

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. J. P.

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

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
equally 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 divided 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.

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, & at the request & 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 & memory, of full age to execute a will, & was not under any restraint to the knowledge, information or belief of this defendant; And further these defendant say naught.

Sincerely sworn & 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 moneys that may come in 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 Moore's Cross, adjoining lands of Philip Alexander, Catherine Johnson and others, formerly known as the Kettle place.

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