

Sally Merrill's will

State of North Carolina Montgomery County May 19th
 One thousand eight hundred and eighty two
 I Sally Merrill do this day give and will a certain
 tract of land lying and being in the County and State
 aforesaid - Bounded as follows - Beginning at a post
 Oak in Gadsden's line and some North twenty on poles to a
 stake by a maple and hickory in section line with it
 west forty six poles to his corner white oak with said line
 North forty four poles to a Spanish oak then west seventy
 eight poles to a stake then South ten hundred and fifteen
 poles to a stake then East twenty poles to Gadsden's line with it
 North one hundred poles to his corner with his other line east
 one hundred poles to the beginning containing one hundred
 acres more or less which I give to M. D. & J. H. Merrill
 to have and to hold their heirs and assigns forever begins
 sealed and delivered in their presence my last will and
 testament

Attest J. M. Britton
 Clerk ^{for} Campbell

Sally Merrill
 Mark

Montgomery County Court July 2nd 1883

Now the foregoing will was proven by the oath of
 George M. Britton subscribing witness there and others to
 be recorded - J. D. Spencer Clerk

Benjamin Rush's will

I Benjamin Rush of the County of Montgomery County and
 State of North Carolina being of sound mind and memory
 but considering the uncertainty of my earthly existence
 do make and declare this my last will and testament
 in manner and form following That is to say -

first that my executors hereinafter named shall provide
 for my body a decent burial suitable to the wishes of my
 relations and friends and pay all funeral expenses together
 with my just debts which are few and small out of the
 money that may first come into their hands as a part whereof
 of my estate

Item I give and devise to my son Calvin H. Rush all my
 lands on Mountain Creek also when I shall designate commencing
 at the Channel of Mountain Creek in the lower line of the mill race
 and running with the meanders of the Creek to the mouth of a large
 ditch when the Creek now runs thence enter a ditch to the Channel
 of the Creek thence with the Channel to the mouth of a small ditch
 then enter said ditch to the fence below the mill thence with the
 fence to the gate on the south side of the Creek thence a direct
 course till it strikes the mill pond as high as any head of
 water may be raised thence with the various corners of the mill
 pond around to a Mulberry tree above the Millers house thence
 a direct line to the gate on the north side of the Creek thence
 with the mill road north till it strikes the line near the
 Haystack road thence with the line east till it comes to
 his own line including all the tracts and parts of tracts
 above when I designated as the land now having well shown corners
 at eight hundred and fifteen acres also my family and mine together
 with the above named lands to have and to hold to him and his
 heirs in fee simple forever -

Item I give and devise to my son Atlas H. Rush all my lands
 lying on Dry Creek a branch of Mountain Creek that lies
 south east of Chickens Road called the horse trail including
 all the tracts and parts of tracts lying south and east of a
 Chickens Road turning off from the Haystack Road
 near the old Camp ground also a slice of land on
 Mountain Creek bounded as follows. Beginning at the byway

Benjamin Rush's Will Contd.

Corner of the mill tract on the west side of Mountain Creek
a rock a short distance from the creek and running with
the line east to the creek thence with the creek and thence his
brother Calvin's boundary to the fence below the mill
thence with the fence to the gate on the north side of the
creek thence with the mill road his brother Calvin's boundary
to the line near the Haystack road thence with the
line west to the corner a line & line portion past above the
road thence round to the beginning as the land paper will show
this acre estimated at forty acres and the same tract at nine
hundred with some more or less - It is my will and desire also
that my son Atlas J. Rush should inherit my desk and book
case and all that may be found in the desk except money and
papers and also a silver watch which I have worn for many
years all the above named property I give and desire to my
son Atlas J. Rush to have and to hold to him and his heirs
in fee simple forever

Item - I give and desire to my two youngest sons Calvin
and Atlas J. Rush my mill and Cotton gin and all the
premises bounded by the land herebefore mentioned to them
estimated at twenty acres including the pond in the same
more or less to have and to hold as a joint tenancy to them
and their heirs in fee simple forever

Item - All the residue of my lands lying north and west
of the Chickadee road for which there is a plat I desire to be
sold and divided my two sons Calvin H. and Atlas J. Rush to
have or part in the avails of that land but if any
expense occurs the land to pay its own expenses

Item - I give and desire to my grand daughter Lucinda B.
Green a negro girl known by the name of Rachel and
her father be a both which she has in hope from to have and
to hold to her and her heirs in fee simple forever

Item - I give and desire to my grand son William M. Rush
two hundred dollars in cash to have and to hold to him
and his heirs in fee simple forever

Item - I give and desire to my grand daughter Moom Elizabeth
two hundred dollars in cash to have and to hold
and her heirs in fee simple forever

Benjamin Rush's Will

Item It is my will and desire that the residue of my
property not named above should be equally divided
among my children mine in number and that my
servants go with my children and be as favorably
situated as the nature of the case will admit of
particularly the old ones that have been in service
my children

And lastly I do hereby constitute and appoint my
two sons Calvin H. and Atlas J. Rush whom I place
confidence in my lawful executors to all intents and
purposes to execute this my last will and testament
according to the true intent and meaning of the same
and every part and clause thereof hereby revoking
and declaring utterly void all other wills and
testaments by me heretofore made in writing I being
I the said Benjamin Rush do hereunto set my hand
and seal this twelfth day of October A.D. 1818
hundred and fifty four

Signed sealed published and delivered
by me the said Benjamin Rush to be { Benjamin Rush Seal
his last will and testament in
presence of us who at his request and
in his presence do subscribe our
names as witnesses thereto -
Allen McLennan
John McLeod -

Montgomery County Court January Term 1861

Then the foregoing will was proven in open
court by John McLeod and it appearing to the satis-
faction of the Court that the same had been
proved at April Term 1861 of said Court - ordered
by the Court that the same be recorded and filed
mine pro time

J. S. Spencer Clk