

Stephen Gardner of the County of Surry in the State of North Carolina being of sound mind & disposing memory but well knowing the uncertainty of life & the certainty of Death, do make, Ordain, & publish this as my last will & Testament.

1 I will & devise that all my just debts & funeral expenses be paid & and discharged by my Executor hereinafter named as soon as convenient after my decease.

2 I give & bequeath to my Daughter Abigail Beck of Brunswick State Three hundred Dollars.

3 I give & bequeath to my Daughter Maria Gardner Five hundred Dollars.

4 I give & bequeath to my Daughter Maria Beck Five hundred Dollars.

5 I give & bequeath to my Daughter Maria Coffin Five hundred Dollars.

6 I give & bequeath to my Executors John Gardner & Stephen E. Gardner sons of Stephen Gardner deceased, and their heirs all that tract of land situate in Brunswick County containing One hundred & Eighty Acres more or less to be equally divided between them.

7 I give & devise to my Grandson Franklin Gardner son of Stephen aforesaid deceased and his heirs all that tract of land in Randolph County situate on the back side of the main road leading from Saline to Fayetteville containing One hundred and Forty Acres more or less including the Saw Yard, being the southern half of that plantation formerly owned by Shubal Gardner deceased & wherein Capt. Henry Porter now lives. I give to the said Franklin One quarter of an Acre of land on the North side of said Saline & Fayetteville Roads for which I exchanged One quarter of an Acre of land on the South side of said Road with Capt. Henry Porter. I also give the said Franklin Gardner all the lots & interests belonging to the Saw Yard & Five hundred Dollars.

8 I give & bequeath to my Grand Daughter Sally Coltrains daughter of Stephen Gardner deceased Forty Dollars.

9 I give & bequeath to my Grand Daughter Caroline Gardner One hundred Dollars.

10 I give & bequeath to my Grand Daughter Elizabeth Gardner One hundred Dollars.

11 I give & bequeath to my Grand Daughter Caroline Gardner Five hundred Dollars.

12 I give & bequeath to my Grand Daughters Abigail Gardner & Mary Gardner daughters of Shubal Gardner deceased One hundred Dollars each.

13 I give, bequeath & devise all the real, mixed, & Remainders, of my Estate both Real & Personal of every description whatsoever (not herebefore mentioned & disposed of) to my Two sons George Gardner & Abel Gardner, to them & their heirs forever to be equally divided share & share alike between them.

Witness I hereby nominate, constitute & appoint my Two sons George Gardner and

- 1 It is my Will & desire that all my just debts & funeral expenses be paid off and discharged by my Executors hereinafter named as soon as convenient after my decease.
- 2 I give & bequeath to my Daughter Abigail Hook of Indiana State, Three hundred Dollars.
- 3 I give & bequeath to my Daughter Maria Gardner Five hundred Dollars.
- 4 I give & bequeath to my Daughter Maria Hook Five hundred Dollars.
- 5 I give & bequeath to my Daughter Abigail Coffey Five hundred Dollars.
- 6 I give & bequeath to my grandsons John Gardner & Stephen C. Gardner sons of Stephen Gardner deceased, and thus here all that tract of land whereon their Mother, Mary Gardner now lives, in Sangre County containing One hundred & Eighty Acres more or less, to be equally divided between them.
- 7 I give & devise to my grandson Franklin Gardner son of Stephen aforesaid deceased and his heirs all that tract of land in Randolph County situated on the South side of the main road leading from Saline to Fayetteville containing One hundred and Forty Acres more or less including the Tan Yard, being the Southern half of that plantation formerly owned by Shubal Gardner deceased, & whereon Capt. Sidney Porter now lives. Also I give to the said Franklin One quarter of an Acre of land on the North side of said Saline & Fayetteville roads, for which I exchanged One quarter of an Acre of land on the South side of said Road with Capt. Porter. I also give the said Franklin Gardner all the lots & interests belonging to the Tan Yard & Five hundred Molasses.
- 8 I give & bequeath to my Grand Daughter Sally Catherine daughter of Stephen Gardner deceased Forty Dollars.
- 9 I give & bequeath to my Grand Daughter Catherine Gardner One hundred Dollars.
- 10 I give & bequeath to my Grand Daughter Elizabeth Gardner, One hundred Dollars.
- 11 I give & bequeath to my Grand Daughter Caroline Gardner, Five hundred Dollars.
- 12 I give & bequeath to my Grand Daughters Abigail Gardner & Mary Gardner daughters of Shubal Gardner deceased, One hundred Dollars each.
- 13 I give, bequeath & devise all the real, mixed, & personal, of my Estate both Real & personal of every description whatsoever (not herebefore mentioned & disposed of) to my Two sons George Gardner & Abel Gardner, to them & their heirs forever to be equally divided share & share alike between them.
- Lastly I hereby nominate, constitute & appoint my Two sons George Gardner and Abel Gardner Executors of this my Last Will & Testament. And it is my Will & desire, that if any dispute or difference should hereafter arise between my Executors or about or concerning my Estate, or any part thereof, or in the management or settlement, or division of the same if the parties Cannot amicably adjust,

