William Garner's Will

In the name of God amen. I William Garner of the County of Northampton & State of North Carolina, being in good health & possessing of my usual mind & reflection, do now make and establish this my last will & Testament which I do in the following manner viz

Item 1st I give unto my brother Samuel Garner the tract of land I purchased of John Norwood, containing one hundred & thirty acres be the same more or less during his natural life, and at his death I give bequeath the said Tract of land to his son Thomas Garner, to him his heirs forever

Item 2d I give & bequeath to my son Dorsey K Garner the land & plantation on which I have now my residence including all the land I own adjoining the original Tract given to me by my father (William Garner) except such as is otherwise disposed of by this will, also the lot and improvements in the Town of Jackson I recently purchased of Mr Willie Langford thirty acres of land near the said Town of Jackson purchased of the said Willie Langford, also the one half of my negro slaves & their increase, the slaves to be divided when the said Dorsey K Garner arrives at the age of twenty one years which said property I give & bequeath unto the said Dorsey & to his heirs & assigns forever subject however to such provisions & conditions as are herein after expressed

Item 3d I give and bequeath to my daughter Susan Ann Garner the Tract of land I purchased of Mr Ball Smith, adjoining the lands of William Mosby Esqr & others, & the Tract of land together with its appurtenances late the property of Richard Crump, called Macnwell, adjoining the lands of Charles Spain, the lands of the Estate of Absalom P Smith & others, also the one half of my negro slaves & their increase, the slaves not to be divided until my son Dorsey K Garner arrives to the age of twenty one years which said property I give and bequeath to my said daughter Susan Ann & her heirs forever, subject however to such provisions & conditions as are herein after expressed

Item 4th I give & bequeath to my son Dorsey K Garner my trunk & clothes & my chest gun

My will & desire is that my Executors or my acting Executor have the plantations herein bequeathed to said Dorsey K & Susan Ann (except the property bought of Willie Langford) kept up & the farms continued as the same by my negro slaves herein bequeathed to my said children until my said son Dorsey K arrives to the age of twenty one years, and also to keep for the use of the plantation & farms aforesaid all my stock of every description & farming utensils and that so much thereof as may be necessary for the use thereof or for the interest of my said children. My will and desire is also, that my Executor sell my household & kitchen furniture, Clock & harness saddle & bridle and to have my old dwelling house moved & added to the northern end of my dwelling house lately built & to have the entire building completed in a neat manner, as well as to have the balance of the houses & other improvements about my old dwelling moved near the new dwelling house & put up, and I hereby invest my said acting Executor or Executors with full power to sell & purchase such stock as they may suppose for the advantage of the said farm or farms and shall repair or build such out houses, as may be by him or them thought necessary & when necessary to purchase

a cotton gin or gins for the use of said farms to employ overseers & to direct what part of my said farms shall be cleared or cultivated annually & it is particularly my desire of them to see that my said children be treated with kindness & humanity & to have the old Dwelling

My will further is that the sale of land in & the fifty acres of land mentioned before mentioned, be by my acting Executor or Executors & continue or hire out my said son Dorsey K arrives to the age of twenty one years & that my said Executor or Executors have such repairs or improvements made on said Town Lots as they may deem advisable.

At the time my son Dorsey K arrives to the age of twenty one years, My will is that all the property belonging to my Estate except my land & negro slaves) be sold & the proceeds of the same together with all moneys due my Estate & in Cash in closing the rent profits of my farms untill said time, be divided between my said two children, Dorsey K & Susan Ann in the following manner, viz, to my son Dorsey K Garner two thirds & to my daughter Susan Ann the one third, deducting from each one their or portion their proportion & expenses up to the time of said division & the expenses incurred in their behalf for improvements, hires of negroes or purchase of stock, & such expenses or charges, I may think be a general charge against my Estate.

My will and desire is that if either of my said children Dorsey K or Susan die before arriving to the age of twenty one years having no issue living or for surviving, that the survivor then in fact of them all the property herein bequeathed or set apart to the one which shall be then dead and if either of my said children die before arriving to the age of twenty one years, leaving lawful issue or issues him or her surviving I give all such property herein before set apart to their father or mother as the case may be, to their said lawful issue or issues — but in case both of my said children, the said Dorsey K & Susan Ann die before arriving to the age of twenty one years, without leaving lawful issue or issues him or her surviving them & in such case I will & bequeath all such property real, personal & possessions herein before bequeathed to my said children to the then surviving children lawfully begotten of my Sisters Frances Walpole & Lucy Lynch, share & share alike & to them & their heirs forever. And lastly, I nominate & appoint my friends Richard H Mason & John A Moody, my whole & sole Executors to this my last will & Testament, at the same time requesting my friend John A Moody, that if he should find it inconvenient to qualify with the other Executor, that he will act in case the other Executor should die previous to the final settlement of my Estate

In testimony whereof I the said William Garner have hereunto set my hand & seal to this my acknowledged last will & Testament this the 4th day of November A.D. 1835.

Signed sealed & acknowledged by the said William Garner to be his last will & Testament in presence of

Jos R Atwoom. John R Drake,
D. R. Harden.

The time intervening between the execution & proving of the paper

Wm Garner (Seal)

Northampton County June Court 1835 —

The within was exhibited in open Court & proved in due form of law by the oath of R Drake one of the subscribing witnesses thereto, & ordered to be recorded & the persons named qualified as Executors.

Test R H Mason Clk
J R Drake Clk