

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

A paper writing purporting to be the Last Will and Testament of J. M. Gabriel deceased, is exhibited before me; the undersigned, Clerk of Court for said County, by H. S. Gabriel, of the due execution thereof by the said J. M. Gabriel is proven by the oath of examination of H. S. Gabriel by A. D. Shupard the subscribing witnesses thereto, who being duly sworn, doth depose & say, of each for himself depose & say, that he is a subscribing witness to the paper writing now shown being purporting to be the Last Will and Testament of J. M. Gabriel, in the presence of this defendant, subscribed his name at the end of said paper writing now shown him as aforesaid, and which bears the date of the 11th day of Feb. 1891.

And the defendant further saith, that the said J. M. Gabriel, the testator aforesaid, died at the time of subscribing his name as aforesaid, declare the said paper writing, so subscribed by him to be his Last Will and Testament, of this defendant did thereupon subscribe his name at the end of said Will as an attesting witness thereto, and at the request of in the presence of the said testator. And this defendant 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 defendant's subscribing his name as an attesting witness thereto, as aforesaid, the said J. M. Gabriel 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 defendant; and further these defendant say naught.

Sincerely sworn and subscribed
this 3rd day of April 1893
before me

H. S. Gabriel, Seal
A. D. Shupard, Seal

J. F. Hermann, C. C.

North Carolina
Catawba County

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J. Gabriel Marshall, of the county and state above mentioned, make and submit this my last will and testament, revoking all other wills by me made hereto.

First I will and direct that my funeral expenses and all my just debts, be paid by my Executors herein after named out of any monies that may be due and at my death or that may first come into my hands.

Then I will to my wife, Mary, of the house and lot which we now occupy, known as the D. M. Hall house, that lot is bounded by Lincoln street on the south, C. C. Street & Co's property 1330 ft. on the West, College street on the South and Shupard West on the East, also a tract of land of about two hundred acres on the Catawba River in Alexander County near Morris Cross, adjoining lands of Philip Alexander, Catherine Johnson and others, formerly known as the Kettle place.

I also give and bequeath to her and my wife Mary, of another tract of land of about one hundred acres, also on the Catawba River in Catawba County, adjoining lands of Wm. Sherrill, Philip Sherrill and others.

These lands and more lot, I give to my wife Mary, of during her life, and at her death to be sold at public outcry after legal notice and the proceeds equally divided among my five children, J. F. Marshall, John F. Marshall and Sarah Elizabeth Alexander.

I also give and bequeath to my said wife all my furniture, to be let and sold, bed clothing, all the household and kitchen furniture and also all the same tools of every description including

horses, wagons, and gear, and also all the provisions of every description on hand at my death. I also will and bequeath to my said wife Mary, for the sum of fifteen hundred Dollars in cash to be paid to her out of money on hand or that may first come into the hands of my executors from collections or from sale of property herein after directed to be made.

I further will and direct that all my land in Caldwell County in Orange County in Washington County and in Catawba County, together with my town lots in Kingsport and elsewhere, and otherwise disposed of in this Will, or any land I may own elsewhere be advertised in some newspaper published in Kentucky, N.C. for at least thirty days and then sold at public outcry to the highest bidder, the purchaser to pay down ten per cent. the remainder one half in six months the other half in twelve months with four per cent per annum interest from the day of sale until paid, the title to the lands to be retained by my executor until the price and interest is fully paid.

All my other property I will and direct to be sold at public auction after legal notice for cash or on credit as my executors may think best.

It is my earnest desire and I so will and direct that each of my children have an equal share of my estate taking into account of course advances heretofore made to them which have been as follows: To my son G. H. Marshall I have advanced four thousand five hundred and twenty six ²²/₁₀₀ Dollars. To my son John H. Marshall I have advanced four thousand nine hundred and seventy nine ²²/₁₀₀ Dollars. To my daughter Sarah E. Alexander I have advanced

One thousand seven hundred and twenty one ²²/₁₀₀ Dollars, on these advances no interest is to be added.

I hereby constitute and appoint my son G. H. Marshall and my son-in-law Chick Alexander Executors of this my last Will.

I press my hand and seal, this 1st day of June 1852.

G. Marshall (Seal)

Signed, sealed, and declared to be the last will and Testament of the Testator, witnessed in his presence and at his request and in presence of each other, day and date above written.

J. E. Kilham

S. C. Hamilton

North Carolina } April 25th 1853
Catawba County }

I, Gabriel Marshall, do hereby add to the foregoing Will and Testament the following as a Codicil. I hereby Will and direct that the bequest made in the said foregoing Will to my daughter Sarah E. Alexander be equally shared with my son-in-law Chick Alexander during his life time, that at his death it be part and parcel of my said daughter's estate.

I hereby add John H. Marshall Executor with those already named. Witness my hand and seal, date as above.

J. E. Hamilton

Gabriel Marshall, (Seal)
witness

State of North Carolina In the Superior Court
Catawba County

A paper purporting to be the Last Will and Testament of Gabriel Marshall, deceased is exhibited before me the undersigned, Clerk of Court for said County, by A. T. Grasswell which Alexander J. S. Marshall, the executor therein mentioned and the due execution thereof by the said Gabriel Marshall by the oath and examination of S. C. Latham and Dr. C. Hamilton the subscribing witnesses thereto: who, being duly sworn, both depose and say, and each for himself depose and saith, that he is a subscribing witness to the paper writing now shewn being purporting to be the Last Will and Testament of Gabriel Marshall: that the said Gabriel Marshall, in the presence of this deponent, subscribed his name at the end of said paper writing now shewn as aforesaid: and which bears the date of the 1st day of June 1888. For which April 26, 1892.

And the Dependent further saith;
That the said Gabriel Marshall, the
testator aforesaid, did, at the time of
subscribing his name at aforesaid
deed, the said paper writing, so
subscribed by him and exhibited to be
his Last Will and Testament, and that
dependent 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 dependent 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 dependent's subscribing his
name as an attesting witness thereto, as
aforesaid, the said Gabriel Marshall, was of sound mind and

S. C. Patton (Seal)
H. C. Hamilton (Seal)

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Likewise I thank constitute and
afford John R. Sully to by my Ex. cuts
of this your last bill, and different
herely seeking all friend. With my
shades.

In witness whereof I have
hereunto subscribed my name and
affixed my seal the sixth day of
February in the year of our Lord one
thousand eight hundred and ninety three
Harrison S. X. Staff Geo.
may

The above written instrument was
subscribed by the said Catharine S. Storr,
in our presence and acknowledged by
her to each of us and she at the same
time published and declared the above
written to be the last

J. D. Michael, Jacob A. Fry, R. England