller deceased is exhibited of before me, the undersigned Clerk of the Superior Court for said County, by J. Horton Eller, the Executor therein mentioned, and the due execution thereof by the said Jacob Eller by the oath and examination of W. H. Testerman and C. F. Segraves the subscribing witnesses thereto; who being duly sworn, doth depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and testament of Jacob Eller that the said Jacob Eller acknowledged the execution and signing said will in the presence of this deponent at the end of said paper writing, which is now shown as aforesaid, and which bears date of the 1<sup>st</sup> day of September 1898.

And the deponent further saith, that the said Jacob Eller the testator aforesaid, did at the time of acknowledging his signature as aforesaid declare the said paper writing to be subscribed by him and exhibited to be his last will and testament, and this deponent did thereupon subscribe his name at the end of said will, as an attesting witness thereto, and at the request and in the presence of said testator. And this deponent further saith, that at the same time when the said testator acknowledged his signature to the said last will as aforesaid, and at the time of the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Jacob Eller 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, and further this deponent says not.

W. H. Testerman  
C. F. Segraves

Severally sworn and  
subscribed, this 29<sup>th</sup> day

of July 1899, before me, A. S. Eller,

Clerk Superior Court.

North Carolina } In the Superior Court  
Ashe County }

It is then for consideration and adjudged by the Court that the said paper writing and every part thereof is the last will and testament of Jacob Eller, deceased. Let the said will, together with the probate, be recorded and filed.

This 29<sup>th</sup> day of July, 1899.

A. S. Eller,

Clerk Superior Court.