

Last Will and Testament of Lucy J. Wiggs

In the name of God. Amen.

Knowing the uncertainty of life and the certainty of death, and being now of sound body and mind, I, Lucy J. Wiggs make & declare this to be my last will and Testament, as follows to wit: -

Item 1. I give and bequeath to my beloved husband Thomas J. Wiggs, One Town Lot with all the appurtenances thereto belonging, situated & being in the town of Hickory, Catawba County, State of North Carolina known as the R. L. White lot and fronting on Morganton Street, Champion Avenue and High Street.

Item 2. Also one tract of land lying in the county of Catawba, State of North Carolina about two miles north west of the town of Hickory on the Chester and Lenoir Narrow Gauge R.R. and known as the C. M. White land.

And together with all other real and personal estate of which I am now or may be hereafter possessed, at the time of my death.

In witness whereof I hereunto set my hand and seal this third day of May
A.D. 1887.

Lucy J. Wiggs *Seal*

Witness
H. L. Watson
G. W. Gardner.

North Carolina } In the Superior Court
Catawba County } Before the Court.

In the matter of the Probate of the
Will of Lucy J. Wiggs, deceased }

I, J. Wiggs, the person who exhibits in open Court the paper writing, purporting to be the last Will and Testament of Lucy J. Wiggs, deceased, and applies to have the same admitted to probate, being first duly sworn, doth depose and say: -

1. - That Lucy J. Wiggs, late of the County of Catawba, died in said County on the 17th day of March, A.D. 1900 leaving a Last Will and Testament, which is herewith exhibited, and that the affiant is sole legatee and devisee under the said Will.
2. - That the only property left by the said Lucy J. Wiggs is a tract of land of about Sixty-one (61) acres, lying in the County of Catawba, State of North Carolina, about two (2) miles north west of the town of Hickory on the line of the Carolina & North-Western Railway Company, known as the C. M. White land and one house and lot in the Western part of the City of Hickory, value of both \$1000⁰⁰.
3. - That the only person entitled to the property of the said Lucy J. Wiggs, deceased, is this affiant, the said J. J. Wiggs, whose residency is Hickory is Hickory, Catawba County, North Carolina.
4. - That the said Will herewith exhibited, was made and executed in the State of North Carolina, and in Catawba County, where the testatrix then resided, and continued to reside up to the time of her death, but that H. L. Watson, one of the witnesses to the said Will, has removed from the County of Catawba, and is now residing in the City of Raleigh, County of Wake, which is much more than seventy-five (75) miles from the town of Newton in Catawba County, and that G. W. Gardner, the other witness to the said Will, has moved from the County of Catawba and from the State of North Carolina, and is now residing in the town of Greenwood, in Greenwood County in the State of South Carolina.
5. - That the said Will of the said Lucy J. Wiggs, deceased denied unto the affiant the tract of land and house and lot referred to in the second paragraph above.

Wherefore the affiant prays the Court that a Commission may issue to some suitable ^{and disinterested} person residing in the City of Raleigh, to take the deposition of the said H. L. Watson, one of the witnesses to the said will, according to the provisions of Chapter 55, Public Laws of 1899, and further that a Commission issue to some suitable and disinterested person residing in the town of Greenwood, in the State of South Carolina, to take the deposition of G. W. Gardner, a witness to the said will, touching the execution thereof, as provided by law.

J. J. Niggs
mark

Sworn to and subscribed
before me, this the 27th
day of June, 1900
E. D. Cline
Notary Public

North Carolina } In the Superior Court
Catawba County } Before the Clerk.

In the Matter of the Probate of } Order,
the Will of Lucy J. Niggs, deceased }

Upon reading the foregoing affidavit, it is adjudged and ordered by the Court that a Commission issue from this Court to Walter L. Watson a resident of the City of Raleigh, Wake County, North Carolina, authorizing and empowering him to take the deposition of H. L. Watson, a witness to the paper-writing, purporting to be the last Will and Testament of Lucy J. Niggs, deceased, touching her execution of the same, and it is further ordered and adjudged that a Commission issue from this Court to E. D. J. Giles a resident of Greenwood, County of Greenwood, in the State of South Carolina, authorizing and empowering him to take the deposition of G. W. Gardner, a subscribing witness to the paper-writing.

