

WILL, DATED APRIL 18, 1765

OF JAMES GARNETT

(DIED 1765)

ESSEX COUNTY

VIRGINIA

James Garnett
I give and devise to my Grandson
James Garnett the land which I purchased of William
Meredith called Greenfield and also the Tracts of Land
purchased of John Hines, John Hines, James and James Light
man which lands are contiguous to the land called Green
field. I also give to the said James the lands purchased of
the Messrs Henry Newman, Robert Harding and Elizabeth
to him my said Grandson Francis for and during his
Natural Life. The remainder of all the aforesaid lands
I give to my son - Muscoe and his heirs in trust
for the use of the said and any other son of my said
Grandson who shall survive my said Grandson in full
and equal share to be divided among them. But if my
Grandson Francis should die without male issue then
the said lands are given in trust and for the use of
Henry Garnett my Grandson for and during his life
and after his death for the use of the first and any
other son of my Grandson Henry who shall survive
him in full and equal share to be divided and if my said
son Henry should die without issue male then in trust
for my Grandson Augustine Garnett during his life. Re
mainder in full and equal share to the first and any other son of
my Grandson Augustine who shall survive him equally
to be divided and upon the failure of issue male of
my said Grandson in the order aforesaid then and
in trust I give all the said lands to my son William
and his heirs to him and their proper use. Moreover
and devise to my son - Muscoe Garnett the Tract of
Land I purchased of John Elliot and Sarah his wife
together with a Great Mill standing thereon also that
Tract of Land in Spotsylvania County which I pur
chased of Thomas Edmondson my lot in the town
of Fredericksburg the Tract of Land in Caroline County

In the Name of God. This is the last Will &
Testament of James Garnett of the County of Essex Gent. I do
my Will in that all my said debts be paid by my Executors
after mentioned. Now I give and devise to my Grandson
James Garnett the land which I purchased of William
Meredith called Greenfield and also the Tracts of Land
purchased of John Hines, John Hines, James and James Light
man which lands are contiguous to the land called Green
field. I also give to the said James the lands purchased of
the Messrs Henry Newman, Robert Harding and Elizabeth
to him my said Grandson Francis for and during his
Natural Life. The remainder of all the aforesaid lands
I give to my son - Muscoe and his heirs in trust
for the use of the said and any other son of my said
Grandson who shall survive my said Grandson in full
and equal share to be divided among them. But if my
Grandson Francis should die without male issue then
the said lands are given in trust and for the use of
Henry Garnett my Grandson for and during his life
and after his death for the use of the first and any
other son of my Grandson Henry who shall survive
him in full and equal share to be divided and if my said
son Henry should die without issue male then in trust
for my Grandson Augustine Garnett during his life. Re
mainder in full and equal share to the first and any other son of
my Grandson Augustine who shall survive him equally
to be divided and upon the failure of issue male of
my said Grandson in the order aforesaid then and
in trust I give all the said lands to my son William
and his heirs to him and their proper use. Moreover
and devise to my son - Muscoe Garnett the Tract of
Land I purchased of John Elliot and Sarah his wife
together with a Great Mill standing thereon also that
Tract of Land in Spotsylvania County which I pur
chased of Thomas Edmondson my lot in the town
of Fredericksburg the Tract of Land in Caroline County

