

James Lyall's Will

In the name of God Amen
 I James Lyalls of the County of Ashe and
 the state of North Carolina being weak
 in body but of sound & disposing mind
 & memory do make & publish this my
 last Will & Testament in manner and
 form following to wit

I give & bequeath my soul to God who
 gave it & my body to the dust whence it
 rose to be buried in a decent christian
 like manner at the discretion of my
 friends. As to the worldly property which
 with the Lord hath blessed me my will
 & desire is that my beloved wife Ruth
 shall have & possess the whole of it that
 is to say, the tract of land whereon I
 now reside containing one hundred
 acres with all the improvements thereon
 and all appurtenances to it belonging
 one other tract of ~~fifty~~ acres adjoining
 the tract above mentioned one other
 tract of ten acres, two other tracts of twenty
 acres each, two other tracts of eight acres
 each, one other tract of fifty acres and
 one other tract of forty acres, the location
 & boundaries of all of said tracts will fully
 appear by reference to the little papers for
 the same together with all my stock of
 cattle hogs sheep horses and all other kind
 of live stock & all house hold & kitchen
 furniture & all corn and other grain
 & provisions on hand - all money and
 every other article of personal property
 to me belonging after paying all my
 just debts. The whole of the said land
 & personal property to be for the special
 benefit and maintenance of my
 said wife Ruth & our five children

until the youngest child arrives at the age
 of twenty one years - and at that time
 the whole of said property then remaining
 to be equally divided between my said
 wife Ruth & our five children share and
 share alike & if my wife should die
 before the youngest child arrives of full
 age - my will and desire is that the
 County Court of Ashe should appoint
 guardians for the children then not of
 age & that the property be equally divided
 between all the children and in case of
 the marriage of the said Ruth to a second husband
 my will is in that event is that so soon thereafter
 as practicable the property before mentioned
 shall be divided equally as before mentioned
 said Ruth taking a child's part. but in any
 case of divorce my will is that my said wife
 Ruth shall have her portion of the land. so
 as to include our present dwelling house &
 the out houses - if she so chooses or any other
 lot of said land after it is divided at her
 own free will & choice - & after the death of
 my said wife Ruth my will is that all
 the land that she will be entitled to under
 this instrument shall go to the said
 five children share & share alike - and
 if either of the said children should die
 before the divorce of said property in case
 or case before mentioned & such child or
 children shall die without him or heirs
 then the whole amount of the property to be
 equally divided between the other children
 & their mother as above mentioned.
 And I do hereby constitute & appoint
 my said beloved wife Ruth and
 my friends Roderick Murchison
 Executors of this my last will & testament

And as hereby revoke all other & former
wills by me made -

In testimony whereof I do
hereunto set my hand and affix my
seal this the 18th day of April A.D. 1844

James Lyle *Test*

Signed sealed published and declared
by the testator as his last will & testament
before us & in our presence & in the presence
of each other 17th April 1844

Mathias Poe

And stranger J. J. J. J.