

Seventh I give and bequeath to my beloved son Scott (who is now dead but has living children) the three hundred and ten (\$310) dollars which I paid on his land for him previous to his death.

Eighth I give and bequeath to my beloved daughter Sallie, who married James Brittain, and now dead, the three hundred and ten (\$310) dollars which I advanced to her before her death.

Ninth I give and bequeath to my beloved daughter Nancy, wife of Jacob Johnson, the three hundred and ten (\$310) dollars which I have previously advanced to her.

Tenth My will and desire is that all the residue of my estate, including land, stock, farming implements, grain &c be by my executor hereinafter named legally advertised and sold, and all notes and debts owing to me be collected, and if there should be any surplus over and above the payment of debts, expenses and legacies, that such surplus shall be equally divided and paid over to my beloved sons and daughters, namely: John, Horace, Scott & three children (Brantley, Jennie and Jimmy), Nancy, Jacob Johnson's wife, Sallie's children (Ela and Raymond) and William, but should William die before I die, then his children must not have any part or parcel mentioned in this item, but if William is living at my death then he must have his equal share of whatever surplus money there shall be to divide, according to this item.

Eleventh I hereby constitute and appoint my trusty friend, J. M. Clappitt, (and in case of his death, then my friend Sidney L. Severe) my lawful executor to all intents and purposes, to execute this my last will and testament, according to the true intent and meaning of the same, and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof, I the said Eli Burns, do set my hand and seal, This 28th day of January 1896.

Signed, Sealed, published and declared by the said Eli Burns to be his last will and testament in the presence of us who at his request and in his presence do subscribe our names as witnesses thereto.

Luther Mosteller } Witness
Barton, Baker, } Witness

State of North Carolina, } ss. In the Superior Court.
Catawba County.

A paper purporting to be the last Will and Testament of Eli Burns deceased, is exhibited before me the undersigned, Clerk of the Superior Court for said County, by J. M. Clappitt, the executor therein mentioned, and the due execution thereof by the said Eli Burns proved by the oath and examination of Luther Mosteller and Barton Baker 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 Eli Burns; that the said Eli Burns in the presence of this deponent subscribed his name at the end of said paper-writing, which is now shown as aforesaid, and which bears date of the 28th day of January, 1896.

And the deponent further saith, That the said Eli Burns the testator aforesaid, did at the time of subscribing his name as aforesaid, declare the said paper-writing as 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 said time when the said testator subscribed his name 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 Eli Burns 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 these deponents say not.

Luther Mosteller.
Barton, Baker

Severally sworn and subscribed,
this 21st day of November, 1898,
before me:

J. W. Rockett
Clerk Superior Court

North Carolina, } ss. In the Superior Court
Catawba 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 Eli Burns, deceased. Let the said Will, together with the probate, be recorded and filed.

This 21st day of Nov, 1898.

J. W. Rockett
Clerk Superior Court