

State of North Carolina, In Superior Court, Before
Montgomery County, H. R. Harris, Clerk Superior Court.

In the matter of the will of
Maniah J. Rush

George R. McBain being
duly sworn, doth say: That Maniah J. Rush late
of said County, is dead, having first made & published
his last Will & Testament with a Codicil, and that Eli
H. Christian and S. H. Christian, the executors named
therein are dead.

He avers that the property of the said Maniah J.
Rush, consisting of real estate lying & being in the
Counties of Montgomery & Stanley, is worth about \$5000,
so far as can be ascertained at the date of this
affidavit.

And that this affiant residing in the County
of Stanley, Annie M. Gentry wife of C. M. Gentry
who resides at Kinston, Currituck County, & John
V. McBain who resides at Rock Hall, Rock
wall County, Texas are the parties entitled
under said Will to the said property.

Sworn to and subscribed

before me this 2nd day of September A.D. 1887.
H. R. Harris
Clerk Superior Court

The last Will and Testament of Maniah J. Rush
of the County of Montgomery in the State of North
Carolina: - Was written, the late John Christian of
said County, having devised to me, in fee, & for
my sole & separate use & benefit, one ninth of the part
of land called the Thomas C. Quinn tract, & one sixth
part of a tract of fifty acres of land, on the East side
of the road from Lawrenceville to Peacocks as well
more fully appear by reference to the last Will & Tes-
tament of said John Christian. Now I do here by
give & divide the above said ninth of the said Quinn
tract of land as designated in said Will, & all my
right & title thereto & also my sixth part of the said
tract of fifty acres to my son, John C. McBain
& his heirs and assigns forever.

My said father, John Christian, also by his
said Will, bequeathed to me, in fee, & for my
sole & separate use & benefit, with express power
to dispose of the same by Will, an interest in one
one sixth part of all his personal estate as well more
fully appear by reference to said last Will, with their
in charge next are, as follows, viz. Garrison Cook,
Steel William Wray, Edmund Wray, & Charles
I do hereby give & bequeath all the said estate, with their
interest in same from the date of the date of this Will to
my said son, John C. McBain, his heirs, assigns & assigns
forever.

I constitute & appoint my brothers Eli H. Christian
& Samuel H. Christian, executors of this my last Will and
Testament.

In witness whereof, I do hereunto sign my
name, & affix my seal, this 5th day of May in the
year of our Lord eighteen hundred & eighty seven.
Maniah J. Rush (Seal)

Signed, sealed, published
& declared as the last Will
& Testament of the said
Maniah J. Rush in our
presence.

Maniah Christian
John C. Christian

North Carolina, In Superior Court, Before H. R.
Montgomery County, Harris, Clerk.

Upon the oath & examination of Eli H. Christian
filed the foregoing Will and Codicil are ordered
to be recorded as the last Will & Testament of
Maniah J. Rush deceased.
This September 6th 1887. H. R. Harris
Clerk Superior Court

A doubt has been expressed, whether I can
dispose by Will of the Personal Estate acquired
by the Will of my father, the late John
Christian, although by said Will, I have
been secured to my sole & separate use,

with express power to dispose of the same by Will. I have now by appointment, which a court of equity will protect, all said personal & state with its increase from this day to my son John B. McLean, his heirs & assigns for ever, and I hereby declare him my appointee.

As I am told I cannot devise my real estate, being a married woman, although it was given by said Will to me & my heirs, & for my sole & separate use & ben. aft. - I have now by appointment which a court of equity will protect, all the real estate which I acquired by the Will of the said John Christian my father in my said son John B. McLean, his heirs & assigns for ever - For said purpose I hereby declare him my appointee. Both of said appointments to take effect at my death.

In witness whereof, I Maria J. Rush of the County of Montgomery in the State of North Carolina, do hereunto sign my name & affix my seal this 5th day of May in the year of our Lord 1842:-

Maria J. Rush

Signed, sealed, published,
declared, & delivered in
presence of
John Christian
John E. Christian

State of North Carolina in the Superior Court,
Montgomery County &

A Habitual Testator to be the last Will & Testament & Codicil of Maria J. Rush deceased, bearing date about 5th 1842 exhibited before me the undersigned Clerk of the Superior Court for said County by George W. McLean one of the disinterested witnesses in the estate of the said Maria J. Rush & it is proven by the oath & examination of Eliza Christian that Maria Christian & John E. Christian both of the subscribing witnesses to the said last Will & Codicil of the said Maria J. Rush exhibited as aforesaid are dead.

It is further proven by the oath & examination of the said Eliza Christian that she is well acquainted with the handwriting of the Testatrix, Maria J. Rush, & of both the subscribing witnesses Mary Christian & John E. Christian having seen each of them write & that the name of the said Maria J. Rush Testatrix & of the said subscribing witnesses Mary Christian & John E. Christian subscribers of the said last Will & Codicil are in the proper hand writing of the said Maria J. Rush Testatrix & of the said Mary Christian & John E. Christian subscribers.

It is further proven by the oath & examination of the said Eliza Christian that Maria J. Rush the Testatrix of the said last Will & Codicil in the presence of her appointee & their appointees have signed the said habit-writing exhibited as aforesaid & declared the same to be her last Will & Codicil in the presence of the said subscribing witnesses, & that the said Mary Christian & John E. Christian subscribers their names thereto as witnesses in the presence of this appointee & her then this appointee says that

I have to & subscribed Eliza Christian
before me, this 6th day of September A.D. 1842
W. B. Harris
Clerk Superior Court