

April 22 1865

In the name of our Amen

I Daniel Miller of the County of Graham State of North Carolina being in declining mind & memory but in full health and disposing of my estate of which I am the owner family & some or later I do hereby make certain & declare the following articles & things to be my last Will & Testament

1st I will & desire that my mortal remains be buried in a decent & Christian like manner my grave to be marked with a respectable Tombstone the expense to be paid out of my estate
2nd I will & direct that all my just debts be paid out of my estate and as to the worldly effects which God has been pleased to bless me with I will bequeath & dispose of in the following manner Viz:

1st I give & bequeath to my wife Anna during her natural life or widowhood the sole use & benefit of all my land which I may die possessed of all my farming utensils namely my Waggons Plows Harrows & axes & black gear & grass tools & windmill Churns & horse gear my family Carriage & harness with all my kitchen furniture of all kinds also all my out doors or large pots out of iron doors cutlery dishes & plates tin ware of all kinds with the kitchen table & boards also of my household furniture all my beds bed clothing Bureaus Tables & Cupboards sitting chairs fire tools looking glasses and all other house furniture belonging to me at my death also my Cook one side table & one man saddle Chaise of what may be in hand also two riding bridles also three head of horses her choice out of my stock in hand all my stock of Cattle hogs & sheep & poultry of all kinds all the hay straw fodder & forage of all kinds all the corn in the fullest ear I suppose to be made four hundred bushels all the wheat & flour in hand & a sufficient way of the growing crop of wheat for the use of my said wife & family for one year from harvest time & also for sawing purposes and all my potatoes of both kinds & all the flax & tow & cotton in hand also my negro girl Lora now about eight years old all the above named property is given & bequeathed to my wife Anna during her widowhood but should my said wife Anna chuse to marry again then it is my will & desire that she receive her widowhood in my lands that the law directs and also that she shall equal with each of my children in the proceeds of all personal property money & effects including the above named property that may remain at the time of her marriage except such as may hereafter be bequeathed or appropriated

2nd in as much as my children which I have by my first wife Lorna namely Camilla, Harriet, Sarah Ann, Adeline & James Monroe

JONES

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have heretofore drawn all the Legacy drawn by their mother Lorna from her Brothers & deceased Brothers estate mostly now in my hands as their Guardian & therefore give and bequeath unto my wife Anna & all my children which I have by her all the property & money which has come into my hands as the legal representation of my wife Anna from her deceased Father her deceased Brothers Jacob & died Sister Melinda estate which amounts can be ascertained by reference to the records of the County Court this bequest to be paid up with what funds my wife after paying off my just debts both personal & as guardian as above stated or so much of it as the funds will pay the remainder if any to be paid off at the final settlement of my estate

3rd My further will & desire is & I hereby so will & direct that whatever funds may remain & belong to my estate over and above the bequests & directions herein named are & shall be first & last be equally divided between my wife Anna and all my children taking into consideration the property or money which has been heretofore given by me to any of my said children as an out set

4th I further will & direct that if the funds which may fall into the hands of my executor from cash funds on hand or from sale of property any shall remain after fulfilling the above bequests and directions the same shall be divided equally between my wife Anna & all my children as directed in article 3rd as soon as such fulfillment is made

5th I further will & direct that my executor hereinafter to be named sell all of my property not herein disposed of at public sale my negroes included & appropriate the proceeds as above directed

6th I will & direct that my lands be equally divided at the proper time between all my children

7 I hereby nominate constitute and appoint my friend & neighbor my lawful executor of this my last will & Testament hereby revoking & annulling all other will or executorships made by me

In witness whereof I have hereunto set my hand & affixed my seal this 20th day of January in the year of our Lord one Thousand eight hundred & sixty five

Signed sealed & declared in presence of us

Logan Carmel
Henry & Coulter

Daniel Miller. (S)