

John Wagg's Will

I John Wagg of Ashe County and State of North Carolina being at this time in perfect soundness of mind though depressed by age and infirmities knowing that it is the lot of all men once to die, have hereby made and have hereunto annexed my last Will and Testament as follows. (that is to say)

First.

That after my decease and all my just debts are paid then all and singular the money that I possess and is due to me by pension or otherwise at the time of my decease I hereby give and bequeath to my son James Wagg, to his own proper use.

Secondly

All the lands with all their appurtenances which I may or do own in the County and State aforesaid at the time of my decease I give and bequeath to my grand son John Wagg (now an infant) so that said John Wagg shall become the sole heir to said lands after my decease and I do hereby constitute my son James Wagg, to be my Executor relative to this my will and Testament, and as he said James will probably have to keep self "poor Educate &c. the aforesaid infant during his non age or minority I (for and in consideration thereof) do hereby grant unto the said James Wagg privilege and authority of living on and cultivating the same during the non age or minority of said infant (John Wagg) but if the circumstances of the said James do hereafter urge him to remove from said lands thereby the improvements will be liable to be destroyed or damaged then the said James Wagg is by this my will and Testament authorized to farm let or sell in behalf of said infant the said land inasmuch that either the amount of the rent or sale of

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John Waggs's Will Continued
of said lands shall be solely to the proper
use and behoof of the said infant John
Waggs, so that no process of Law shall be
valid or of any force relative to executing
or selling of any of said lands, nor any
part of the amount of the rent or sale of
said lands on the account of the debts
or contracts of my Executor the aforesaid
James Waggs.

Thirdly

I give and bequeath to my Grand
daughter Polly Waggs, all and every part
and kind of personal property or estate
that I may or do own at the time of my
decease excepting whatever may concern
with what is above bequeathed or whatever
is hereafter bequeathed by this my Will
and Testament and the personal property
that I have bequeathed to my said Grand
daughter is for the purpose of aiding in
supporting and Educating her which
my Executor having to do, he is by virtue
of this my will and Testament to take the
said bequeathed property into his care
and keeping and managing the same
to the best advantage he can for the real
benefit of the said infant Polly Waggs
void of having of any of said property
Executed or sold on account of his
said James Waggs's debts

Fourthly

To my wife died and since her decease
I have given several head of Cattle to the
male children of Nathan Eldridge I do by
this my will and Testament establish
and confirm all the said gifts of Cattle
& their increase to said children to be
their property.

Fifthly

Additional to the above bequeathed land
I will & bequeathed to my aforesaid Grand

John Wagg's Will Continued

I give John Wagg all the Books I own or possess at the time of my decease

Sixthly This my Last Will & Testament is continued by the remainder being carried over and inserted on the other side hereof

Seventhly I will and bequeath to Rachal Eldridge the Daughter of my deceased wife the feather bed on which I lodge with all appurtenances to said bed appertaining or thereto appertaining at the time of my decease

Eighthly I give and bequeath to Martha daughter of said Rachal Eldridge Twelve Dollars to be discharged by such cloathing or necessaries as the said Martha doth or may really need after my decease and the amount thereof to be part of the bequeath that I have made to my Grand daughter Polly Wagg, in which bequeath I have made an exception on account of my bequeath to Rachal Eldridge and her children as aforesaid. and in Testimony of all the aforesaid and above mentioned being my last Will and Testament I have hereunto written my name annexed my seal this 25 day of June in the year of Our Lord one thousand Eight Hundred & thirty seven intending all to become valid after my decease but of no force before that time, also when I assign my & the witnesses assign their oaths the aforesaid will & Testament following words were intended to wit, (or, land) (the said land) (I) (I) (Thy) (your male) (their means) (be) the aforesaid and above will & Testament is this day & date above mentioned signed acknowledged & confirmed by the above named John Wagg, in the presence of us

Thomas Duvall } All the above is read to
James Duvall } knowledge by the said John Wagg
James Blinn } Wagg on this 25 Sept. 1838
Just } in presence of me Wm Blinn

John Wagg. (S)