

I Geo. N. Rush of the County of Macon
and State of North Carolina being of sound mind
and memory but considering the uncertainty of life
do hereby make, publish and declare this my last
Will and Testament in manner and form as
follows: To wit:

Item, I bequeath to my beloved wife Elizabeth
Rush the mother of my children and the partner
of my joys and sorrows, all my property of every kind
real personal and mixed (excepting to the payment of the
specific bequests and legacies hereinafter mentioned) for
her during the term of her widowhood, or for the
term of her natural life in case she should
remain a widow so long, to be used by her
for her comfort and support just as if I were
dead, I also give and bequeath to her all my
notes, accounts and Chances in action of every
kind to be collected and used by her in the
payment of my debts should I have any of the
residue to be used by her as her own in any
manner she sees fit, And in case there should be
no debts to pay then she is to have all that she
may realize from the said Chances in action ab-
solutely. It is also my wish and desire that my
said wife should live in ease and comfort as far
as possible so long as she should remain my
widow and therefore provide direct and desire that
if at any time during the period of her widow-
hood the receipts from the farm and property here-
in mentioned should be insufficient to en-
able her to live in comfort, or in case of failure
of Crops, or the payment of the Legacies and bequests
hereinafter mentioned, then and in that event she
is to have the right to sell so much of my
Mountain lands as shall be necessary to en-
able her to live or discharge the obligations

real personalty ^{of my} (to the payment of the
specific bequests ^{of legacies hereinafter mentioned}) for
the during the term of her widowhood, or for the
term of her Natural life in case she should
remain a widow so long, to be used by her
for her comfort ^{and support} just as if I were
dead. I also give ^{and bequeath} to her all my
note, accounts ^{of Chases in action} of any ^{and}
every kind to be collected ^{and} used by her in the
payment of my debts should I have any ^{of the}
residue to be used by her as her own in any
manner she sees fit. And in case there should be
no debts to pay then she is to have all that she
may realize from the said Chases in action ab-
solutely. It is also my wish ^{and} desire that my
said wife should live in ease ^{and} comfort as far
as possible so long as she should remain my
widow ^{and} I therefore provide direct ^{and} desire that
if at any time during the period of her widow-
hood the receipts from the farm ^{and} property here-
in mentioned should be insufficient to en-
able her to live in comfort, or in case of failure
of Crops, or the payment of the Legacies ^{and} bequests
hereinafter mentioned, then ^{and} in that event she
is to have the right to sell so much of my
Maurtain lands as shall be necessary to en-
able her to live or discharge the obligations
owed to ^{and} she is authorized ^{and} empowered to
make title to the same. But if the farm ^{and}
its income be sufficient to support her ^{and} pay
the legacies ^{and} bequests, with the Chases in action
and personally, then I desire all my land to
remain intact, until the time hereafter
mentioned.

Then I give ^{and} bequeath to my son Geo. M. Rush ^{and} my daughter Lizzie Bell Rush. Each a horse of the value of one Hundred Dollars or the sum of one Hundred Dollars in money, also each two beds ^{and} fixtures or their value, ^{and} Twenty Five Dollars in household goods ^{and} furniture, or that amount in money at their election. The same to be paid to them upon their arriving at the age of twenty one years or sooner in the event they should marry before that time. This amount is given them to put them upon an equal footing with the other children who had the same upon their marriage or settlement.

Then, Whereas my son-in-law A. J. Henson has for some years past been living in a house near my own on my land cultivating & paying rent for certain parts of the farm ^{and} whereas he has paid the sum of Dollars toward the building of the house in which he lives the remainder having been paid by myself. And Whereas it is my wish ^{and} desire that they should continue to live there cultivating & paying rent for the land as before, I hereby direct my beloved wife to pay to said A. J. Henson the said sum of Dollars as his part paid toward said house when he shall cease to live there ^{and} move away. But it is expressly understood that none of my land is to be sold to pay said debt and in case my widow cannot raise the money without a sale of the land or portions of them the debt is to remain until a division or settlement of the estate, when that amount is to be made up to the said Henson or his wife my daughter or their children, from the estate in addition to their share. In the event that said Henson die before his wife then I desire my daughter to

given them to put them upon an equal footing
with the other children who had the same upon
their marriage or settlement,

Item, Whereas my son-in-law A. G. Henson
has for some years past been living in a
house near my own on my land cultivating
& paying rent for certain parts of the farm and
whereas he has paid the sum of Dollars
toward the building of the house in which he
lives the remainder having been paid by myself,
and whereas it is my wish & desire that they
should continue to live there cultivating & paying
rent for the land as before, I hereby direct my
beloved wife to pay to said A. G. Henson the said sum
of Dollars as his part paid toward said
house when he shall cease to live there ^{as made} ^{up} ^{away},
But it is expressly understood that none
of my land is to be sold to pay said debt and
in case my widow cannot raise the money
without a sale of the land or portions of them the
debt is to remain until a division or settlement
of the estate, when that amount is to be made
up to the said Henson or his wife my daughter
or their children from the estate in addition
to their share, In the event that said Henson
die before his wife then I desire my daughter to
live there as a home ^{and} this amount of
Dollars be paid to her, or in case of her death
to her children in the same way.

