

In the name of God Amen

I J. R. Love of the
County of Wayne and State of North Carolina being
much afflicted by disease but at the same time of sound
mind and well disposing memory, thanks be to God for
his kind and tender mercies to me but calling to
mind the mortality of my body and the uncertainty of
life and certainty of death, and believing it to be right
and necessary as the good old Book saith for a
man at such a time when they feel themselves
capable to set their house hold and all their
earthly matters in order to meet the change now
under these considerations I do make Ordains and
Publish this Instrument of writing and this only to
be my last Will and Testament

In the first place I gave my soul to Almighty
God who gave it to me; and my body to the earth
to be plainly but yet decently buried. First I
will that all my just debts to be paid out of
what is owing me - first my individual notes, and
if not enough of them then the balance out of estate
which I own and hold as copartnership with
the heirs of my deceased Father R. Love did

1st I give and bequeath to my sons Robert G. A. Love and
Samuel L. Love the following described Tract of Land
to be equally divided between them, Beginning at
the Bridge across Richland Creek, and running
and running up Richland Creek to the mouth
of a branch just below the old Ford, then running
up that branch to the first fork of said branch;
then taking the ridge between the two Branches
then keeping that ridge to the top of the main
ridge that divide the waters of Richland Creek
from Aquette Creek and then keeping that ridge
to where the Rocky Knob takes off then keeping
down said Rocky Knob Ridge to a trail leading
from my House to where Deak Gray lived, then
keeping down the branch that said Gray lived
on down the said Branch to where a Rock Run
is near the ford of the creek on the branch I went up
and turning a little westwards course keeping the
ten feet above the upper edge of the Rock; and

up the Mill Race to the upper end of the Mill Dam Crossing
the Creek, and down the meanders of the same to the North
West Corner of Michael Francis land, then turning with his
land, and the old Road to the new Road, then down said
Road to a stake to a line drawn straight to the lower ^{line} of the
Female Academy, then turning up the street towards
the Court House to where my line goes to the Tavern lots
then turning to the left with the Tavern Lots to a maple
corner on the Darwell Branch, then keeping the line be-
tween my self and William Johnston & Stephen Oak
where the Gate used to stand, then running a line South to
hit Fitzgerald's line then following the Fitzgerald line to
the top of the little mountain that divide the Haven place
from the Town place, then turning a Northwesterly course along
that Ridge to the top of the Pine Mountain then keeping
along a line to a stake on said Haven's corner,
then turning Easterly with Haven's line to Banister
Turners line then with Banister Turners line to W. B.
Turners line then with William, B. Turners ^{line} to Robert
Turners line thence with Robert Turners line to Richland
Creek, thence with the meanders of said Creek to the
Beginning. Also I will and bequeath to each of them
the J. O. Turner Tract of Land on Horseoon Creek and
the Charles Jones Tract of Land and the S. M. Carson
Tract of Land butted and bounded agreeable to the original
Deeds to me given, also I will and bequeath to each of
them a quantity of Negroes in value equal to theirs that
I have given to my Daughter Margaret E. Hilliard

I will and bequeath to my Daughter Sarah, J. B. Thomas
wife of William, H. Thomas old Negro Rosa and her
daughter Ann for the care and kindness she has bestowed
upon me as well as upon her younger sister. Also my
Negro man Prince and his half sister Emeline and all
of said Emelines children which she has in possession
at this time. Also she is to have one thousand dollars
in cash notes, and also my sons Robert and Samuel
are to pay her three hundred and thirty three Dollars in
notes (cash) Also I give and bequeath to her one
third of six hundred and forty acres of the Elisha
Chambers Tract of Land or one third of the money
if said land is not redeemed by the said Elisha ^{Chambers} or his family,
Also she is to have three hundred dollars in cash

Notes for the lack of furniture which my other Daughters
have had

2nd I will and bequeath to my Daughter Margaret, E. Hilliard
wife of William, E. Hilliard my Negro man Jim and his wife
Elvira and all of said Elvira's children, which she has
in possession, also my sons Robert and Samuel are to pay
her three hundred and thirty three Dollars in cash notes
and I have paid out thousand Dollars for a house and
lot in the Town of Ashewille where they now reside
which I give them and the note handed over to them when
I paid. Also I will and bequeath to said Margaret, E.