192 which I purchased of Benjamin Smith and a Tract of Land
 in Orange County purchased of John Stivers together
 with a Tract of Land in the County of Essex, which I
 purchased of William Byrd. Now I give all which I have so
 with I give to my said son James for and during his
 Life Remainder to my Grandson James and his heirs
 in Trust and for the Use of the said and every other Son
 of my son James who shall survive him in that male
 equally to be divided and for each of them male of
 my said son James I give all the said Lands to my
 Grandsons Henry and Augustine during their Lives.
 Under the Trust aforesaid Remainder to all the Sons of
 the said Henry and Augustine who shall survive
 them in Trust. And equally to be divided Remainder
 to my Grandson James and his heirs for ever to his
 and their proper use. Now I give to my son James
 Gamett the Tracts of Land purchased of Thomas
 Washburn, Young Washburn, Schuchard, Bartholomew
 Hamlin, Robert Darling, Walter Margaret, Samuel Brown
 John Clements and William Dunning for and during
 the Natural Life of my said son James Remainder to my
 son James and his heirs in Trust and for the Use
 of the said and every other Son of my son James who
 shall survive him in that male equally to be divided
 but if my son James should die without issue then I
 give all the said Land to my son James during
 his Life Remainder to the said and every other Son of
 the said James who shall survive him in that male
 equally to be divided. But if my son James should
 die without heirs male then in Trust for and to the Grand-
 sons aforesaid during their Lives Remainder to the said
 and every Son of my said Grandsons who shall survive
 them in that male equally to be divided. Now I give
 Remainder to my son James and his heirs to his and
 their proper use. Now I give and Give to my Grandson
 Augustine Gamett and to his heirs and a Tract of
 the the said area of Land in Chatham County
 called White Oak. I also give to my Grandson James
 the Land purchased of the then Gamett situated
 on Crispin Creek between the Washburns and
 and also the Tract of Land given to William
 Jones and John. With the three last aforesaid Tracts
 being contiguous and also one Tract of about
 hundred acres of Land purchased of James
 Gaultman formerly granted to Augustine Smith

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To have my Grandsons Augustus, during his life, Remainder to my son James and his heirs in Fee and for the use of the first and every other Son of my Grandson Augustus who shall survive him in Fee and Male equally to be divided Remainder in Fee for all the Sons of my Grandsons James and Henry who shall survive them in Fee and Male equally to be divided Remainder to my son James and his heirs for ever to his heirs their proper use. Now I give and devise to my Grandson Henry Garnett the Lands purchased of Edward Moore Esq. in Occupation Bank, the 100 Acres of Purchased of the Bishop, all the Land purchased of Francis Crompton, a Land purchased from and a Moiety of the Tract of Land called Glastonbury and all the other together with a Moiety of the Twelve hundred and more of Land purchased of Francis Crompton... after said and also one thousand acres of Land purchased of James Crompton and situated in London County where James Crompton is now Overseer, during his own said Grandson Henry's Natural Life Remainder to my son James and his heirs in Fee and for the use of the first and every other Son of my Grandson Henry who shall survive him in Fee and Male equally to be divided Remainder in Fee for the use of every Son of my Grandsons James & Augustus who shall survive them in Fee and Male equally to be divided Remainder to my son James and his heirs for ever. Now I give and devise my Love with open exception to my Grandsons James and Augustus and to their heirs for ever. Now I give and bequeath to my Daughter Betty a Slave Woman named Lophney with all her Children born or to be born but if my Daughter should die before marriage then the said Slave are to go to my son James Garnett and if my son James should die before he comes of Age then to my son Andrew Garnett for ever. I give and bequeath to my Daughter Betty one thousand Pounds Law Money when she arrives or is of age and I give to my son James one thousand Pounds Law Money more in Trust to be purchased Lands and Slaves for the use of my Daughter during her life and after her death for the use of every child who shall survive my Daughter in Fee and Male equally to be divided my

