

John McMillan's St. Will

In the name of God Amen, I John McMillan of Ashe County & State of North Carolina, being at this time in health of body and of sound and disposing memory and Judgement Blessed be God for the same I do this 24th day of September 1840. make this my last will & Testament in manner and form as follows, I give unto my son Andrew McMillan all the land that I own on Nathans Creek being in several tracts which I Value at 1700. Dollars. out of which he is to pay to John McMillan two Hundred Dollars. and to my son John McMillan I give Holman place beginning on potatoe Creek between him and James Land running up the ridge above the lewts field and near the fence of the old field then to the waggon road southward to the maple branch thence up the maple branch as far as my land extends and some entries towards Bakers ridge also part of the lewts tract on the north side of potatoe Creek. all of which I Value at 1300 Dollars. Number of acres not known, & to my son Alexander I give the place I live on also one hundred acres on the north side of the Negro boy branch also the lower part of the Maxwell tract from the West corner of my old tract from a chestnut tree marked E. O. being an old line run by Enoch Osborne and from said line running southward near an old path to the rich ~~branch~~^{ditch} branch tract also the ditch branch tract of one hundred acres all of which I value at 2000 Dollars. and to James McMillan's sons I give all the land between John McMillan's part and Alexander being in several tracts all joining the exact quantity I do not know but value it at 1500 Dollars. which land is allotted entirely for the boys. the girls to have no part of it

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And to my daughter Polly Maxwell I give
two tracts of land where she lives of two
hundred Acres each one of these tracts
I had allotted for And: Fields if he would
settle upon it she is to have said land besides
a share of my other property, my will is that
my Slaves be divided as follows, to James
Harris I give Isaac, Henry, Tilly, & child same,
To And: McMillan I give Mary & children
she has at his house that is Jack Alfred
& the youngest ones and Duncan.

To my son Alexander I give Dick Ship & Team
and to Nancy Phips I give Kett, & children,
James Rindy & children and to my son John
McMillan I give Peter Hugh Simon & a girl
Franky. Maysie Reeves I give Lois & children
Rachel & Celia, and to my daughter Polly
Maxwell I give Hussy & children and Violet
& Poll & child, & Ben, & whereas I lent a girl
named Winney to James Maxwell when he
married my daughter Peggy my will is that
the children or increase of said girl be
equally divided among said Peggy's children
when they are of age or become lawfully
entitled to them said Maxwell to keep Winney
and one of her children his lifetime and
any sale or disposal of Winney's children
except with the consent of my Executors shall
be null and void, & what money James
Maxwell owes to me in the largest note which
will be more than one hundred Dollars to
each one of them I request my Executors
to see it faithfully taken care of either
by collecting it or giving his note to Peggy's
children for their share of it as soon
as they become entitled to it & no
claim or account that he may cause
against them shall be set off against

the debt that he owes to me and the said James
Maxwell or children to have no claim or share
in the rest of my property on the account of his
marriage with Peggy, the girl Mary at Pallys house
she agreed to descount out of her share \$357 dollars
for her if she is still willing to keep her she may
do so & if not let her be sold in the family, the
girl Ann at Andrew Mathorns I give to Andrew
& John & my will is that all my other property
not willed away be equally divided or sold
and the money divided equally, divided, and
what money to me by note my Executors
to divide the notes equally and each one to
collect his own share & if any of the
children dissent or be contentious my will
is that such dissenter pay one Hundred
Dollars to them who are willing to abide by
it to be recovered by a warrant, at the di-
vision of money or notes I want my Executors
to take from the whole amount of my Estate
the sum of one Hundred & Eighty Dollars
and divide the same equally among James
Millars sons when they come of age and
if any of them dies before they come of
age the living ones to have their share my
Executors may keep the money in their own
hands by paying three per cent interest and
be liable for it or lend it out at six per cent
and take security for it and not be liable
for its loss, and the said boys to have their shares
equal with their sisters, also, the said legacy to
the boys not to be subject to pay any debt
they may contract before they come of age
and what money is coming to each of
James' children let that part be paid to
each one individually both to sons and
daughters by giving them notes to collect
or wait till money is collected,

And I hereby constitute and appoint Andro
McMillan & Alexander my sons Executors
of this my last Will & Testament to be executed
agreeable to the true intent and meaning
thereof & they are not to charge per cent but
to have sufficient pay for their trouble

In witness whereof I have hereunto
set my hand & seal this 24th day of September
1840.

John McMillan (seal)

The debt that James Maxwell owes to me
will be over one hundred dollars to each
one of Peggy's children but if it is over
let them have it all. I want my Executors
to see the children paid or Maxwell will
give them notes

Elizah Brown Jurat.

John McMillan

State of North Carolina,

Ashe County 3rd July Term 1844.

The within will was duly proven
in open court by the oath of Elizah Brown
& ordered to be Registered

Just.

Ind Ray Clerk.