

State of North Carolina } Before  
 Gaston County } J. B. White, Clerk Superior Court.  
 In the Matter of the Last Will  
 of Moses N. Rhyme.

J. A. Abernethy being duly sworn, doth say:  
 That Moses N. Rhyme late of said County, is dead, having first made  
 and published his last Will & Testament; and that Daniel C. Rhyme  
 and Affiant J. A. Abernethy are the executors named therein.  
 Further, that the property of the said Moses N. Rhyme, consisting of  
 acres of land, Horses, Mules, Cattle, Sheep, Hogs, Farming implements,  
 Wagons, Buggy, Grain, roughness, Household & Kitchen furniture &c.  
 is worth about \$10,000.<sup>00</sup> So far as can be ascertained at the date of this  
 Application; and that Mary C. Rhyme his widow, and the following  
 named Children, to wit: Margaret C. Rhyme, now the wife of H. F. Hildreth,  
 Mary C. Rhyme, Robertus G. Rhyme, James A. Rhyme, Laban J. Rhyme,  
 Miles J. Rhyme, Daniel C. Rhyme, Sarah E. Abernethy, wife of affiant J. A. Abernethy,  
 Susan E. Love, wife of R. C. G. Love and A. P. Rhyme, all residents of  
 Gaston County N. C., except Daniel C. Rhyme, and Sarah E. Abernethy,  
 who reside in Lincoln Co. N. C. and all of full age except  
 Margaret S. Hobbs, Mary C. Robertus G. & James A. Rhyme, who  
 are Minors, without Guardian, are the parties entitled  
 under said Will to the said Property.

are Mirrors. without Guardians, are the parties entitled  
under said Will to the said Property.

J. A. Abernethy.

Seen to and Subscribed before me, the 2<sup>nd</sup> day of May 1888.

J. B. White. Clerk Superior Court.

North Carolina. Gaston County.

I Moses W. Rhyme, of the County and State aforesaid, being of Sound Mind,  
but considering the uncertainty of my earthly existence, do make, publish  
and declare this my last Will and Testament, hereby revoking  
and declaring void and of no effect all former Wills by me at any  
heretofore made.

First My Executors hereinafter named shall give to my body a decent burial,  
suitable to the Wishes of my relations and friends and pay all  
funeral expenses together with all my just debts, out of the  
first moneys which may come in their hands belonging to my estate.

Second I give and devise to my beloved wife Emma Caroline, and  
my four Children Margaret Shuford, Mary Emma, Roberts  
Lillian, & James Arthur, my home tract of land containing  
about Five Hundred Acres, together with my residence and  
all the buildings and improvements thereon, to have and  
to hold the same in equal Shares of one fifth each, to them  
and their heirs forever.

It is my wish however, that my said wife should have Control of

the whole of Said bonds until the Youngest of my Said Children Shall arrive at full age, or until my wife Shall marry again And as soon as my Youngest Child Shall have arrived at full age or my wife Should marry again then my Will is that Said bonds Shall be equally divided between my Said wife and four Children. It is further my Will that my Said wife and my Said four Children Shall have their Support and Maintenance out of Said bonds, and if there Should be any Surplus over and above such Maintenance in any year, that the same be equally divided Among them, giving to each an equal one fifth Share thereof.

Third I give and bequeath to my Said wife and my four Children mentioned in the Second Clause of this Will all my Household and Kitchen furniture together With the two best choice of my Cattle and the first choice of my horses. The Selection in both cases to be made by my wife, my Will is that my Said wife may distribute the Said household and Kitchen furniture, according to her own Judgment, Among my Said Children as they may need the same.

Fourth I give and bequeath to my Sons Robertus and James the two Claybank Colts, to Robertus the horse, and to James the mare.

Fifth In case any of my Said four Children in the Second Clause hereof Wanted, Should desire to Sell the above & improve same

Fifth In case any of my said four Children in the second clause  
hereof named, should desire to settle upon & improve any  
part of the lands in said clause devised, it is my desire that  
in such event, such Child shall have the one fifth equal share  
of said lands laid off and allotted to him or her and shall  
have absolute Control over the same at once, without interference  
from my said wife or any other person.

