

And the deponent further saith, That the said Jacob Byr, the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper-writing so 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 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 Byr 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.

J. C. Brown.

J. H. Aderholdt.

Solemnly sworn and subscribed,
this 17th day of September, 1896, before me.

J. H. 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 Jacob Byr, deceased. Let the said Will, together with the probate, be recorded and filed.

This 29th day of September, 1896.

J. H. Rockett.

Clerk Superior Court.

North Carolina, }
Catawba County }

In the name of God, Amen.
I, J. Osburn Abernathy, of the County & State aforesaid, being of sound mind and memory, do make, publish and declare this to be my last Will and Testament, hereby revoking all former Will by me at any time made, and as to my worldly estate and all my property, real and personal, of which I shall die possessed or to which I shall be entitled at the time of my decease, I devise bequeath and dispose of in the following to wit. My will is that all my just debts and my burial expenses shall by my Executors hereinafter named be paid out of my estate, as soon after my decease as shall by them be found convenient.

I give, devise, and bequeath unto my beloved wife all my household and kitchen furniture during her natural life, and also one milch cow, and my buggy and 3 head of hogs and as to my real estate I will devise and bequeath unto my beloved wife my home tract of land including &c. during her natural life, and after her death the personal property to be equally divided among the lawful heirs of her body, and the real estate to be equally divided between my two sons - Oliver and Edgar and as to the remainder of my personal property if there is enough to pay my debts, without selling real estate, I will that my daughter Anna Eller, Ma Lavina, Lola Byr, Lila May, Cora Blanch, have twenty Dollars each, but if there is not personal property enough to settle the debts and real property has to be sold, then each one of the above named daughters, to have two Dollars apiece.

I will and bequeath unto my two sons, Oliver and Edgar, the remaining part of my real estate, the tract known as the Cathy tract to be equally divided between them the two sons to pay my debts that may be outstanding at my death.

And lastly I do nominate and appoint Oliver Abernethy and John Johnson to be Executors of this my last Will and Testament. In witness whereof I, S. Osburn Abernethy, have to this my last Will and Testament, consisting of one sheet of paper, subscribed my name and affixed my seal.

This August the 11th day, 1873.

Signed sealed and delivered by S. Osburn Abernethy as his last Will and Testament in the presence of us, who at his request and in his presence and in the presence of each other, have subscribed our names as witnesses thereto. S. Osburn ^{mark} Abernethy. *(Seal)*

Signatures of witnesses,
C. C. Abernethy,
John Johnson.

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

A paper purporting to be the last Will and Testament of S. Osburn Abernethy, deceased, is exhibited before me the undersigned, Clerk of Superior Court for said County, by John Johnson & C. C. Abernethy, the executors therein mentioned, and the due execution thereof by the said S. Osburn Abernethy proved by the oath and examination of C. C. Abernethy and John Johnson the subscribing witnesses thereto, who being duly sworn, doth depose and say, and each for himself separately and saith, that he is a subscribing witness to the paper-writing now shewn him purporting to be the

last Will and Testament of S. Osburn Abernethy, that the said S. Osburn Abernethy 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 eleventh day of August, 1873.

And the deponent further saith, That the said S. Osburn Abernethy the testator aforesaid, did at the time of subscribing his name as aforesaid declare the said paper-writing so 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 S. Osburn Abernethy 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.

John Johnson.
C. C. Abernethy.

Solemnly sworn and subscribed,
this 9th day of Dec. 1874, before me,
J. H. Rockett, C. S. C.

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 S. Osburn Abernethy, deceased. Let the said Will, together with the probate, be recorded and filed. (See margin)

Given 9th day of Dec. 1874
J. H. Rockett
Clerk Superior Court