Dated this the 2nd day of July, 1900
L. H. Phillips
Clerk Superior Court.

North Carolina } In the Superior Court
Catawba County }

In the Matter of the Probate of } Commission to
the Will of Lucy J. Niggs, deceased } Take Deposition.

State of North Carolina,
To Walter L. Watson, Raleigh, Wake
County, North Carolina, Greeting:—

We, reposing special trust and confidence in your integrity, do authorize and empower you to cause H. L. Watson to appear before you at such time and place as you may appoint, and him, under oath to examine, touching all matters and things as he shall know of, and concerning the execution by Lucy J. Niggs, late of Catawba County, North Carolina, of a certain paper-writing, purporting to be her last Will and Testament, executed by her on the 3rd day of May, A.D. 1887, and the deposition in writing by you so taken, the same to transmit, sealed with your seal, unto the Clerk of our Superior Court.

Witness the signature of L. H. Phillips, Clerk, and the seal of said Court, at office in Newton, North Carolina, this the 2nd day of July, 1900.
L. H. Phillips
Clerk Superior Court, Catawba County.

North Carolina } In the Superior Court
Catawba County } Before the Clerk.

In the Matter of the }
Probate of the Will of } Deposition.
Lucy J. Niggs, deceased }

Pursuant to the annexed Commission to me directed, I W. L. Watson, Commissioner, under the authority thereof, on the 6th day of July, 1900, at the office of Watson & Galting Iron Payetteville Street, in the City of Raleigh, County of Wake, did cause H. L. Watson to come before me, and there and there proceed to take the deposition of said H. L. Watson, he being first duly sworn to speak the truth in regard to the execution of a certain paper-writing attested by

him, purporting to be the last Will and Testament of Lucy J. Wiggs, which paper-writing was transmitted to me together with the aforesaid Commission, and the same being exhibited to the said H. L. Watson, deposes and says:-

That the said H. L. Watson, is a subscribing witness to the paper-writing, now shown him, purporting to be the last Will and Testament of Lucy J. Wiggs; that the said Lucy J. Wiggs, in the presence of the deponent, subscribed her name at the end of said paper-writing, now shown as aforesaid, and which bears date of 3rd day of May A.D. 1887; and the deponent further sayeth that the said Lucy J. Wiggs, the testatrix aforesaid, declared the paper-writing so subscribed by her and exhibited, to be her last Will and Testament, and this deponent 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 the said testatrix.

And this deponent further sayeth, that at the said time when the said testatrix subscribed her name to the said last Will, as aforesaid, and at the time the deponent subscribed his name thereto, as aforesaid, the said Lucy J. Wiggs was of sound mind and memory, of full age to execute a will, and was not under any restraint to the knowledge, information and belief of this deponent. And further this deponent sayeth not.

H. L. Watson

The foregoing deposition of H. L. Watson was sworn to and subscribed before me at the time and place mentioned above.

This the 6th day of July, 1900.

H. L. Watson, Commissioner 

North Carolina } In the Superior Court
Catawba County }

In the Matter of the Probate of the } Commission to Take
Will of Lucy J. Wiggs, deceased } Deposition.

State of North Carolina }
To E. S. J. Giles, Greenwood, Greenwood County,
South Carolina. Greeting:-

We, reposing special trust and confidence in your integrity, do authorize and empower you to cause G. W. Gardner to appear before you at such time and place as you may appoint, and thence, under oath, to examine, touching all matters and things as he shall know of, and concerning the execution by Lucy J. Wiggs, late of Catawba County, North Carolina, of a certain paper-writing, purporting to be her last Will and Testament, executed by her on the 3rd day of May, A.D. 1887, and the deposition in writing by you so taken, the same to transmit, sealed with your seals, into the Clerk of our Superior Court.