6th I Give and devise all my remaining lands to my Executors  
hereinafter named in trust to sell the same to the best  
advantage. And out of the proceeds of Sale to pay off and  
satisfy all my just debts. And the Surplus if there should be any  
I wish distributed as follows: to my son Laban Five Hundred  
Dollars, to my son Daniel Five Hundred Dollars, to my  
daughter Sarah E. Abernethy Five Hundred Dollars.  
And if there should be anything left after the payment of the  
above legacies, I desire it to be distributed equally among all  
my children by my first wife, to wit: Susan E. Love, A. P. Rhyme,  
Miles J. Rhyme, Laban J. Rhyme, Daniel E. Rhyme, & Sarah E. Abernethy.

7th I Give and bequeath to my wife, one year allowance out of  
my stock crops & provisions remaining on hand at my death.  
Such Year's allowance to be such as the law would allow  
her in case I had died intestate and to be selected by herself  
and allotted and set apart to her by my Executors.

together with two other persons, to be chosen by my wife. And in case of any disagreement between them, they shall have power to call in a fifth person entirely disinterested and in no way connected by blood or marriage, whose decision shall be final.

Eighth I hereby constitute and appoint my son Laban J. Rhyme, and my son in law J. A. Abernethy, my lawful executors to all intents and purposes, to execute this my last Will and testament, according to the true intent & meaning thereof, hereby revoking & declaring utterly void all other Wills and testaments by me heretofore made.

In witness whereof I, the said Moses, W. Rhyme, do hereunto set my hand and seal this the 24<sup>th</sup> day of December 1885.

Moses, W. Rhyme (Seal)

Signed, Sealed, published and declared by the said Moses, W. Rhyme, to be his last Will & testament in the presence of us, who at his request and in his presence, do subscribe our names as witnesses thereto.

Interlineation before signing; the word "Two" in the fourth line of the fourth page.

L. J. Benson

W. R. Miller

Whereas I, M. W. Rhyme have made my last Will and testament in writing bearing date on the 24<sup>th</sup> day of December 1885. And whereas I desire to change some of the provisions thereof and add others, I hereby declare to be an Codicil to my said

Writing bearing date on the 24<sup>th</sup> day of December 1885. And whereas I desire to Change some of the provisions thereof and add others, I do by this writing which I hereby declare to be a Codicil to my said Will to be taken and construed as part thereof. Will and direct.

1<sup>st</sup> That instead of the bequest of the "first Choice of my horses" made in the third Clause of said Will. I give and bequeath unto my wife Mary C. the first two Choices of my said horses and also five head of good hogs if on hand at my death to be selected by my said wife.

2<sup>nd</sup> I also Will and desire that my said wife shall in no way commit or suffer any waste upon the lands in Will devised to her and my said four Younger Children. So as to injure or depreciate in Value the said interest of said Children.

3<sup>rd</sup> I further Will that my daughter Maggie's interest in said land and personal property devised and bequeathed to her be and I hereby Charge the same with One hundred and fifty dollars to be paid to my other three Younger Children mentioned in the second Clause of my said Will. This being about the amount which we have during my life advanced to the said Maggie.

4<sup>th</sup> I hereby constitute and appoint my Son Daniel E. Rhyme and my Son in law J. A. Abernethy my Executors of my said Will and testament and this Codicil. instead of the Appointment in said Will provided for.

5<sup>th</sup> Instead of the Sixth Clause of said Will. I give and devise all my remaining property both real and personal and choses in action and

Money on hand or from whatever source derived to my said Executors in trust to sell and collect the same to the best advantage, and out of the proceeds of such sale and collection to pay off and satisfy all my last debts and the surplus if there should be any. I wish distributed as follows: To my son Laborn Five Hundred Dollars, to my son Daniel Five Hundred Dollars, to my daughter Sarah E. Hendeth Five Hundred Dollars, and if there should be any thing left after the payment of the above legacies, I desire it to be distributed equally among all my Children by my first wife, to wit: Susan E. Love, A. P. Rhyme, Miles J. Rhyme, Laborn J. Rhyme, Daniel E. Rhyme, and Sarah E. Hendethy.

In testimony whereof I hereunto set my hand and Seal this 1<sup>st</sup> day of March 1887.

