

State of South Carolina }  
 Henderson County } April the 8<sup>th</sup> 1857

In the name of God Amen

I William Merrell of the County and State above written Being of Sound mind and memory do this day the eight of April in the year of our Lord one thousand eight hundred and fifty seven do make and publish this my last will and Testament in manner following that is to say

- 1<sup>st</sup> I give and bequeath unto the heirs of Jesse Merrell that my son a certain Tract or parcel of Land which I bequeathed to Jesse Merrell in his life time on the west side of Little River as per Title
- 2<sup>nd</sup> I will and bequeath unto the heirs of my Daughter Kelly Allison fifty Dollars to be collected out of my chattle property by my Executors and paid to them
- 3<sup>rd</sup> I also give and bequeath unto the heirs of Daughter Nancy Shipmon Sixty fifty Dollars to be collected by the Sale of Property not disposed of in this will by my Executors and paid to them
- 4<sup>th</sup> I also will and bequeath unto the heirs of my Daughter Mary Barnett Sixty fifty Dollars to be paid to them out of the property sold by my Executors
- 5<sup>th</sup> I also will and bequeath unto my Daughter Elizabeth Shipmon a piece of Land known as the Flatwoods tract as per Title also one negroe girl named Mary with her increase my Daughter's lifetime then to the heirs of her body
- 6<sup>th</sup> I will and bequeath unto my Daughter Margaret Asworth one negroe girl named Mariash with her increase to my Daughter her lifetime then to the heirs of her natural body
- 7<sup>th</sup> I will and bequeath unto my Daughter Sarah Phillips one negroe boy named Charles also one negroe girl named Rilda to my Daughter Sarah with her increase her lifetime then to the heirs of her body
- 8<sup>th</sup> I also will and bequeath unto the heirs of my Daughter Rachel Justice Sixty Twenty Dollars to be paid by my Executors when collected
- 9<sup>th</sup> I will and bequeath unto my two sons and one Daughter namely William Merrell Jun<sup>r</sup> and James R Merrell and Martha Parron



- my home Tract of Land where I now live to  
be Equally Divided between the three
- 10th I will and bequeath unto my son John  
Merrell at the Lands I bequeathed to him as per  
Bill also one negro boy named Eammon  
and negro girl named Hammer with her  
increase by the said John Merrell paying to my  
Executors one hundred dollars
- 11th I also will and bequeath unto the heir of  
my son Joseph Merrell Twenty Five dollars  
to be paid to him by my Executors when collected
- 12 I also will and bequeath unto my son Benjamin  
Merrell a piece of Land which I have owned  
on the South Side of Crab Tree Creek as per deed  
also one negro man and his wife and one  
child namely Eammon and his wife Mary  
and child Harry with their increase by the  
said Benjamin Merrell paying to my Executors  
the sum of one hundred and fifty dollars
- 13th I will and bequeath that my Executors sell  
all of the property that is not disposed of  
in this my last will and Testament and  
after all Expenses is paid if there be  
any thing left in there hands it is to be  
paid over to the heir of my son Joseph  
Merrell and the name of the child is

Jesse Orison

- 14th I will that all my just debts be paid and  
all accounts due me be collected by my Executors.  
And I hereby make and ordain my worthy Friends  
Samuel King and Benjamin Merrell Executors  
of this my last will and Testament in witness  
whereof I the said William Merrell have to this  
my last will and Testament set my hand and  
Seal the day & year above written

Signed & sealed published and Subscribed by  
the said William Merrell the Testator as  
his last will and Testament in the  
presence of us who were present at the time  
of signing and sealing thereof

Moses Whittingham  
Simron Shephard

W. Merrell



State of North Carolina } Court of Pleas & Quarter  
Henderson County } Session June Session At 1857  
The foregoing paper writing was duly Exhibited  
in open Court & its Execution duly Proven by the  
oath of Moses Whittingburg one of the subscribing  
Witnesses and Daniel King & Benjamin McNeill  
the two Executors was duly qualified as Executors  
and sworn to be recorded & Registered  
Witness N. W. Allen c/o

Henderson County }  
North Carolina } I Lewis W Herring of the  
County and State aforesaid  
being of Sound mind and memory but consid-  
ering the uncertainty of my earthly existence  
and being desirous of disposing of my property  
So that there will be no need of a Sale of any thereof  
do make and declare this my last will and  
testament in manner and form following  
that is to say

First I give and devise to my beloved wife  
Susan Herring the tract of land on which I  
now live together with all the lands I own  
in the County of Henderson being about  
four hundred and thirty two acres including  
my dwelling house and all out houses and  
other improvements to have and to hold to her  
the said Susan Herring for and during  
her natural life or widow hood in satisfaction  
for and in lieu of her dower and thirds of  
and in my real estate

Item I give and bequeath to my said beloved  
wife Susan Herring my boy Jim to have  
and to hold to her the said Susan Herring  
for and during the term of Her natural  
life

Item I also give and bequeath to my  
beloved wife Susan Herring all my house  
hold furniture together with all the Stock



State of North Carolina

Henderson County,

April The 8th 1857

In The name of God Amen

I William Merrell Sr of the County and State above written being of sound mind and memory do this day the eighth of April in the year of our Lord one thousand eight hundred and forty seven de and publish this my last will and testament in manner following that is to say  
1<sup>st</sup> I Give and bequeath unto the heirs of Jesse Merrell dead my son a certain tract or parcel of Land which I owned to Jesse Merrell in his life time on the west side of Little River as per title

2<sup>nd</sup> I will and bequeath unto the heirs of my daughter Nelly Allison fifty dollars to be collected out of my Chattel property by my Exors & paid to them.

