

Probate of Jesse Miller's Last Will & Testament.

State of North Carolina, 3^d Div. Probate Court
Catawba County

A paper writing purporting to be the Last Will and Testament of Jesse Miller deceased is exhibited before me the undersigned, J. C. Cook for said County, by Ellis Cook the Executor therein mentioned, and the true execution thereof by the said Jesse Miller is proven by the oath and examination of J. C. Cook and C. C. Cook the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself depose and declare that he is a subscribing witness to the paper writing now shown him, purporting to be the last will and Testament of Jesse Miller, that the said Jesse Miller, in the presence in the presence of this deponent, subscribed his name at the end of said paper writing which was shown as aforesaid any other being date of the 24 day of Dec. 1881

And the deponent further saith, that the said Jesse Miller the Testator aforesaid did at the time of subscribing his name as aforesaid, declare the said paper writing to be subscribed by him and exhibited, to be his said will as an attesting witness thereto, and at the request and in the presence of the 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 of deponent's representing his name as an attesting witness thereto as aforesaid, the said Jesse Miller was of sound mind and memory, of full age to constitute a will and was not under any duress or constraint to the prejudice, information and belief of the deponent. And further these deponents say true.

J. C. Cook, (and)
C. C. Cook (and)

Severally Sworn and Subscribed
This 6th day of July 1885, before
me.

O A Hoyle cse

Know all men by these presents
That I, Noah Vann of Clinch Township, County of Catawba and State of North Carolina, formerly being in ill health but of sound and disposing mind and memory, do now hereby make and publish this my last will and Testament, revoking all former wills by me at any time heretofore made.

And as to my worldly estate and all my property of which I shall die possessed, or to which I shall be entitled at the time of my death, I devise, bequeath, and dispose thereof in the manner following, to wit:

1st My will is that all my just debts and funeral expenses (including the erection of a suitable tombstone at my grave) shall be paid out of my estate by my executors therein after mentioned as soon as shall be found convenient.

2^d I give, devise and bequeath to my beloved wife Elizabeth Melinda Vann, in her own right, all that certain lot or parcel of land, situate in Clinch Township, County of Catawba and State of North Carolina, known as the "Home Place" purchased from George Herman, being bounded and described as follows:—Beginning at a Pine tree running South 3^d West 56 poles to a Post Oak tree, thence South 87 poles to a small Hickory on what was formerly known as "Miller's line", thence along this line North 48 West 47 poles to a small rock tree, thence South 88 West 24 poles to Black Oak, thence North 110 poles to an Oak on Hunsuck's line, thence with this line South 30 East 140 poles to the beginning containing 57 acres more or less; also all that certain lot or parcel of land, situate and lying in the Township, County and State aforesaid, and adjoining the lot described above, the same being bounded and described as follows:—Beginning at a small Black Gum, thence a corner and running with Hunsuck's line, passing a corner in the lot of land heretofore assigned, North 41 West 107 poles, crossing two small streams of water to a Black Oak, also a corner of the lot previously described, thence with the line of said lot and Olden's line South 39 West 76 poles to a Stake and pointing Clinch Creek, thence with this line South 9 East 317 poles to a pine, the other Rhode's corner, thence

with her line South $27\frac{1}{2}^\circ$ East 105 poles to a Red Oak, also her corner, thence South East a new line to a Rock, George Clouds corner on Harris's line, thence with said line to a double Chestnut tree corner, thence with her line North 24° East 68 poles to the beginning, containing 61 acres, 1 rood and 28 poles more or less, together with all my woods, grates, lime drate courses and all and every appurtenances thereto belonging with the use, profit and advantage resulting therefrom, to have and to hold the same unto her the said Elizabeth Melinda during the term of her natural life. After the death of my said wife, Elizabeth Melinda Worme, the above described land shall become the property of my youngest son Dallas Alexander Worme, to have and to hold the same unto himself, his heirs and assigns from

3 I also give and bequeath unto my said wife Elizabeth Melinda Worme 2 working horses, one chaise, 2 cows, 1 heifer, 2 yearling steers, 10 pigs and 12 sheep, all her choice, together with one wagon, 1 buggy, all my farming tools, all furniture and all kitchen furniture, 100 bushels of wheat, all other grain and feed on hand, together with the growing crop, if any, and fifty dollars in cash, to have and to use the same during her natural life; and after her decease whatever remains of the same or shall have retained their form, shall be sold by my executors, in the manner seemed the most judicious, and the proceeds shall be divided among my children as follows:

To each of my sons Dallas Alexander, and Joshua George I give the sum of one hundred dollars, and the residue, if any, shall be equally divided among the rest of my children, then living, whose names are Adolphus George, William Henry, Sarah Ann, John Coldwell, Candice Ellen, David Emmond, and Alice Endorah to have and to use the same as their own forever.