Moses W. Rhyme Seal

Signed, Sealed, Published and declared by the said M. W. Rhyme to be a Codicil or part of his last Will and Testament in the presence of us, at his request and in his presence and the presence of each other do subscribe our names as witnesses thereto.

W. R. Moilern  
L. M. Hoffman

State of North Carolina ss. In the Superior Court.  
Gaston County

Abraham ... at last ...

Gaston County

A paper writing purporting to be the Last Will & Testament. With a Codicil thereto of Moses W. Rhyme deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for Said County, by D. E. Rhyme & A. Abernethy the Executors therein mentioned, and the due execution thereof by the Said Moses W. Rhyme is proved by the Oath & examination of W. R. Miller one of the subscribing witnesses thereto, who being duly sworn, doth depose and say, and for himself deposeth and saith that he is a subscribing witness to the paper writing now shown him purporting to be the last Will & Testament of Moses W. Rhyme, that the Said Moses W. Rhyme, in the presence of this deponent, subscribed his name at the end of said paper writing, now shown as aforesaid. And which bears date of the 24<sup>th</sup> day of December 1885. The Codicil thereto bears date of the 1<sup>st</sup> day of March 1887. And the deponent further saith, That the Said Moses W. Rhyme the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing and Codicil thereto so subscribed by him and exhibited, to be his last Will & Testament and this deponent did thereupon subscribe his name at the end of said Will and Codicil thereto as an attesting witness thereto, and at the request & 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 & Codicil as aforesaid, and at the time of deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Moses W. Rhyme was of sound mind & memory, of full age to execute a Will & was not under any restraint to the knowledge information or belief of this deponent. And further this deponent says &c. before me, J. B. White, Clerk Superior Court.

W. R. Miller

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

A paper writing purporting to be the Last Will & Testament of Moses H. Rhyme deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by J. A. Alensty and D. S. Rhyme the executors therein mentioned, and the due execution thereof by the said Moses H. Rhyme, is proved by the oath & examination of E. J. Basore one of the subscribing witnesses thereto, who, being duly sworn, doth depose & say, & for himself deposeth & saith that he is a subscribing witness to the paper writing now shown him purporting to be the last Will & Testament of the said Moses H. Rhyme, that the said Moses H. Rhyme, in the presence of this deponent, subscribed his name at the end of said paper writing, now shown as aforesaid, and which bears date of the 24<sup>th</sup> day of December 1885.

And the deponent further saith, that the said Moses H. Rhyme the testator aforesaid, did, at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him & exhibited, to be his last Will & Testament, and this deponent did thereupon subscribe his name at the end of said Will as an attesting witness thereto, and at the request & 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 thereto, as aforesaid, the said Moses H. Rhyme 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.

Sworn & subscribed this 26<sup>th</sup> day of May 1888.

E. J. Basore

Sworn and Subscribed this 26<sup>th</sup> day of May 1888.  
before me J. B. White Clerk Superior Court

State of North Carolina In the Superior Court  
Eastern County

A paper writing purporting to be the Codicil to the last Will & Testament of Moses W. Rhyme deceased is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by J. A. Hammett & R. E. Rhyme the Executors therein mentioned, and the due execution thereof by the said Moses W. Rhyme is proved by the oath & examination of L. M. Worffman one of the subscribing witnesses therein: who being duly sworn, both depose & say, and for himself depose & swear that he is a subscribing witness to the paper writing now shown him purporting to be the Codicil to the last Will & Testament of Moses W. Rhyme that the said Moses W. Rhyme, in the presence of this deponent, subscribed his name at the end of said paper writing.

now shown as aforesaid, and which bears date of the 1<sup>st</sup> day of March 1887.

And the deponent further swears that the said Moses W. Rhyme the testator aforesaid, died at the time of subscribing his name as aforesaid, declare the said paper writing so subscribed by him to be a Codicil to the last Will & Testament, and this deponent did thereupon subscribe his name at the end of said Codicil to said Will as an attesting witness thereto, and at the request & in the presence of the said testator. And this deponent further swears 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 thereto, as aforesaid, the said Moses W. Rhyme was of sound mind & memory, of full age to be executed, and was not under any restraint to the knowledge, information or belief of this deponent.

And further this deponent says not.

Sworn and Subscribed this 26<sup>th</sup> day of May 1888.  
J. B. White Clerk

L. M. Worffman