and began
 To the said
 said in the said
 and began to
 from a hundred pounds
 comes of age then I give and bequeath to my wife my
 certain messes and lands houses and my Will is that if
 my wife should choose it she may have the use of my house
 and land and furniture during her life and after her
 wife my Negro Teller my daughter her life and after her
 death she and my Negro Teller to go to my son James for
 ever then I give and bequeath unto each of my grandsons
 James Augustine and Henry ten shares and three hundred
 pounds each money a piece but upon the express condition
 that they my three grandsons and each of them shall
 retain required accords full and complete release & acquittance
 to my executor for the profits of the estates and families
 personal Estates left by them father and in that case
 I forgive the debt due to me from their fathers Estates
 but if any or all of my grandsons should refuse to
 accords such release as aforesaid then I give the
 shares and money above bequeathed to my grandsons
 to my son James for ever then I give my Will that my
 son James and James shall pay unto my wife forty
 pounds every year during her life and after her
 Marriage Contract and it is my Will that my daughter
 Betty go live with my wife till she shall marry or
 die then I give to my son and grandsons the Capt
 Augustine and all the stocks and debts which shall
 be upon the plantation devised to them respectively at
 the time of my death then I leave to my son James forty
 shares in the old Carpenter Shop such money as he may
 see fit to give him to be in part of the said
 sum and the remainder of the said to be paid up and
 of these monies my love at my Executors pleasure
 and these under said bills and William annual
 to my son James during his life and after
 his death to be equally divided amongst his children
 who shall survive him I give the ten or Estate in
 the said fifty shares to my son James and he have
 in trust for my grandsons and his children according to
 the intention expressed as aforesaid but if my son
 James should die without issue living at the time of

WILL OF JAMES GARNETTESSEX COUNTY, VIRGINIAAPRIL 18, 1765

In the Name of God This is the last Will and Testament of James Garnett of the County of Essex (two illegible words) my will is that all my just debts be paid by my Executor after mentioned. Item, I give and devise to my grandson, Francis Garnett, the land which I purchased of William Mosely (?) called Greenfield and the tracts of land purchased of Robert Hines, Salvador Muscoe and Francis Goldman, which lands are contiguous to the land called Greenfield. I also give to the said Francis the lands purchased of the Morgans (?), Henry Herman, Robert Harding and Elizabeth Rowzie (?) to him my said grandson, Francis, for and during his natural life. The remainder of all the aforesaid lands I give to my son, Muscoe, and his heirs in trust for the use of the first and every other son of my said grandson who shall survive my said grandson in tail (sic) male equally to be divided among them. But if my grandson, Francis, should die without male issue then the said lands are given in trust and for the use of Harry Garnett, my grandson, for and during his life, and after his death, for the use of the first and every other son of my grandson, Harry, which shall survive him in tail (sic) male equally to be divided, and if my grandson, Harry, should die without issue male, then in trust for my grandson, Augustine Garnett, during his life. Remainder in tail (sic) male to the first and every other son of my grandson, Augustine, who shall survive him, equally to be divided, and upon the failure of issue male of my three grandsons in the order specified, then and in that event I give all the said lands to my son, Muscoe, and his heirs to him and their proper use. Item, I give and devise to my son, Muscoe Garnett, the tract of land I purchased of John Elliot and Sarah, his wife, together with a grist mill standing thereon, also that tract of land in Spotsylvania County which I purchased of Thomas Edmondson, my lot in the town of Fredericksburg, the tract of land in Caroline County which I purchased of Benjamin Cattlet, and a tract of land in Orange County purchased of Charles Stevens, together with a tract of land in the County of Essex which I purchased of Willoughby Newton all which lands, lot and mill I give to my said son, Muscoe, for and during his life. Remainder to my grandson, Francis, and his heirs in trust and for the use of the first and every other son of my son, Muscoe, who will survive him in tail (sic) male equally divided and for want of issue male of my said son, Muscoe, I give all the said lands to my grandsons, Harry and Augustine, during their lives under the trust aforementioned. Remainder to all the sons of the said Harry and Augustine who shall survive them in tail (sic) male equally to be divided. Remainder to my grandson, Francis, and his heirs forever to his and their proper use. Item, I give to my son, James Garnett, the tracts of land purchased of Thomas Hawkins, Young Hawkins, John Carter, Bartholomew Vawter, Robert Brooking, Walter Steelyard, Samuel Brown, John Clements and William Brown for and during the natural life of my said James. Remainder to my son,

