



children as they may become of age a house or more or other property so far as the estate may be enabled, and the executor shall keep an account book specifying the amount given to each so as one child shall not receive more than another.

Item - It is my will that my consultation ruled my executor may consult and seek the advice in the management of said estate of my relatives and friends, D. I. Erving and H. S. Overell Esqrs.

Item - I hereby nominate and appoint my beloved wife, M. F. Erving and sons J. P. Erving and C. W. Erving my executor to execute this my last will and testament and in the event of the death of either of my said mentioned sons then I hereby appoint my son Wm. E. Erving to act in the stead of all intents and purposes.

In witness whereof I do hereunto sign, seal, publish and declare this my last will and testament in the presence of the following witnesses who witness the same at my request

signed sealed in our presence by J. W. Erving who declare the same to be his last will and testament and have signed the same at his request in his presence and in the presence of each other on this July 18<sup>th</sup> 1890.

J. W. Erving. (Seal)

B. H. Brookshire.  
O. H. Turner.

State of North Carolina }  
Montgomery County } Before W. R. Harris, C. S. J.  
J. W. Erving subscribing to be the last will and testament of J. W. Erving deceased as exhibited before me the undersigned Clerk of the Superior Court for said County by M. F. and J. P. and C. W. Erving the executor therein mentioned and the due execution thereof by the said J. W. Erving by the oath and examination of B. H.

Brookshire and O. H. Turner the subscribers certifies that this being duly sworn doth declare and say and each of them doth depose and swear that he is a subscriber to the said paper entitled our sworn son J. W. Erving to be the last will and testament of J. W. Erving, that the said J. W. Erving in the presence of this deponent subscribed the same at the end of said paper entitled which is now shown as aforesaid, and which bears date of the 18<sup>th</sup> day of July, 1890.

And the deponent further swears that the said J. W. Erving the testator aforesaid did, at the time of subscribing his name as aforesaid, declare the said paper entitled as indicated by him and exhibited to be his last will and testament, and the deponent did thereupon subscribe his name at the end of said will as an attesting witness thereto and at the request and in the presence of the said testator. And the deponent further swears that at the said time when the said testator subscribed his name to the said last will as aforesaid, and at the time of deponent subscribing his name as an attesting witness thereto as aforesaid, the said J. W. Erving was of sound mind and memory of full age to execute a will and was not under any restraint in the knowledge information or belief of this deponent. And further these deponents say not.

B. H. Brookshire (Seal)  
O. H. Turner (Seal)

Sworn and subscribed this 18<sup>th</sup> day of Aug 1890 before me  
W. R. Harris, C. S. J.

North Carolina }  
Montgomery County } In the Superior Court.  
It is therefore considered and adjudged by the Court that the said paper entitled and sworn to be the last will and testament of J. W. Erving deceased and the same with the foregoing examination and this certificate are ordered to be recorded and filed.  
This Aug 18<sup>th</sup> 1890. W. R. Harris, C. S. J.

Montgomery County In the Superior Court.

In the matter of the Will of } Before W. R. Harris, C. J. C.  
Mary Harris

A. F. Rush being duly sworn doth say:  
That Mary Harris, late of said County, is dead,  
having first made and published her last Will and  
Testament; and that Atlas F. Rush is the executor  
named therein.

Further that the property of the said Mary Harris  
consisting of Personal Property is worth about \$140.00  
as far as can be ascertained at the date of this  
application; and that Rudrick Rush, Benjamin C.  
Rush, J. S. Rush, L. M. Rush, Flora A. Rush  
are the parties entitled under said will to the said  
property.

Subscribed and subscribed } A. F. Rush.  
Before me this 1<sup>st</sup> day  
of December, 1890.  
W. R. Harris, C. J. C.

Yell, Mary  
Harris  
A. F. Rush, Exr.

State of North Carolina }  
Montgomery County } I, Mary Harris (commonly  
called Dolly) of the County of Montgomery and State  
of North Carolina being in good health and well  
in body but of sound mind, memory and  
understanding do make this my last Will and  
Testament in manner and form following, that  
is to say:

First - That my Executor (hereinafter named)  
shall provide for my body a decent funeral  
suitable to the wishes of my friends named ac-  
cording to my will and pay all funeral expense;  
together with my last debts out of the monies  
that may first come into his hands as a part  
or parcel of my estate.

Item - I give and devise unto Flora A. Rush  
daughter of Calvin R. Rush, the sum of fifty  
\$50.00 Dollars and a one half interest in my  
bed and bed clothing and wearing clothes.

Item - I give and devise unto Leticia M. Rush  
daughter of Calvin R. Rush, the sum of fifty \$50.00  
Dollars and a one half interest in my bed and

bed clothing and wearing clothes.

Item - I give and devise unto Rudrick M.  
Rush, son of Calvin R. Rush, the sum of fifty  
\$50.00 Dollars.

Item - I give and devise unto Benjamin  
C. Rush, son of Calvin R. Rush, the sum of  
forty five \$45.00 Dollars.

Item - I give and devise unto James L.  
Rush, son of Calvin R. Rush, the sum of  
forty five \$45.00 Dollars.

And lastly, I do hereby constitute and appoint  
my trusty friend Atlas F. Rush, my lawful  
executor, full intent and purpose to execute  
this my last will and testament according to  
the true intent and meaning of the same and  
every part and clause, then I hereby severance  
and disclaim utterly and all other wills  
and testaments by me heretofore made.

In witness whereof I the said Mary Harris  
commonly called Dolly, do hereunto set my  
hand and seal, this 19<sup>th</sup> day of November, 1890.  
Witness my hand and seal.

Robert T. Rush.

Signed, sealed, published and declared by the said  
Mary Harris to be her last will and testament in the  
presence of me who, at her request and in her presence  
do subscribe our names as witnesses hereto.

Robert T. Rush  
L. R. Rush.

State of North Carolina } In the Superior Court.

Montgomery County }  
A paper purporting to be the last Will and Testament  
of Mary <sup>late</sup> Harris deceased is exhibited before  
me the undersigned Clerk of the Superior Court for  
said County by Atlas F. Rush the executor  
therein mentioned and the due execution thereof  
by the said Mary <sup>late</sup> Harris by the oath and  
affirmation of Robert T. Rush the subscriber  
without thereto; who being duly sworn doth depose  
and say and each for himself depose and swear  
that he is a subscribing witness to the paper writing  
now shown by him, purporting to be the last Will of