Hilliard wife of William, E. Hilliard one third of the
Elisha Chambers Tract of Land containing six hundred
and forty acres or one third of the money for said
Land if the said Elisha Chambers or his family should
redeem it

3rd I will and bequeath to my Daughter Mary Ann
Josephine Brauner wife of Joseph A. Brauner my Negro
Man Mark and Negro Woman Barbary and her two children
and also my Negro Girl Harriet and her child which
Negroes she has in possession, also my sons Robert and
Samuel are to pay her three hundred and thirty three
Dollars in cash notes, also she is to have three hundred
and sixty dollars in notes that I hold on Nathan Stakely
to buy her a Piano; also she is to have twelve hundred
Dollars in cash notes and also she is to have one
third of the Elisha Chambers Tract of Land containing
six hundred and forty acres or one third of the money
of said Land, should the said Elisha Chambers or
his family redeem it

4th I will and bequeath to my Daughter Mariah, Keaton
the Tract of Land upon which I now live beginning at
Elisha P. Hyatts corner below his mill and running down
Richland Creek and including a small piece of land
bought of Walter Brown and turning with Walter Browns
line near the mouth of a dry ditch to a stake on my old
line then turning a Northwesterly course with that line to Wm.
Johnstons or John Moodys line then keeping it with
its various turnings to where it strikes the line of
the Mill Shoal Tract given to Robert and Samuel then
keeping that line to the branch, then up that branch
to the Head Spring above Dick Grays house then
keeping the line of Robert and Samuels Tract to the

of the Rocky Knob, then keeping along the line top of
the Rocky Knob Ridge to where the same intersects the
big Ridge which divides the Waters of Richland Creek
from those of Hyatt's Creek, then turning along that
Ridge a southerly course to where the same hits a line
run for John and Enos Platt, then turning a south easterly
course along that line to where the same strikes a survey
which is to be made for Nathan J and Jesse Hyatt line
and thence with E. D. Hyatt's line to the beginning of said
line. Said hundred dollars to be one thousand Acres of Land more or less, also she is
to be schooled at my expense, and after graduating at
Asheville she is to be sent one year at St. Mary's Institute
Raleigh N.C., I also give and bequeath to her the negro
girl Ananda for which I have already given a bill of
sale, for which she is not to account, and also she is
to have a quantity of Negroes equal in value to the
Negroes given to my Daughter Margaret at the time she
received them which value was supposed to be Four thousand
dollars, and the Negroes to be valued at at the same rate
I, Will and bequeath to my son Matthew, H. Love the
following property upon the conditions uncermied to wit
my Tract of Land known as the Patent Tract Beginning
at the Bridge a crop Richland Creek, then running
up said Creek to the mouth of the Branch just
below the old Ford of said Creek then running up
that branch to the first fork of said branch then taking the
ridge that puts down between the forks of said branch
taking the ridge and the line of the Tract that I have given
to my sons Robert and Samuel and following the top
of that ridge with the said line to the top of the main
Ridge that divides the Waters of Richland Creek from
Hyatt's Creek, then turning a southerly course keeping
down the top of that Ridge to J. S. Smith's line then with
that line to the line of old Lewis Smith's lands and
thence with that line to Richland Creek then up the
meanders of said Creek to the beginning in which bounds
there is a sixty acre tract sold to H. N. Brittain which
is to be exapted and well carried out in good faith
and that portion of the Land in the above boundary
now in cultivation by Negro Jerry extending from
his crop fence down, the said Jerry is to live on during
his life, and is to have it clear of rent and charges.