any such matter of dispute difference, that the same shall be referred to two or more persons to be indifferently chosen for that purpose who shall not be interested and that they shall decide between the Parties, and their Award & decisions shall be as binding, upon any and all of my Heirs & heirs at Law as the verdict of a Jury.

Witnes my Writing and Sealing, all and every Other true Testament, or devise hereafter at any time made and executed by me, and confirming this and this only, to be my Last Will & Testament.

Signed Sealed & published the Third day of the Tenth Month A.D. 1826

In presence of

Judith Amundson
 Geo. C. Amundson
 Geo. D. Amundson
 Wm. P. Amundson

Stephen Candner

B

Whereas on the Third day of the Tenth Month 1826 I Stephen Candner last signed, sealed & published my Last Will & Testament, in the presence of witnesses who subscribed the same in my presence And whereas there has since been a Gold Mine discovered on the One Hundred & Eighty Nine tract of land disposed of in the Sixth Clause of my aforesaid Will whereby I think proper it just and right to make a different disposition of the Minerals which may be found in said land from that in which the land would convey said Minerals as the aforesaid Will now stands.

And whereas the said Stephen Candner being of sound mind and disposing memory, do make and publish his above writing in a Codicil to my aforesaid Last Will & Testament as follows, my Will and desire is that all the Mines & Minerals discovered or which shall or may be hereafter discovered and found upon the aforesaid One Hundred and Eighty Nine tract of land described in the Sixth Clause of said Will, shall be reserved and not go with the said land to my said Grand Children then mentioned during the life of my Executors, but that all the Mines & Minerals aforesaid shall not it is hereby given & bequeathed to my Executors George & Abel Candner, to be disposed of at their discretion, and as they may see proper during their lives or the life of either of them, and after the death of my Executors & the survivor of them, that then all the aforesaid Mines & Minerals discovered & to be discovered on said tract of land shall be equally divided & distributed among the said George & Abel Candner & their heirs & assigns.

as standing, upon any and all of my Regalia & here at Law as the best of
a Judge.

Now by Revoking and Annulling, all and every Other will Testament, or devise, herebefore
at any time made and executed by me, and Confirming this and this only, to be
my Last Will & Testament.

Signed sealed & published the Third day of the Twelfth Month A.D. 1826

In presence of

Judith Mendenhall f.

Sic. C. Mendenhall

Sic. D. Mendenhall

Mrs. P. Mendenhall.

Stephen Gardner & L.

B

Whereas on the Third day of the Twelfth Month 1826 I Stephen Gardner last signed,
sealed & published my Last will & Testament, in the presence of witnesses, who
subscribed the same in my presence. And whereas there has since been a
Cold Mine discovered on the One Hundred & Eighty Nine tract of land disposed
of in the last Clause of my aforesaid Will whereby I think proper
it just and right to make a different disposition of the Minerals which
may be found in said land from that in which the land would among
said Minerals as the aforesaid Will now stands.

