

I David B. Miller of the county of Henderson
do make & publish this my last will
& Testament. Item 1st I desire to
leave my beloved wife Mary Mahida
an ample support during her lifetime
I therefore give and devise to her during
her natural life my Clear Creek Farm
known as the Featherstone Place except a
small portion to be sold to Joseph Holbert.
I likewise give and devise to her for
the term of five years my house & lot in
the town of Hendersonville and if she shall
desire it for a longer time my will is that
she may occupy the same as long as she
desires without charge or payment of rent.
if however she removes to the farm which
I have given her on Clear Creek I desire
this house and lot appertaining thereto a
bout five acres to be sold by my executor
and the proceeds applied as they are directed
to apply the proceeds of the sale of my other
property in a subsequent clause of this will
I also will and bequeath to her during her
natural life four negro Slaves, Julius &
his wife milly, Hiram and a woman man-
-ed Susie with the privilege of selling any
one or more of them if they should displease
her and investing the money in other Slaves
to be held upon the same terms as during
her natural life. I give and bequeath
unto her absolutely all my household &
Kitchen furniture Eight head of milch Cows
my two mules & Two horse wagon all the
Hogs belonging to me in town all the
provisions on hand six hundred bushels
of the present crop of corn Hay Fodder &
rifness sufficient for one year & sufficient
quantity of farming tools to carry on her
farm. I likewise give her Two hundred
dollars in cash to purchase Groceries &c.
Item 2nd Feeling the same affection
for each one of my children I desire that

after the payment of my debt. They be made equal in the division of my estate, To the three youngest children however inasmuch as they have not received their education I devise one hundred dollars more to be given to each one of them the other children receive that to be expended in sending them to school

Item 3rd To my son Andrew I give one half of the lot & Store House upon it said lot and house being now occupied by us jointly for the purpose of carrying on the merchantile business and in as much as I received a full remuneration for the said house & lot from my son Andrew and have heretofore neglected to make a tittle to the same I do not wish him to be charged with the same in the division of my estate

Item 4th To my son James E. I give and bequeath a negro by the name of Ben and in the division of my Estate my will is that he be charged with the sum of Twelve hundred dollars the value as I think of said negro

Item 5th To my son John I give and devise the remaining half of the Store house lot the other half being willed to Andrew and in the division of my estate is intended to be sold my will is that John be charged with Twelve Hundred & fifty dollars the value as estimated by myself of the Store House lot.

Item 6th all the remainder of my property of every kind (except the stock of goods which I dispose of in a separate clause of this will) both real & personal including the Boylstone lands my undivided interest in land near Hendersonville and any other lands I may own elsewhere my slaves & other property included of I give & devise to my executor to sell upon such credits as they deem prudent & advisable and to apply the proceeds of the sales first - if necessary to the payment of my debt and the balance to divide equally among

all my children James E. & John accounting for the portion given them in previous clauses of this will and the three youngest children receiving each the hundred dollars given them in the second clause of this will, I desire likewise to my executors to sell and divide among my children a love directed the property given their mother after her death including the land and the negroes and every increase which they may have

Item 7th Having an interest in a store which has been carried on for some time in the town of Hennepinville and in which my son Andrew is equally interested I desire the business to be continued as usual untill the 1st of January 1860 and in the mean time I desire and authorize my son Andrew as surviving partner & as executor of this will to settle the accounts & collect the debts as rapidly as he can and to pay off such debts as may be due from the firm including the note due John Baxter and all other debts that may be owing by the firm, at the end of the year I desire a full settlement and settlement of the affairs of the concern and after setting apart a sufficient sum in debt or other wise to pay the debts due from the firm if there be any I desire my executors to receive my portion of the assets of the concern and apply them in payment of my individual debts. The remainder of goods that may be on hand I wish to be divided between my son Andrew and my estate and my will is that any member of my family may take my portion at cost, if not taken I direct my executors to sell them at public auction I wish my executors to allow a charge only five per cent on the original cost. I direct the remainder of the assets of the firm after paying the firm debts and

my individual debt to be collected and divided equally among my children as heretofore directed

Item I desire & direct my executors to collect my individual debt immediately and apply the proceeds to the payment of debt my wish being that the debt due me as an individual and as a partner in the store should be applied to their payment, being able however to foresee the necessities and pressure by my executors I leave it to the discretion of my executors to apply any portion of the means in their hands whether arising from the sale of lands or otherwise to the extinguishment of the debt which I owe

Item I authorize and empower my executors to sell to Joseph Hollet a small portion of my clear creek land the quantity and price having been agreed on at the time of the purchase

I appoint my sons Andrew Miller & my son John Miller executors of this my will June 27th 1859

Test,
Wm. Shipp Jy
J. Kledge Jy

(J.B. Miller)

State of North Carolina } Court of Pleas & Quarter
Henderson County } Session Septemb Term 1859
The due Execution of the foregoing will was duly Proven in open court by the Oaths and Examination of Wm Shipp & J. Kledge the two subscribing witnesses Thereto Recorded and ordered to be filed

Wm Shipp

Wm Allen