Witness the signature of L. H. Phillips, Clerk, and the seal of said Court, at office in Newton, North Carolina, this the 2nd day of July, 1900.

L. H. Phillips

Clerk Superior Court Catawba County.

North Carolina } In the Superior Court
Catawba County } Before the Clerk.

In the Matter of the }
Probate of the Will of } Deposition.
Lucy J. Wiggs, deceased }

Pursuant to the aforesaid Commission to me directed, E. S. J. Giles, Commissioner, under the authority thereof on the 11th day of July, 1900, at No. 4 Law Range in the City of Greenwood, County of Greenwood, did cause G. W. Gardner to come before me, and then and there proceed to take the deposition of said G. W. Gardner, he, being first duly sworn to speak the truth in regard to the execution of a certain paper-writing, attested by him, purporting to be the last Will and Testament of Lucy J. Wiggs, which

Paper-writing was transmitted to me, together with the annexed Commission, and the same being exhibited to the said J. W. Gardner, deposes and says: - That he, the said J. W. Gardner is a subscribing witness to the paper-writing now shown him purporting to be the last will and Testament of Lucy J. Wiggs; that the said Lucy J. Wiggs, in the presence of this deponent, subscribed her name at the end of said paper-writing, now shown, as aforesaid, and which bears date of the 3rd day of May A.D. 1887; and the deponent further saith that the said Lucy J. Wiggs, the testatrix, aforesaid, declared the paper writing so subscribed by her, and exhibited, to be her last will and Testament, and this deponent 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 the said testatrix. And this deponent further saith that at the said time when the said testatrix subscribed her name the said last Will, as aforesaid, and at the time deponent subscribed his name thereto, as aforesaid, the said Lucy J. Wiggs, was of sound mind and memory, of full age to execute a will, and was not under any restraint to the knowledge, information and belief of this deponent - And further this deponent saith not.

The foregoing deposition of J. W. Gardner was sworn to and subscribed before me at the time and place mentioned above.

This the 11th day of July, 1900.

E. S. Giles, Commissioner, *Seal*

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

Upon consideration of the depositions returned unto Court by H. L. Watson and E. S. Giles, Commissioners.

It is therefore, and adjudged by the Court that the said paper-writing and every part thereof is the last Will and Testament of Lucy J. Wiggs, deceased.

Let the said Will, together with the probate be recorded and filed.

This 16th day of July, 1900.

L. H. Phelps

Clerk Superior Court.

In the name of God, Amen.

I the undersigned E. O. Elliott do hereby make this my last Will & Testament.

Item 1. - I give and bequeath to my daughter Emma Elliott my Bank Stock in The Commercial National Bank of Charlotte N.C. consisting of ten shares of the par value of one hundred dollars each.

Item 2. - I give & bequeath to my son Frank O. Elliott Five hundred Dollars in cash to be paid out of my estate real & personal.

Item 3. - All the rest of my estate of every kind both real and personal, the Realty consisting of a number of tracts, parcels, and lots of land in this County of Catawba & in other Counties (excepting the lots owned by me in the City of Charlotte N.C.) & the personalty consisting of horses, cows and other animals, farming implements, household & kitchen furniture here and in Statesville, and other articles too tedious to mention as well as evidences of debt & ~~claims~~ ^{shares} in action, -

after, all my just debts shall have been paid out of the same, - I devise and bequeath equally to and share alike, to my beloved wife Martha J. Elliott and my three children Mrs. Fredonia Anderson, Frank O. Elliott and Emma Elliott; and the aforementoned lots in Charlotte I devise to my said wife Martha J. Elliott alone.

Item 4. - I hereby appoint my wife Martha J. Elliott, my son-in-law H. E. Anderson, and my son Frank O. Elliott the Executors of this my Will & Testament.

In testimony whereof I have hereunto set my hand & seal this August 13th 1892.

E. O. Elliott *Seal*

Signed and sealed, and declared to be his last Will & Testament in our presence by E. O. Elliott & we at the request of said testator & in his presence & in the presence of each other do subscribe our names as Witnesses.

W. A. Wood
Wm M. Robbins.

(over)