

Bertie COUNTY NC Wills Gardner, James 1790

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In the name of God Amen I James Gardner of this state of North Carolina and County of Bertie being very sick and weak but in perfect mind and memory Thanks be to the almighty for it. Calling unto mind the mortality of my body, and Knowing that it is appointed once for all men to die do make and ordain this my last will & Testament, That is to say principally and First of all I give and Recommend My soul into the hands of the Almighty That gave it and my body I Recommend to the earth to be Buried in a Decent Christian Buriall at the Discretion of my Executors And as touching such worldly Estate as it has pleased almighty God to bless me with I give Demise & Dispose of the manner following:

First I lend unto my well beloved wife Mary Gardner the use of My manner Plantation on whereon I now live with the land thereunto Belonging During her widowhood bounded as followeth beginning at the Run of Cashy swamp where by land Joins John Tothes Runing the various Courses thereof untill it passeth the House then Dividing the Plantation at the Ditch beyond the orchard runing the ditch to the head thence bearing abt a southeast Course unto my back line on the other side of the road Including land on the Right hand side of the line sufficient to support that plantation which Dividing line is to be run by the Executors that shall Hereafter shall appoint.

Itm I Give and bequeath My Plantation with all land thereunto belonging before mention unto my son Averet Gardner to him and his heirs forever to have and Enjoy after the Death or Marriage of my sd wife.

Itm I give and bequeath to my son William Gardner the remainder part of my Plantation lying on Cashy swamp beginning where Avaret Gardner's land leaves the swamp at the ditch Running the various Courses up the swamp where my land Joins Levi Wimberley's running up the main Water Course of the Deep Run Branch untill it Joins the land John Gardner Decsd formerly possessed thence Runing the former line untill it Joins Avret Gardner's Land thence Runing the sd line that is to be made Down the ditch to the first station all which land and Plantation I give unto my son William Gardner to him & his heirs forever.

Itm I give and bequeath unto My Daughter Phereby Homes and Shadrack Homes Her husband one tract of Land the sd land and Plantation is the place that Shadrack Homes now lives on bounded as followeth beginning at the swamp on the west side of the deep run Branch and bearing on Levi Wimberley's line till it comes to Ezekiel Wimberley's line untill it comes to John Gardner's line decsd Running thence untill it strikes the deep Run branch Thence Down the Branch By the main water course to the first station all which land and Plantation I give unto my son and Daughter aforementioned Phereby and Shadrack Homes to them and their heirs forever.

Itm I give and Bequeath My land that lies on the north side of Cashy swamp being by estimation 540 acres to be Equally Divided among me and the heirs of my Three Decsd brothers William, Martin and John Gardner to be equally Divided By My Executors and after the Division to be one half Divided between my two sons Namely William and Avret Gardner. Furthermore I Lend unto My wife Mary Gardner During her Widowhood my two negroes Ben and Bett and after that for them both to make choice of my severall children for there Masters and for them to pay their Value to the rest of my Children to be valued by my Executors.

I Likewise give my well Beloved wife Mary Gardner one Feather Bed and furniture Two cows and calves and one three or four year old stear and My young Horse calld Major likewise five sows that uses hereon the swamp and twenty year old shoats to be fattend on the land likewise one pot and as mush Pewter as my Executors shall think sufficient likewise all the geese on the land. I furthermore give to my son Avret Gardner one Negroe man named Mingo and one young sorrell calld Ethinggain and two cows and Calves and feather bed.

Itm I Give and Bequeath to my son William Gardner one Negroe boy named Hampton likewise one year old filly likewise a Parcell of cattle that proceeded from a heifer that Wm. Sparkman gave to him and one feather Bed and furniture to him his heirs forever.

Itm I give and Bequeath to my son Alexander Gardner one hundred pound currency to him and his heirs forever.

Itm I give and bequeath to my Daughter Mary Harrell the two old negroes Jim and Philis to her and her heirs forever likewise Thirty Pound Currency likewise one feather Bed and furniture likewise one cow and yearling and heifer likewise I give and Bequeath to my Daughter Phereby Homes one year old horse Colt and a Parcell of cattle that she has had likewise one feather Bed I likewise give to my son Alexander Gardner My Hunting [gun?] to him and his heirs forever.

I likewise give and Bequeath unto my Daughter Winney Gardner one feather Bed and furniture And one cow and two heifers to her and her [heirs] forever.

Moreover I give to my Daughter Elis. Harrell one Cow and calf more and her only use forever.

Itm I give and Bequeath to my Daughter Patience James one feather Bed and furniture and two cows calves & one two year old heifer. Itm I give and Bequeath to my Daughter Celia Gardner one feather Bed and furniture and two Cows and Calves to her and her heirs forever.

Furthermore Its my will desire that the Remaining part of My Estate Both Within and out Doors not yet Given out in Legacies Be Equally Divided Among my Five daughters Namely Mary, Patience and Elisabeth, Winny and Celia to be sold at publick vandue and by the Discretion of my Executors.

Furthermore Its my will and desire that my Trusty friend Baliss House and Josiah Harrell and Allen Purvis Executors this my last will and Testament Revoking all other Witness my hand this 12th of September 1790.

Signed: James (X) Gardner

Witnesses: William Rasco, Joseph Holland, Wm. Ruffin

Be it known to all men by these Presents that I James Gardner of the state of north Carolina and County of Bertie have made and Declared my last will and Testament in writing Bearing date September the 12th one thousand seven hundred and ninety I the said James Gardner by this present Codicil do Ratify and confirm My said last will and Testament and Do further give and bequeath Unto my son William Gardner a Sufficient sum of money to be Raised out of my estate at the Discretion of my Executors to purchase a Tract of land now belonging to the estate of John Gardner decsd and his being in the years of Minority will not Admit of this Doing it Its my will and Desire that the said sum of money shall and may Be Appropriated to that use when Ever the land mentioned before may Be sold By Executors In as Simple Manner as he might or could do was he come to the years of maturity and my will and meaning that this my Codicil be adjudged a part of my last will and Testament and that all things therein contained be faithfully and Truly performed and as fully and as amply in every Respect as if the same had been Down in my Last will and testament Witness my hand this 12th Day of September 1790.

Signed: James (X) Gardner

Witnesses: Joseph Holland, Wm. Ruffin

Proved: November court, 1790.