

The last will and Testament of Benjamin Merrell

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In the name of God Amen I Benjamin Merrell of the County of Buncombe and State of North Carolina being in perfect health and of perfect mind and memory thanks be given unto God calling unto mind the mortality of my body and knowing that it is appointed for all men once to die do make and ordain this my last will and Testament that is being

First of all I give and recommend my soul into the hand of Almighty God that gave it and my body to the Earth to be buried in a decent Christianlike manner And as respecting such worldly Estate wherewith it has pleased God to bless me in this life I give demise and dispose of the same in the following manner and form

Firstly I desire that all my just debts shall be paid
Secondly I will and desire that my loving wife Pernellesey shall have a decent and plentiful support during her natural life to be allowed to her by my Executors herein & after named and appointed by me for that purpose which support or dower they are to provide from and out of benefits arising from my farm whereon I now live

John Henry } saw the subscriber
Joseph Henry } write his name
Benjamin Merrell

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Thirdly I will and bequeath to the heirs of my Daughter Nancy Brunum (now deceased) the sum of ten dollars to be paid to her heirs two years after my decease together with the full use of a head & some cows by me before given to her

Fourthly I will and bequeath to my son William the sum of five dollars to be paid two years after my decease together with what other property I have given him heretofore

Fifthly I will and bequeath to my daughter Sam Morrow now married fifteen dollars to be paid two years after my decease together with what other property I have heretofore given to her

Sixthly I will and bequeath to my son Nimrod one negro boy named Jim and one bed and the mattress covering for said bed to receive into his use the said negro boy Jim at my decease together with what property I have heretofore given him Also the full use of one field cleared by him the said Nimrod on the South east side of Lone Creek known by the name of his field To enjoy the use of

Mr. Henry } saw the subscriber
Joseph Henry } write his name
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said field and keep it in repair for five years after my decease but it is to be strictly understood that the Nimrod is not to lease or convey his claim to the said field to any person or persons except it should be to one of his Brothers and in that case the said Brother who may lease the said field shall not lease it to any person whatever but keep

Benjamin Merrells Will Continued

it in his own possession until the said term of five years shall expire.
 7th I will and bequeath to my daughter Penellopey Shipyard
 fifty dollars to be paid in five equal installments of ten dollars
 each which payments are to commence on the first day of Jan-
 uary one thousand eight hundred and twenty six and to be
 paid in Cotton sugar and Coffee at the common selling price of
 said articles Also I will and desire that she the said Penello-
 pey shall receive the one sixth part of the amount of the sale
 of what property I shall hereafter describe to be sold after my
 Executors shall first pay out of the amount of said sale the
 sum of thirty dollars as I have directed them in the foregoing
 part of my will amongst three of my Legates that is to say
 to Nancy Crennis hers ten dollars and to my son William
 five dollars & to Jane Morrow fifteen dollars which sixth part
 she Penellopey is to *

Ans Henry } saw the subscriber }
 Joseph Henry } write his name }

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* receive two years after my decease

8th I will and bequeath to my son Eli a certain promissory
 Note now in my possession against him be the amount of said
 note more or less together with the sum of fifteen dollars
 to be paid two years after my decease and all the property
 which I have heretofore given him

9th I will and bequeath to my daughter Samiraa ten
 dollars to be paid two years after my decease together with
 what property I have heretofore given her

10th I will and bequeath to my Son Benjamin fifty dol-
 lars in trade to be paid to him two years after my decease
 together with what property I have heretofore given him

11th I will and bequeath to my daughter Charity M'Creary
 now married one Negro Girl named Mary with her issue
 during the said Charity's natural life and then to the heirs
 of her body which girl the said Charity is to receive into her
 possession at the last decease of her mother or myself together
 with the one sixth part of the amount of the sale of property
 hereafter to be described by me to be sold after my Executors
 shall first take out of the amount of said sale the sum of thirty
 dollars to be disposed of as I have described in the sev-
 enth part of my will *

Ans Henry } saw the subscriber }
 Joseph Henry } write his name }

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* which provides for the payment of my daughter Penellopey for
 her part - which 2^d sixth part of said sale she Charity is to receive two
 years after my decease

Benjamin Merrells Will Continued

13th I will and bequeath to my daughter Rachel one negro girl named Maria with her issue during the said Rachels natural life and then to the heirs of her body but in case my daughter Rachel should have no issue the Rachel shall at her death will and bequeath the said girl Maria & her issue to whomsoever the Rachel may please It is further my desire that the Rachel shall have her beds and their bedding together with her saddle and the cattle which is claimed by her which property the Rachel may receive whenever she may think proper to leave my house And I further desire that the Rachel shall have one sixth part of the amount of the sale of before mentioned in some manner and at the same time which directed for Daughters Penelope & Charity to receive their sixth part of said sale