And he and his wife is to be free as the Laws of the State
will allow, and my son Samuel L. Love is to be his
Executor to manage his business and protect their person
Also I will and bequeath to my son Matthew H. Love an
equal value of Slaves that my Daughter Margaret E.
Hilliard had at the time that she received them and
if it is thought by my executors that my son Matthew
will improve and receive an Education he is to be
Educated at the common expense of my Estate provided
never the less, that all the property of any nature and
description herein bequeathed to my son Matthew H.
Love shall at my death vest in the following
Trustees (to wit), Wm. L. Hilliard R. G. A. Love and
William H. Thomas for the use herein after mentioned,
the said Trustees are to have the control of said
Property hiring leasing &c, and after defraying the
necessary expenses attending the same, shall apply as
much of the income as they shall deem necessary
for the support and maintenance of the said Matthew
H. Love until he arrives at the age of twenty one
years if at that age he shall be discreet and sober
they may apply the whole of the income of his property
to his use if at the age of twenty five years in the
opinion of the Trustees the said Matthew has
conducted him self with propriety and that he is
capable of the management of the property bequeathed
to him they may turn over all or a part of said
Property to him with such restrictions as the
Trustees may deem best for his interest and protection
but that he shall have no authority to make sale
of any portion of the said property previous to his
arriving at the age of thirty years without the consent
of such Trustees as may be living at the time and
at the age of thirty should he be sober and possessed
of good habits, discreet and in the opinion of the
Trustees capable of managing his property, then
the entire property bequeathed to him shall be turned
over to him free from the exercise of any power
over it by the Trustees, but if the Trustees should
at that time be of the opinion that from any cause
whatever he is incapable of managing the property
bequeathed to him, then it shall be controlled
and managed by them for the benefit of him self

his legal representatives.

And all other effects after settling off my just debts and liabilities is to be equally divided into seven Parts or shares and the share of my son Matthew is to be handed over to his Executors, and each of the ^{other} shares is to be handed over to the several heirs entitled to the same heretofore mentioned.

And I also give and bequeath unto my sons Robert and Samuel one hundred acres of land in the Milk Slick Cove above Jeffersons Draw hundred near tract of Land; and my Daughter Maria's property is to be managed by my Executors until she becomes of age or marries and that it is my desire that she does not marry until she gets the consent of her brothers Robert and Samuel and her sisters Sarah and Margaret, and if she does she is to forfeit her inheritance.

And in relation to the speculation Land it is my will and desire that the sales shall continue under the management of my Executors as though I was living they receiving for their services the same that I am receiving to wit Twenty five per cent on the amount sold and they are also to make titles and Phillips W. Edwards is to be continued agent as long as the Executors and he can agree.

I appoint as my Executors William H. Thomas Robert G. A. Love Wm. L. Hilliard and Samuel L. Love to execute the provisions of this my last Will and Testament and that they shall not be compelled to divide the notes within two years in order to give them an opportunity to renew and arrange said notes for divisions.

Heretofore my Father Robert Love made a Deed to my self and wife Maria W. Love for the plantation that I have given to my sons Robert and Samuel. Now if any or all of my heirs does not come forward and execute title by Deed to R. G. A. Love and Samuel L. Love for such interest as they may have acquired by virtue of inheritance from their said Mother, they shall forfeit their right to all the property herein Willied and bequeathed to them.

I Will and bequeath to my Daughters Sarah, J. B. Thomas Margaret, E. Hilliard Mary A. J. Brauner and Maria M. Love one acre of land what the Depot should the Rail Road come through this County and should said Depot be located on the Lands given to Robert and Samuel Love.

I Will and bequeath to my Grand son ^{Robert} Robert Love Hilliard eldest son of William L. and Margaret E. Hilliard two hundred Dollars.

And all the above property which I put in the possession of my Daughters Sarah J. B. Thomas, Margaret E. Hilliard Mary A. J. Brauner and Maria M. Love and all the property that ^{may} I may inherit of mine I design to go to them and the heirs of their body forever and if either should die without leaving lawful issue of their body, then it is my desire that their Part shall be divided into six Parts and each child shall draw share and share alike of the Part so left August 21st 1858 J. R. Love

Witness

J. B. Brauner

J. L. Warren

I do certify to the foregoing Will

In addition to the sixth item with regard to my son Matthew H. Love I Will that the Executors in said Will named shall not pay over to the said Matthew H. Love the said item until the age of forty years must be attained by the said Matthew H. Love before he can or may enter into full possession enjoyment and control of the bequeathed Estate, subject to all the conditions in said item specified, and do hereby that part of said item giving the time period at thirty years, and in the event ^{of the said item} named in said item should exist at the age of forty five, then and in that case all the property mentioned in said item shall vest into the common Stock of my estate and be equally divided between my other six children named in the foregoing Will signed and sealed in presence of the testator and in presence of each of us who become subscribers hereto at his request.

February 17th 1859. J. R. Love

Attest

Eli Arrington

J. Keener Dillond Love

A. B. Ayer has been a faithful