

Last Will & Testament of Elitha Sherrell.

State of North Carolina,
Catawba County.

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I Elitha Sherrell of the County & State above named being of sound mind and memory but considering the uncertainty of my earthly existence do make & declare this my last Will & Testament in manner & form following that is to say First that my executor hereinafter named shall provide for my body a decent burial suitable to the wishes of my relations & friends and pay all funeral expenses together with my just debts howsoever & to whomsoever owing out of the moneys that may first come into his hands as a part or parcel of my estate.

Then I give and devise to Lavinia Sherrell daughter of Sidney Sherrell all my household and kitchen furniture consisting of bedding, clothing, bedsteads, cooking utensils and other things about the house.

Then I give and devise the lands now owned by me to be sold by my executor and the moneys arising from said sale to be used in the discharge of all expenses herein mentioned and the remainder of the money obtained for the land to be used in erecting tombstones to my grave, to the graves of my father & mother and to the grave of my son Adolphus and if there be money left it is my desire that tombstones also be erected to the graves of Joseph Benjamin & Jesse Sherrell.

And lastly I do hereby constitute & appoint T. L. Bandy my lawful executor to all intents & purposes to execute this my last will and Testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring all other wills and Testaments by me heretofore made, void. In witness whereof I the said Elitha Sherrell do hereby set my hand and seal this the 9th

day of Jan. A. D. 1893.

Elitha ^{the} Sherrell
_{test.}

Signed sealed published & declared by the said Elitha Sherrell to be her last will and Testament in the presence of us who at her request and in her presence do subscribe our names as witnesses thereto.

E. W. Bandy
W. A. McKinis

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

A paper writing purporting to be the last will and Testament of Elitha Sherrell, deceased, is exhibited before me, the undersigned, J. T. Hermann, Clerk of the Superior Court in and for said County, by T. L. Bandy, the executor therein named and the due execution thereof by the said Elitha Sherrell by the oath and examination of E. W. Bandy and W. A. McKinis, the subscribing witnesses thereto, who being duly sworn, do both depose and say, and each for himself that he is a subscribing witness to the paper writing now shown him purporting to be the last will and Testament of Elitha Sherrell. That the said Elitha Sherrell in the presence of this Deponent subscribed her name at the end of said paper writing which is now shown as aforesaid, and which bears date on the 9th day of Jan., 1893. (or did in the presence of this Deponent acknowledge the signing of the said paper.) And the Deponent further saith, that the said Elitha Sherrell the testatrix aforesaid, did at the time of subscribing her name as aforesaid, declare the said paper writing so subscribed by her, and exhibited, to be her 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 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 the deponent's subscribing his name as an attesting witness thereto, as aforesaid, the said Elizabeth Merrill 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.

Sworn and subscribed
this 13th day of Mar. 1893
before me

J. F. Herman,
C. P.

E. W. Baudy, *Notary*
W. A. McFadden, *Notary*

State of North Carolina
Catawba County

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I, J. M. Gabriel of
Catawba County, State of North Carolina
being of sound mind & understanding do make
this my last will & testament, I give, devise
& bequeath to my beloved wife Rebecca for
and during her natural life all my property
real, personal & of mixed of what nature or
kind soever and wherever the same shall be
at the time of my death. After the death
of my wife Rebecca, it is my will & I
do hereby so give, devise & bequeath that
all my property real, personal & mixed,
shall be equally divided among my children
& their heirs and assigns forever, all to share
in share alike.

It is further my will, that the division
of my plantation be done in such a way
requiring all my children that my son Jacob
Gabriel & my daughter Francis Robinsons
shares be so as to include the dwelling
& all out buildings whereon they now
live. It is further my will that my
son Joseph Gabriel's share be allotted so
as to include the dwelling house and
out buildings where I now live.
In witness whereof I the said J. M. Gabriel
have hereunto set my hand this 11th day of Feb. 1890.
J. M. Gabriel

Signed, declared & published by
the above named J. M. Gabriel as
& for his last will & testament
in the presence of us who at
his request and in his presence
have subscribed our names as
witnesses thereto.

H. S. Gabriel,
O. D. Shuford.