Item, I also desire ^{and} direct that at the
death of my wife should that occur after all
my children are twenty one years of age
then all my property of every kind as left

after the living and death of my wife is
to be equally divided between my five children
Nephelem J. Rush, Mary L. Henson, wife of
H. Henson, Cara A. Graham, wife of J. C. Graham
George M. Rush and Lizzie Belle Rush share and share
alike. But in the event that my wife should
die before the minors George M. and Lizzie Belle
should arrive at the age of twenty one years
then the estate is not to be divided or sold
for division (which they may do at their option)
until the youngest reaches the age of twenty
one years.

I hereby make constitute and appoint
my beloved wife Elizabeth Executrix to this
my last will and testament and request that
when the same shall be proved by her that
no bond of any kind shall be required
of her either as Executrix or otherwise.
In the event that the appointment of a
Guardian should become necessary for the
two minor children during her life I deem
her to act as said Guardian.

In testimony whereof I have hereunto set
my hand and seal this thirtieth day
of March A.D. 1891 at my home in the
County of Mason in the State of Missouri.

J. H. Rush (seal)

Signed, sealed, published and
declared by the testator as his
last will and testament in the
presence of Geo. A. Sparrow and R. H.
McPherson who signed the same
as witnesses in his presence and
in the presence of each other on
this the 30th day of March A.D.
1891.

Should arrive at the age of twenty one years
then the estate is not to be divided or sold
for division (which they may do at their option)
until the youngest reaches the age of twenty
one years.

I hereby make Constituted and appoint
my beloved wife Elizabeth Executrix to this
my last Will and Testament and request that
when the same shall be proved by her that
no bond of any kind shall be required
of her either as Executrix or otherwise.

See the event that the appointment of a
Guardian should become necessary for the
two minor Children during her life. I direct
her to act as said Guardian.

In testimony whereof I have hereunto set
my hand and seal, this the thirtieth day
of March, A.D. 1891 at my name in the
County of Mason in the State of Maryland.

G. H. Rush Seal

Signed, Sealed, published and
declared by the testator as his
last Will and Testament in the
presence of Geo. H. Sparrow and R. H.
McPherson who signed the same
as witnesses in his presence and
in the presence of each other on
this the 30th day of March A.D.
1891.

Geo. H. Sparrow of Franklin Mason Co. D.C.
R. H. McPherson,
W. J. Frost,

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State of North Carolina } ss. In the Superior Court.
Madison County }

A paper purporting to be the last Will & Testament of G. N. Rush deceased is exhibited before me the undersigned, Clerk of the Superior Court for said County, by Elizabeth Rush, the executrix therein mentioned, & of the due execution thereof by the said G. N. Rush by the oath & examination of R. H. McPerson & W. J. Grist two of the subscribing Witnesses thereto, who being duly sworn, each depose & say, & each for himself separately & with, that he is a subscribing witness to the paper writing now shown him, purporting to be the last Will & Testament of G. N. Rush, that the said G. N. Rush in the presence of the deponent subscribed his name at the end of said paper writing now shown as aforesaid, & which bears date of the 20th day of March 1891.

And the deponent further saith, that the said G. N. Rush the testatrix aforesaid, did at the time of subscribing his name as aforesaid declare the said paper writing so subscribed by him, & exhibited to be his last Will & Testament, & of this deponent did thereupon subscribe his name at the end of said Will, as an attesting witness thereto & at the request & in the presence of said testator. And the deponent further saith, that at the time when the said testator subscribed his name to said last Will as aforesaid, & at the time of the deponent's subscribing his name as an attesting witness thereto as aforesaid, the said G. N. Rush was of sound mind & memory of full age & execute a Will, & was not under any restraint to the knowledge, information

W. J. Grist two of the subscribing witnesses
therein, who being duly sworn, both depose and say
each for himself respectively, that he is a so-
bering witness to the paper-writing now shown
him, purporting to be the last Will and Testament
of G. N. Rush, that the said G. N. Rush in the
presence of the deponent subscribed his name
at the end of said paper writing now shown
as aforesaid, and which bears date of the 20th day
of March 1891.

And the deponent further swears, that the said
G. N. Rush the testator aforesaid, did at the time
of subscribing his name as aforesaid declare
the said paper-writing so subscribed by him, and
exhibited to be his last Will and Testament, and this
deponent did thereupon subscribe his name at the
end of said Will, as an attesting witness therein
and at the request and in the presence of said testator.
And the deponent further swears, that at the time
when the said testator subscribed his name to said
last Will as aforesaid, and at the time of the deponent's
subscribing his name as an attesting witness therein
as aforesaid, the said G. N. Rush was of sound mind
and memory of full age & execute a Will, and was not
under any restraint to the knowledge, information
or belief of this deponent; And further these de-
ponents say nat.

R. H. McPherson
W. J. Grist.

Solemnly sworn and subscribed this 11th day of
June 1898. before me.

Lee Crawford
Clerk Superior Court.

North Carolina ss. In the Superior Court.
Madison County.

It is therefore considered and adjudged by
the Court that the said paper writing and
any part thereof is the last will and
testament of S. H. Rush deceased.

And the said will together with the probate
be recorded and filed. Given 11th day of June
1878.

Lee C. Crump
Clerk Superior Court.