14th I will and bequeath to my son Jonathan one negro woman Rose with her issue from this time forward which woman Rose he Jonathan is to receive at the last decease of his mother and my self together with one bed and bedding & what he Jonathan has heretofore received *

Mr Henry } saw the subscriber } Benjamin Merrells
Joseph Henry } write his name }

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* from me and all that tract of land lying on a branch of Hoppers Creek containing sixty acres lying above Barnetts place on said Creek and I further will and bequeath unto the said Jonathan one sixth part of the amount of the sale of the property which I am hereafter to describe to be sold after there shall first be the sum of thirty dollars taken out of the whole amount of the sale and paid as I have before directed which sixth part he Jonathan is to receive two years after my decease

14th I will and bequeath to my son David one negro boy named Ambrose at my decease together with what I have heretofore given him And all that tract of land lying on the top of the Bearwallow Mountain containing fifty acres and one sixth part of the property to be sold as before mentioned which sixth part he David is to receive in like manner and at the same time I have directed my son Jonathan to receive his part

15th I will and bequeath to my son Levi one negro man named Dick together with my plantation whereon I now reside containing one hundred and seventy one and a half acres

Mr Henry } saw the subscriber } Benjamin Merrells
Joseph Henry } write his name }

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The full use and controul of the said plantation he Levi is to receive at my decease excepting the use and benefits of one field which I have before described to be and remain to the use and benefits of my son Nimrod for the term of five years after

Benjamin Merrell's Continued

my decease at which time he Levi shall have the full right and controul of said field together with aforesaid plantation to manage as he may think proper Also I will and bequeath him the said Levi all that tract of land belonging to me lying on both sides of the top of the mountain between Hoopers Creek and Bone Creek joining or near joining the land whereon I now live and joining the land belonging to the heirs of Boyd. McGary deceased containing one hundred acres I further will and bequeath to my son Levi one other tract of land joining the land whereon I now live and joining Nicholas Roberts land & joining John Megrells land containing one hundred acres together with one *

In^d Henry } saw the subscriber }
Joseph Henry } write his name } Benjamin Merrell

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* bed and bedding and two cows and calves which himself & my son Jonathan shall choose out of my stock after my decease before any of the said stock shall be sold. And I further will and bequeath to him Levi all my still tubs together with the two stills now belonging to me at my decease and one sixth part of the amount of what property shall be sold after my decease but it is to be understood that there shall be thirty dollars taken out of the full amount of said sale before this sixth part shall be ascertained which sixth part he Levi shall receive two years after my decease at which time of two years after my decease he Levi shall pay fifteen dollars to my son Eli and ten dollars to my daughter Semima which I have will to them out of the part or share herein willed to them Levi in case I should not provide for the payments the said sums to the said Eli & Semima myself before my decease also I will and bequeath to him Levi one *

In^d Henry } saw the subscriber }
Joseph Henry } write his name } Benjamin Merrell

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* plow and one hoe one grass scythe and one grain scythe and the necessary harness for one horse. 16^{thly} I will and bequeath to my loving wife Penelopey one horse or mare which she herself may choose from amongst my stock after my decease before any part of the said stock shall be sold together with her saddle and bridle in addition to the maintenance heretofore described to be provided for her from my plantation 17^{thly} and lastly } It is my will and desire that all my stock consisting of horses cattle sheep and hogs

Benjamin Merrell's will Concluded

which may remain in my possession unwilld to any of the foregoing Legates together with all my household furniture and farming utensils together with my wagon and gear be put up and sold at public auction to the highest bidder on a credit of twelve months as soon as may be convenient for my Executors after my decease and it shall be the duty of said Executors after taking from the amount of said sale the sum of fifty dollars to ascertain the sixth part of the remaining *

In Henry } and the subscriber } Benjamin Merrell
Joseph Henry } write his name }

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* balance of said sale and pay it to the Legates whom I have before and herein willd to have one sixth part of said sale. And as respects my library I injoin it + my Executors to distribute the books amongst my legates accordingly as they may find the names of 3 Legates written in the said Book,

I nominate and appoint my son Jonathan and Levi Merrell my Executors to this my last will and testament confiding in them to have the same carried into full effect which will I have made on the foregoing ten pages at the bottom of each of which pages I have written my name and to the last or tenth page I have set my seal

In witness, whereof I pronounce and declare this my last will and testament and have signed sealed and acknowledged the same this twenty fifth day of January one thousand eight hundred and twenty five

In Henry
Joseph Henry

Benjamin Merrell

N. Carolina } July Session 1836 -
Buncombe county }

The foregoing Will was duly proven in open Court by the oath of Joseph Henry a subscribing witness thereto and recorded

John Miller Clk.
By John B. Whiteside Dc.

Jonathan Merrell sworn as Executor
Levi Merrell sworn as Executor July 1836