

of said Will as an attesting Witness thereto, and at the request and in the presence of the said testator, And then 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 deponent's subscribing his name as an attesting Witness thereto as aforesaid the said W^m H. Harper 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 that accounts very well.

J. L. Sicks (Seal)

Solemnly sworn and subscribed

this 8th day of April 1879, before me

Joe D. Morgan

Probate Judge.

742

I John Bagier of the County of Nash and State of North Carolina being of sound mind and memory but considering the uncertainty of my earthly existence do make and declare this my last Will and Testament in manner and form following that is to say, First That my executor shall provide for my body a decent burial suitable to the wishes of my family, and pay all funeral expenses, together with my just debts, taxes and to whomsoever owing, out of the money that may come into his hands, as a part or parcel of my estate.

I give and bequeath to my son Francis M. Bagier him and his heirs forever thirty four acres of land as laid down in the plan the Survey tract by reference to said plat will show course, and distance.

I give and bequeath to my son W^m L. Bagier to him and his heirs forever the middle tract as said plat will show containing sixty five acres.

I give and bequeath to my son John R. Bagier to him and his heirs forever the lower tract as set forth in said plat containing fifty acres, my further will and desire is that my son W^m L. Bagier pay out to my executor thirty dollars and my son John R. Bagier twenty dollars, to be equally divided between Susan H. Harper and my daughter Mary Bagier, say eighty dollars to each them their heirs forever I assign to my said daughter, Mary and her heirs forever to her and her heirs forever. Therefore, I give and bequeath to my son Francis M. Bagier all my personal property at my death of every description to him and his heirs

forever. I do hereby constitute and appoint my youngest son Francis M. Bagier my lawful executor to all intents and purposes to execute this my last Will and Testament, according to the true intent and meaning of the same, and every part and clause thereof hereby revoking and declaring utterly void all other Wills and Testaments by me heretofore made.

In Witness Whereof I the said John Bagier do hereunto set my hand and seal this 1st day of April A.D. 1879.

John Bagier (Seal)

Signed, Sealed, published and declared by the said John Bagier to be his last Will and Testament, in the presence of us, who at his request and in his presence do subscribe our names as Witnesses thereto.

John M. Stone

W. L. Small

Joe D. Morgan

State of North Carolina }
Nash County }

ss In the Probate Court,

742

A paper purporting to be the last Will and Testament of John Bagier deceased, is exhibited before me, the undersigned, Judge of Probate for said County, by J. M. Bagier the executor therein mentioned, and the due execution thereof by the said John Bagier, by the oath and examination of John M. Stone and W. L. Small, the subscribing Witnesses thereto, who, being duly sworn, each separately say and each put himself up to the oath, that he is an subscribing Witness to the paper writing now shown him, purporting to be the last Will and Testament of John Bagier that the said John Bagier in the presence of this deponent, subscribe his name at the end of said paper writing, which is now shown therefore said, and which bears date of the 1st day of April 1879. And the deponent further saith that the said John Bagier the testator aforesaid, did at the time of subscribing his name as aforesaid, declare the said paper writing as an acknowledged by him, and exhibited to, as the 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 testator and this deponent further saith, that at the said time when the said testator subscribed his name to the said last