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Muscoe, and his heirs in tail (sic) and for the use of the first and every other son of my son, James, who shall survive him in tail (sic) male equally to be divided, but if my son, James, should die without male issue, then I give all the said land to my son, Muscoe, during his life. Remainder to the first and every other son of the said Muscoe who shall survive him in tail (sic) male equally to be divided, but if my son, Muscoe, should die without heirs male, then in trust for my three grandsons aforesaid during their lives. Remainder to the first and every son of my said grandsons who shall survive them in tail (sic) male equally to be divided among them. Remainder to my son, Muscoe, and his heirs to him and their proper use. Item, I give and devise to my grandson, Augustine Garnett, and to his heirs forever a moiety of the thousand acres of land in Spotsylvania County called Gladly Fork. I also give to my grandson, Augustine, the land I purchased of Anthony Garnett¹ situate on Occapalia (?) Creek whereon the warehouses stand and also the tracts of land purchased of William Jones¹ and John Mills, the three last purchased tracts being contiguous, and also one moiety of twelve hundred acres of land purchased of Francis Goldman formerly granted to Augustine Smith, to him my grandson, Augustine Garnett, during his lifetime. Remainder to my son, James, and his heirs in trust and for the use of the first and every other son of my grandson, Augustine, who shall survive him in tail (sic) male equally to be divided. Remainder in trust for all the sons of my grandsons, Francis and Harry, who shall survive them in tail (sic) male equally to be divided. Remainder to my son, James, and his heirs forever to his and their proper use. Item, I give and devise to my grandson, Harry Garnett, the land I purchased of Edward Rowzie, Gent., on Occapalia Creek, those tracts I purchased of the Ripleys, all the land I purchased of Francis Covington, a tract purchased of (illegible first name) Brown, and a moiety of the tract of land called Gladly (sic) Fork, mentioned before, together with a moiety of the twelve hundred acres of land purchased of Francis Goldman, aforesaid, and also one thousand acres of land purchased of Francis Goldman and situate in Caroline County whereon James Goodrich is now Overseer, during his, my said grandson, Harry's, natural life. Remainder to my son, Muscoe, and his heirs in trust and for the use of the first and every other son of my grandson, Harry, who shall survive him in tail (sic) male equally to be divided. Remainder in trust for the use of every son of my grandsons, Francis and Augustine, who shall survive them in tail (sic) male equally to be divided. Remainder to my son, Muscoe, and his heirs forever. Item, I give and devise my corn mill upon Occapalia to my grandsons, Francis and Augustine, and to their heirs forever. Item, I give and bequeath to my daughter, Betty, a negro woman named Daphney, with all her children born or to be born, but if my daughter should die before marriage, then the said slaves are to go to my son, James Garnett, and if my

¹Anthony Garnett (1709-1802) was born in Essex County, Virginia. He was the son of Thomas and Elizabeth Garnett. He married Elizabeth Jones. They moved to Orange County (now Culpeper County) in 1741. Their son, Reuben Garnett, married Mary Twyman, daughter of William and Winifred (Cowherd) Twyman of Madison County, Virginia. The Anthony Garnett cited above, and in this footnote, are believed to be one and the same person.

