

MARTIN COUNTY, NC - Will - William Biggs, Sr., 1817.

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William Biggs, Sr., 1817 Martin Co NC Will Book 2, pages 45 and 46.

Will of WILLIAM BIGGS, SR., signed September 28, 1815, and proven June Term, 1817.

In the name of God. Amen.

I, WILLIAM BIGGS, Senr., of the State of North Carolina and County of Martin, calling to mind the mortality of man, do make and ordain this to be my last will and testament on the twenty-eighth day of September in the year of our Lord one thousand eight hundred and fifteen, in the following form and manner, viz.:

Item, I lend unto my wife, MILLEY BIGGS, the use of the land and plantation whereon I now live, and also the land I purchased of REUBEN SAUNDERS as far as the Island Swamp, with the privileges on any of my lands for firewood, lightwood or timber, and half the profits of my saw and grist mill; also her choice of five of my Negroes, so that she chooses one from each child as I have mentioned them; also all the property not hereafter mentioned in particular legacies, and after her death I dispose of the same as hereafter mentioned.

Item, I give unto my daughter HANNAH SMITHWICK my land near the head of Turkey Swamp, estimated at two hundred and sixteen acres, being the land on which JOHN SMITHWICK formerly lived; also one third part of two hundred and

fifty acres on what is called Gainer's Road; also my Negro man named LUKE and my Negro girl named TILDEY; also one case of drawers; with what she has already received, to her and her heirs forever.

Item, I give unto my son THOMAS BIGGS my land lying below the Island Swamp; also that part of my land lying northerly of the branch leading from the main road to the marsh; also thirty-one acres on Back Swamp; also the land I purchased of JOHN WILLIAMS; also the land I bought of KEDAR TURLINGTON; also my land in the fork of the Bear Grass Swamp; also my Negro man POMPEY and my Negro boy WHITT; and one feather bed and furniture, and one horse, and half the profits of my saw and grist mill; and at the death of my wife the land and plantation whereon I now live and the land I purchased of REUBEN SAUNDERS; also one half of my still, and at the death of my wife I give him the other half of my still; all to him and his heirs forever.

Item, I lend unto my daughter CLARY MAKEY during her natural life one third part of two hundred and fifty acres on what is called Gainer's Road; also the land I bought of JOHN BIGGS; and one desk; also my Negro woman RACHEL and her child, AGGY; and at her death I give the aforesaid property to her children which she may then have; with what she has already received, to them and their heirs forever.

Item, I give unto my daughter LUCY BIGGS one third part of two hundred and fifty acres of land on what is called Gainer's Road; also the land called the Stewart land, which I purchased at the sheriff's sale; also one feather bed and furniture and one walnut table; also my Negro girl SUKEY and my Negro boy PETER, to her and her heirs forever.

Item, I give unto my grandson WILLIAM SMITHWICK, son of JOHN SMITHWICK, seventy-five acres of land that I purchased of ROBERT WARREN, to him and his heirs forever.

Item, I lend unto my daughter-in-law MILBERRY BIGGS, widow of my son WILLIAM BIGGS, the privilege of my land whereon she now lives; also my land bought of the heirs of VILEY EASTWOOD* during her widowhood, and give unto her what my son WILLIAM BIGGS had received from me in his lifetime.

Item, I give unto my grandson JOSEPH BIGGS, son of my son WILLIAM BIGGS, the land I purchased of the heirs of VILEY EASTWOOD, to enter in the possession thereof at the age of twenty-one years, to him and his heirs forever.

Item, I give unto my grandson JESSE BIGGS, son of my son WILLIAM BIGGS, all my land adjoining my old mill seat westerly of the Back Swamp and the said old mill seat, and fifteen acres inclusive of swamp on the east side of said old mill seat, so as to join the upper line and also the swamp between said land on the west and south side, with the millstones laying on the mill seat, and my cotton machine now at my other mill, to enter into the possession thereof at the death of his mother or her marriage, to him and his heirs forever.

Item, I give unto my grandson JAMES BIGGS, son of my son WILLIAM BIGGS, that part of my land on which my son WILLIAM BIGGS formerly lived, beginning at the mouth of Staton Branch, thence up the branch twenty yards above the old path, thence a straight course to the back line to a stooping large pine in said back line near a flat pond, the part lying southerly by the aforesaid division lines, to enter into possession thereof at his mother's death or marriage, to him and his heirs forever.

Item, I give unto my grandson HENRY BIGGS, son of my son WILLIAM BIGGS, all the balance of the tract of land on which my son WILLIAM BIGGS formerly lived which I have not above given to his two brothers, to enter into the possession thereof at his mother's death or marriage, to him and his heirs forever.

Item, I give unto my granddaughters NEICY, FANNEY and SALLEY BIGGS, daughters of my son WILLIAM BIGGS, my Negro man JACK and my Negro boy DAVE, to be hired out at the discretion of my executor until the youngest child, SALLEY, shall arrive to twenty-one years of age, and then to be equally divided between them, to them and their heirs forever.

Item, the residue of my property, at my death or the death of my wife, I give to be equally divided between all my children, viz.: HANNAH SMITHWICK and the children of my son WILLIAM BIGGS, deceased (all of them to draw one share); my son THOMAS BIGGS, my daughter CLARY MAKEY and my daughter LUCY BIGGS, to them and their heirs forever.

And for the executing this, my last will and testament, I constitute and appoint my son THOMAS BIGGS as whole and sole executor, under this restriction: that, as I have given him a larger legacy than any of my children, he shall not be allowed anything out of my estate for executing this will, and if my son THOMAS BIGGS should die before executing this will, in that case I appoint my son-in-law JOHN SMITHWICK executor. In testimony whereof I have this day signed, sealed and published this to be my last will and testament

/s/WILLIAM BIGGS, Senr.

in presence of:

Test.:

SIMON GURGANUS

MICHAEL LEE (his mark)

and

JOS. BIGGS

Martin County}

June Term, 1817}

This instrument of writing, purporting to be the last will and testament of William Biggs, Senr., was offered for probate by Thomas Biggs, the executor therein named, and the said will was proven in open court by Joseph Biggs, one of the subscribing witnesses, and, on motion, ordered to be registered.

Test.: H. B. Hunter, Clk. -----

*Viley Eastwood was a sister of Margaret (Eastwood) Biggs, mother of William Biggs, Sr. According to the records of Allen Dew, Viley's husband, Joseph Dew, was a Quaker leader who took his wife and nine children from Craven County, North Carolina, to Ohio in 1799.