Whereas I the said Stephen Gardner being of sound Mind and disposing Memory do make
and publish the before written in a Codicil to my aforesaid Last Will & Testament
in witness whereof my Will and desire is that all the Mines & Minerals discovered or here
after shall or may be hereafter discovered and found upon the aforesaid One Hundred
and Eighty Nine tract of land described in the last Clause of said Will,
shall be reserved and not go with the said land to my said Grand Children
then mentioned during the life of my Executors, but that all the Mines & Minerals
aforesaid shall and is hereby given & bequeathed to my Executors George & Mel
Gardner, to be disposed of at their discretion, and as they may see proper during
their lives or the life of either of them, and after the death of my Executors & the
survivor of them, that there all the aforesaid Mines & Minerals discovered & to
be discovered on said tract of land shall be equally divided, & distributed
between ^{among} the Children of my son Stephen Gardner deceased equally and their
heirs & representatives.

And it is further provided that my said Executors or either of them shall have full
liberty at any time and at all times during their lives or the life of the survivor

of them to dig and search for Gold & Silver Minerals on any and every part of the land
 and to be at liberty to employ others to dig & search as aforesaid. And it is further
 provided that after the death of both of my said Executors then it shall be law-
 -full for all Child of the Children and their heirs of my son Stephen Gardner
 deceased Male & female to enter upon and dig and search for Gold & Silver Minerals
 and to employ others for that purpose and the Quantity of all such Minerals so found
 after the death of my Executors to be equally divided as aforesaid by agreement
 found between the Children of my said Stephen Gardner my son deceased and his
 heirs and their heirs and representatives hereon.

Any thing in this Will shall not alter or change the disposition of Land made in the
 last Will of my said Father except so far as respects the Mines & Minerals.
 Signed sealed & Published as a Codicil to my last Will & Testament this twenty
 sixth day of the month March AD 1830.

Witness
 Nathan Allen
 Asaiah P. Gardner
 Penelope Gardner

Stephen Gardner

State of North Carolina
 August Term 1830

The paper writings purporting to be the last Will & Testament of Stephen Gardner
 deceased (marked A & B) being offered to the Court for Probate & George Allen & George
 Allen & George Allen & George Allen & George Allen & George Allen & George Allen & George Allen
 & George Allen & George Allen & George Allen & George Allen & George Allen & George Allen
 to the Court to cause the marked B made such in due form of Law
 that they saw the said Stephen Gardner sign said Instruments at which
 as his last Will & Testament and that they became subscribing Witnesses
 to in his presence & at his request and that he the said Stephen Gardner
 was of sound mind & disposing memory at the time of making said
 Will & Codicil. - Ordered to be Recorded.

Then came in John Gardner one of the Executors appointed in
 said Will & qualified as such
 Test. Nathaniel Allen

State of North Carolina
 August Term 1830.
 George Gardner One of the Executors appointed
 in the last Will & Testament of Stephen Gardner Decd came into

full for all that any of the Children and their issue of my son Stephen Gardner deceased Male & female to enter upon and dig and search for Gold & Silver Minerals and to employ others for that purpose and the Proceeds of all such Minerals as far after the death of my Executor to be equally divided as aforesaid by Whomever found between the Children of said Stephen Gardner my son deceased and to them and their heirs and representatives forever.

Any thing in the Ordinance shall not alter or change the disposition of land made in the last Will of my said Father except so far as respects the Mines & Minerals. Signed sealed & published as a Codicil to my last Will & Testament this twenty sixth day of the second Month AD 1830.

Witness
 Nathan Allenburgh
 Asaiah P. Gardner
 Penmanship Gardner

Stephen Gardner

State of South Carolina

Guyard County 3rd May Term 1830

The paper writings purporting to be the last Will & Testament of Stephen Gardner deceased (marked A & B) being offered to the Court for Probate & George Allenburgh & George D. Allenburgh Secs of the subscribing Witnesses to the paper marked A & Asaiah P. Gardner & Penmanship Gardner Secs of the subscribing Witnesses to the paper marked B made oath in due form of Law to the Court to save the said Stephen Gardner sign said Instruments as being his last Will & Testament and that they became subscribing Witnesses thereto in his presence & at his request and that he the said Stephen Gardner was of sound Mind & disposing Memory at the time of making said Will & Codicil, as Ordered to be Recorded.

Then came in Abel Gardner one of the Executors appointed in said Will & qualified as such

Test M. Hannor Clerk

State of North Carolina

Guyard County 3rd August Term 1830

George Gardner One of the Executors appointed in the last Will & Testament of Stephen Gardner Dec. came into Open Court and Unsworned his right of Executorship

Test M. Hannor Clerk