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son, James, should die before he comes of age, then to my son, Harry Garnett, forever, and I give and bequeath to my daughter, Betty, one thousand pounds current money when she marries or is of age, and I give to my son, Muscoe, one thousand pounds current money moiety in trust to purchase lands and slaves for the use of my daughter during her life, and after her death for the use of every child who shall survive my daughter in fee tail equally to be divided. My will is that my daughter be decently maintained by my sons, Muscoe and James, till she marries or comes of age. Item, I give and bequeath to my granddaughter, Sarah Garnett, twelve hundred pounds current money to be paid when she marries or comes of age. Item, I give and bequeath unto my granddaughter, Molly Garnett, twelve hundred pounds current money to be paid when she marries or comes of age. Item, I give and bequeath to my wife my coach harness and coach horses and my will is that if my wife choose it she may have the use of my horses, fire wood and pasture during her life. I lend to my wife the negro (two illegible words) only during her life and after her death the said negro to go to my son, Muscoe, forever. Item, I give and bequeath unto each of my grandsons, Francis, Augustine and Harry ten slaves and three hundred pounds current money apiece, but upon this express condition that they, my three grandsons, and each of them, shall when required make full and ample (illegible word) it (two illegible words) to my Executor for the profits of the estates and for the personal estate left by their father, and in that case I forgive the debt due to me from their father's Estate, but if any or all of my grandsons should refuse to (illegible word) such (illegible word) as aforesaid, then I give the slaves and money where bequeathed to my grandsons, to my son, Muscoe, forever. Item, it is my will that my sons, Muscoe and James, shall pay unto my wife fifty pounds current money during her life according to our Marriage Contract, and it is my will that my daughter, Betty, do live with my wife till she marries or is of age. Item, I will to my sons and grandsons the crops growing and all the stocks (?) and tools which shall be upon the plantation, devised to them, respectively, at the time of my death. Item, I lend to my son, James, fifty slaves to (illegible word) old carpenter Jack, Dick (eight illegible words) to be in part (?) (two illegible words) and the remainder of the fifty (?) to be in (illegible word) upon it of three negroes who live at my dwelling plantation and these (?) under (?) David Pitts and William (illegible surname) to my said son, James, during his life and after his death to be equally divided amongst his children who shall survive him. I give the legal (?) Estate in the said fifty slaves to my son, Muscoe, and his heirs in trust for my son, James, and his children according to the intention expressed as aforesaid, but if my son, James, should die without issue living at the time of his death, then in trust for all the children of my three grandsons who shall survive them. Item, I give to my son, James, and his heirs all my slaves not heretofore given, as well as those in possession of my son, Muscoe, as the residue who are not in trust, for the use of my said son, Muscoe, during his life and after his death for the use

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of all the children of the said Muscoe who shall survive him, but if my son, Muscoe, should die without having issue living at his death, then in trust for all the children of my three grandsons who shall survive them my said grandsons. Item, it is my will that whatever woman my sons and grandsons marry or have married that they the said woman shall be intitled (sic) to dower in the lands and negroes devised to my said sons and grandsons, respectively. Item, I give to my wife and daughter the goods commissioned from England for them, respectively. My will is that my son, James, shall have the furniture of my house, and that these legacies be for the use of my family, but if my son, James, die before twenty-one without leaving issue at his death, then the said furniture to my son, Muscoe. Item, I give the residue of the goods commissioned from England and the goods in the warehouse in manner following--my son, Muscoe to have one-third part, my son, James, one-third part, and my three grandsons, the remaining third part of the said goods equally to be divided. My will is that no account or claim whatever shall be set up by my Executor against my grandsons if they aree to execute releases as aforesaid. Item: I give the crops of corn and tobacco of the growth of the year One Thousand Seven Hundred and Sixty-four to be equally divided between my sons, Muscoe and James, and that my son, James's, part be shipped for him. I mean his part of the tobacco. Item, I give bequeath and devise all the rest and residue of my Estate of what nature or kind to my son, Muscoe Garnett, and his heirs forever, he paying my debts and legacies according to my will before expressed, and I appoint my said son, Muscoe, Executor of my Will and Guardian to my son, James, and daughter, Betty, and my will is that my Estate shall not be appraised, and that the (illegible word) before devised be not divided before the twenty-fifth day of December next. In testimony whereof I have hereunto set my hand and seal this Eighteenth Day of April 1765.

(signed) James Garnett (Seal)

Signed, sealed published and acknowledged before

A. Rose
James Anderson
David Pitts

At a Court held for Essex County at Tappahannock on Monday the 15th Day of July 1765.

This Will was proved by the oath of Alexander Rose, a witness hereto, in the presence of Francis Garnett, Executor, heir at law to the decedent, who consenting hereto is ordered to be Certified, and at a court held for the said County at Tappahannock on Monday the 19th Day of August 1765. This Will examined, further proved by James Anderson, one of the witnesses hereto and ordered to be recorded.

Teste John (illegible surname) County Clerk

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