3<sup>rd</sup> I also give and bequeath unto the heirs of my Daughter Nancy Shepman best fifty dollars to be collected by the sale of property not disposed of in this will by my Executors and paid to them.

4<sup>th</sup> I also will and bequeath unto the heirs of my Daughter Mary Barnett best fifty Dollars to be paid to them out of the property sold by my Executors

5<sup>th</sup> I also will and bequeath unto my Daughter Elizabeth Elizabeth Skipman a piece of Land known as The Oldwoods tract as per title also one negro girl named Mary with her increase my daughters lifetime then to the heirs of her body

6<sup>th</sup> I will and bequeath unto my daughter Margaret Ashworth one negro girl named Mariah with her increase to my daughter her lifetime then to the heirs of her natural body

7 I will and bequeath unto my Daughter Sarah Kelpatrick one negro boy named Charles also one negro Girl named Rilda to my daug Sarah with their increase her life time then to the heirs of her body.

8 I also will and bequeath unto the heirs of my son - Alex Michael Justus best twenty Dollars to be paid by my Exetors when collected

9 I will and bequeath unto my two sons and one daughter namely William Merrell Sr and James R Merrell and Martha Pearson all of my home tract of Land where I now live to be Equally Divided between the Three.



10<sup>th</sup> I will and bequeath unto my son John Merrell all the lands I deeded to him as for tittle also one negro boy named Edward Jr and negro girl named Hannah with her increase by the said John Merrell paying to my executors one hundred dollars.

11<sup>th</sup> I also will and bequeath unto the heirs of my son Joseph Merrell twenty five dollars to be paid to him by my Executors when collected.

12 I also will and bequeath unto my son Benjamin Merrell a piece of Land which I have deeded on the South Side of Crabtree Creek as for deed also one negro man and his wife and one child namely Gamund Jr his wife Rosey and child Haracy with their increase by the said Benjamin Merrell paying to my Executors the sum of one hundred and fifty dollars.

13<sup>th</sup> I will and bequeath that my Executors see all of the property that is not disposed of in this my last will and testament and after all expenses is paid if there be any thing left in their hands is to be paid over to the heirs of my son Joseph Merrell I do the name of the child is Jffe Erwin.

14 I will that all my just debts be paid and all accounts due me be collected by my Executor and I hereby make and ordain my worthy friends Daniel Ring and Benjamin Merrell Executors of this my last will and testament in witness whereof I the said William Merrell to this my last will and Testament set my hand and seal the day and year above written.

Signed Sealed published and declared by the said William Merrell the testator as his last will and testament

W. Merrell *Test*

in the presence of us who were present at the time of signing and sealing thereof.

Moses Whittingburg  
Amos Shepherd



State of North Carolina } Tenth Monday after the 1st  
Polk County } Monday in Sept. A.D. 1860

It being the 3 day of Term in said year  
Be it known that a Superior Court of Law was this  
day opened and held for the County of Polk at the Court  
house in Columbus in said County.

The Hon Jas W Ashborn Judge present and presiding  
before whom a suit was returned and placed on the  
trial docket to wit

A. S. H.

Dynamis } Benj. Merrill et al }

vs

Will.

D.S.

W. T. Farmer et al }

Transcript from Henderson Co.

Shipf

Continued

This case was regularly continued from  
Term to Term until fall Term 1860. Opened and  
held for said County of Polk at the Court House  
in Columbus on the 1st Monday in Sept. A.D. 1860

The Hon Jas W Ashborn Judge present and  
presiding before whom the following proceeding  
was had to wit

A. S. H.

Dynamis } Benj. Merrill et al }

vs

Will.

D.S.

W. T. Farmer et al }

Caust. Issue of Invasant

Shipf

vel non

The parties aforesaid by their attorney came  
into Court and thereupon the following jurors to wit

1 Wm. Liles

7 Philip Henderson

2 Wm. Splawn

8 H. B. Green

3 Richard Tallint

9 J. C. Prince

4 Benj. Staten

10 R. M. Hoar

5 W. S. Prince

11 Anderson Mills

6 J. S. Staley

12 Wm. M. Staley

Who being chosen true and sworn to try the issue  
joined between the said parties upon their oaths say  
that the said paper purporting and every part thereof  
is the last will and testament of the said William  
Merrill. It is therefore ordered by the Court that  
the said will remaining in the office of this  
Court be remitted to the Court of Pleas and  
Quarter Sessions of Henderson County with



a Transcript of the proceeding thereupon in this Court to  
 the end that the said will may be duly recorded and filed  
 in the said Court of Pleas and Quarter Sessions and that  
 further proceeding may be had thereon according to law  
 It is considered that W. S. Farmer et al do recover against  
 the said Benj. Merrill the said and Scurties  
 their costs of suit

State of North Carolina, J. R. L. Abrams Clerk of  
 Polk County } The Superior Court of Law  
 of the County of Polk do hereby certify that the forego-  
 ing is a full true and perfect transcript of the  
 Record of said Court in the case to which it is  
 referred to In testimony whereof I have hereunto  
 set my name and affixed my Seal of said Court  
 at office in Columbus this 10th day of Oct. A.D. 1864



R. L. Abrams Clk