

North Carolina Superior Court
Gaston County

In Matter of the Will of
Marian C. Abernethy decd.

In the Honorable the Clerk of the Superior Court for said County
The petition of R. W. McKnight & Locky J. McKnight his wife & S. M. McKnight
& Susan O. McKnight his wife, by Hugh W. Harris their Attorney
respectfully shews: That as they are informed & believe at
May Term 1866, of the County Court of Gaston a paper writing
purporting to be the last Will & Testament of Marian C. Abernethy decd.
was produced for Probate by John & Dr James Abernethy. And
same was proven by Dr M. Abernethy, one of the subscribing witnesses
but for some reason unknown to petitioners no further proceedings
were taken. And the Matter is now pending in this Court.
That the Executors named therein are dead and the petitioners
Locky J. Abernethy, who intermarried with R. W. McKnight, & Susan O. Abernethy
who intermarried with S. M. McKnight, are interested as devisees,
that the other persons interested as devisees or legatees are Mary
Abernethy, who intermarried with David Norman, Nancy (Abernethy)
who intermarried with Cousar, Elizabeth (Abernethy) who intermarried
with Augustus McKnight.

who intermarried with Wm. Cousar, Elizabeth (Abernethy), who intermarried
with Newton Harris, and Susan Farrington. Lettie Farrington & Robt. Farrington
Minor heirs of Sarah Jane Abernethy, who intermarried with Geo. Farrington
and died in the year -

Wherefore petitioners pray the Court to proceed with the Probate of
said Will to the end that same may be proved & recorded according to law.

Hugh M. Harris
Atty. for Petitioners

State of North Carolina
Gaston County

In the Name of God.

And I Marian is Abernethy of the County and State aforesaid. do
make Publish and declare this my last Will and Testament hereby
revoking all other Wills by me at any time heretofore made
1st I Will devise and bequeath unto my Sisters Sarah Jane & Mary Ann G. &
Locky J. & Susan & Charlotte E. & Nancy Abernethy all of my land Consisting
of about One hundred and Nine Acres for and during their single lives.
then to go to M B Abernethy and Charlotte Abernethy then life time. at their
death to be divided with my Sisters above mentioned as they see fit.
I also Will all the household. Kitchen furniture. also all of my Stock
of every description now on the place to be disposed of as the land above mentioned
Also a Negro woman about fifty two years of age named Cirinda to be disposed
of in the same way that the land above mentioned is.

- 2nd I will and bequeath unto my wife Jane W. Abernethy all note & accounts
and all other evidences of debt. to her the said Jane Abernethy.
- 3rd I will and bequeath to my wife Jane W. Abernethy my Buggy and all the household and kitchen furniture that she has with her at this time.
- And Lastly I hereby Nominate And Appoint my wife Jane W. Abernethy
my true and lawful Executor to execute this will.

In Testimony whereof I have hereunto set my hand and seal this 1st day of Sept. 1863.

W. M. Abernethy Jurat
A. R. Rutledge

Marion C. Abernethy Seal

North Carolina } In Superior Court.
Gaston County }

In Matter of the Last Will & Testament }
of Marion C. Abernethy dec'd }

Whereas it appears to the Court that at May Session 1866.
of the County Court of Gaston a paper-writing purporting
to be the last Will & Testament of Marion C. Abernethy dec'd.
was presented for Probate by Jane Abernethy & Dr James Abernethy.
And the Execution of said paper-writing by said Testator as
his last Will & Testament was thereupon proved by the Oath
of Examination of W. M. Abernethy one of the Subscribed witnesses thereto.

And the Execution of Said Paper-writing by Said Testator as
his last Will and Testament was thereupon proved by the Oath
And examination of W. M. Abernethy one of the Subscribing witnesses thereto.
And Said Paper-writing was Admitted to probate but not recorded.
And it is now proved by the Oath and examination of J. B. Fichte that
A. R. Rutledge the Other Subscribing witness thereto is dead.
And it is further proved by the Oath and examination of W. B. Rutledge
and J. B. Fichte, each for himself that he is well acquainted with
the hand writing of Said A. R. Rutledge and that the name of the
Said A. R. Rutledge Subscribed as a witness to the Said Will is in the
hand writing of the Said A. R. Rutledge; And it is further proved
by the Oath and examination of the Said J. B. Fichte that he is well
acquainted with the hand writing of the Said Marian C. Abernethy
and that the name of the Said Marian C. Abernethy written as
Testator at the end of Said Will is in the hand writing of the
Said Marian C. Abernethy.

It is therefore Considered by the Court that the genuineness and
due execution thereof has been satisfactorily proved. And the
Said Paper-writing and every part thereof is adjudged to be the
Last Will and Testament of the Said Marian C. Abernethy. And
the same with the foregoing Petition and this Certificate
are Ordered to be recorded and filed. This 2nd day of January 1890.
J. B. White Clerk
Superior Court