4th I give devise and bequeath to my son David Emmond, all that lot or parcel of land, purchased by me from Mr. A. A. Dow, & situated in the estate of Joseph Sanborn, adjoining the lands of David Sanborn, P. B. Sanborn and others

bounded and described as follows; Beginning at a stake, David Sanborn's corner, thence running North 70 poles to a stake in a hollow where a Red Oak formerly stood, thence East 86 poles to a stake in the public road, thence north with said road South 16 East 68 poles to a stake in said road, thence South 19° East 73 poles to a stake on the said road, thence a new line South 70° West 36 poles to a stake in the old line, thence with said line, North 27° West 132 poles to the beginning, containing 44, eight acres 2 parts and $\frac{1}{2}$ poles more or less, to have and to hold the same and all privileges and appurtenances thereto belonging unto the said David Emmond Worme his heirs and assigns, to his only use and behoof forever. I also give and bequeath to my said son David Emmond one horse, such as may remain after my wife shall have chosen two, to have and use the same as his own forever.

5 I give, devise and bequeath to my son Joshua all the residue of that lot or parcel of land purchased by me from J. B. Warren & wife, being bounded and described as follows:

Beginning at a stake in a field, a corner of the land sold to George Herman and running with widow Smiths line East 88 poles to a dead Red Oak, thence South 61° East 3 poles to a stake in Camels Chords line, thence with his line North 1° East 77 poles to a White Oak inside of said Chords fence, thence North 41° West 284 poles to a Hickory, Herman Chords corner thence North 17° West, crossing the Oxford Turn Road and proceeding to a Rock, George Clouds corner, thence North West to a Red Oak on the west side of the Sulphur Spring Ford, Sidney Hepners corner, thence South 8° East 4 poles to a Spruce, Sidney Hepners corner, thence with his line South 70° West 86 poles to a White Oak, dead and down, his corner, thence with another of his line South 65° West 174 poles to a stake a corner of George Herman's line, thence South 31° East 148 poles to the beginning, containing

Eighty Eight One One half Acres more or less
to have and to hold the same with the appurtenances
thereunto belonging to him the said Joshua
Stango Grant, his heirs and assigns forever.

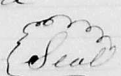
6th I gave and bequeath to each of my daughters
Sarah Ann, Constance Ellen, and Alice Prudence
the sum of five hundred and seventy five dollars
in cash or its equivalent in personal property
to have and to use as their own forever.

7th The residue of my land known as the "Upper
place" the use and advantage of which I give
and bequeath to my beloved wife until the 1st
day of January A.D. 1880, shall then be sold
and the proceeds be divided equally between my
three eldest sons Adolphus Gray, Peter Henry,
and James Edmund to have and to use as their
own forever.

8th Whate'er personal estate there may be which
has not already been mentioned in this will
shall be sold by my Executors and the proceeds
be divided equally between my children
as soon after my decease as shall by them
be found convenient.

Lastly, I Appoint my son James Edmund and
my Brother in law Henry A. Herman as the Ex-
ecutors of this my last will and Testament.

In testimony whereof, I the said Noah Yarns,
have to this my last will and Testament, an-
nixed on two Sheets of Paper, subscribed my
name and affixed my Seal, this 12 day of
September in the year of our Lord One Thousand
Eight Hundred and Eighty Three

Noah Yarns, 

Signed, sealed, published and declared by the
said Noah Yarns as aforesaid his last will and
Testament in presence of us, who in his presence
and in presence of each other, have hereunto sub-
scribed our names as witnesses to the same

J. L. Monmouth
Walter Yarns

Probate of Noah Yarns Will

State of North Carolina } In Superior Court
Catawba County,

Noah Yarns

1883

A paper purporting to be the last will and Testament
of Noah Yarns aforesaid, is exhibited before me, the under-
signed Clerk for said County, by J. C. Yarns and
H. A. Herman, the Executors therein mentioned and
the said Executors being by the said Noah Yarns
to proven by the oath and examination of J. L. Ham-
mon and Walter Yarns, the subscribing witnesses
therein, being duly sworn, doth depose and say,
and each for himself depose and say, that he is
a subscribing witness to the paper writing now shown
him, purporting to be the last will and Testament of
Noah Yarns; that the said Noah Yarns in the presence
of this deponent subscribed his name at the end of
said paper writing, which bears date of 12 day of Sept 1883.

And the deponent further saith that said Noah Yarns
the Testator aforesaid, did at the time of subscribing his
name as aforesaid, declare the said paper writing to be sub-
scribed 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 thereof and
at the request and in the presence of the 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 deponent's subscribing
his name as an attesting witness thereof as aforesaid, the
said Noah Yarns was of sound mind and memory, of
full age to make a will, and was not under any restraint
in the knowledge, information or belief of this deponent
and further these deponents say not

J. L. Hammon & Co. Seal
Walter Yarns Seal

The witness Walter Yarns was not asked to sign
the probate, as his supposition was that he would
not sit up, but his testimony was taken as above

J. A. Boyle
Clerk