

**Will, NC, Rutherford, George McKinney 1853**

In the name of God Amen.

I **GEORGE MCKINNEY** of the county of Rutherford and state of North Carolina being of sound and disposing mind and memory must be to God do on this 10th day of May A. D. 1853 make, publish, and declare this to be my last will and testament and manner following. Here by revoking all former Wills or clauses of Wills made by me.

ITEM 1st I will and bequeath unto my beloved wife **MIRA** [**MCDOWELL MCKINNEY**] my negro girl **CHARLOTTE** which I agreed by a marriage contract entered into between her and me before our marriage to give her.

ITEM 2nd I give and bequeath unto my son **JAMES MCKINNEY** my negro boy **ANDREW**.

ITEM 3rd I give and bequeath unto my daughter **MARY** [**MCKINNEY**] **SUTTLE** my negro girl **SARAH** and the debts which her husband **JOSEPH SUTTLE** is to pay me for money paid for the land on which he now resides and the balance of the price of Mill which he purchased from me.

ITEM 4th I give and bequeath unto my daughter **NANCY** [**MCKINNEY**] **WALKER** my negro girl **MELINDA**.

ITEM 5th I give and bequeath unto my daughter **ELIZABETH** [**MCKINNEY**] **CAMP** my Negroes **PRIMUS**, **NICEY**, her child **SOFA** for and during her natural life and at her death to be sold and equally divided between my other children.

ITEM 6th I give and bequeath unto my son **THOMAS MCKINNEY** \$200 in trust for the sole and separate use and maintenance of my daughter **JANE** [**MCKINNEY**] **MORRIS** to be managed as hereinafter specified.

ITEM 7th I give him bequeath unto my sons **JOHN M. MCKINNEY** and **THOMAS MCKINNEY** and their heirs my home tract of land to be equally divided between them share and share alike.

ITEM 8th I will and bequeath unto my son **THOMAS MCKINNEY** my negro boy **HENRY**.

ITEM 9th I will hand direct that my executor shall sell all the rest, remainder and residue of my property both real and personal on a credit of 12 months and apply the proceeds arising from said sale together with what money or other effects I may have at the time of my death as follows, to wit:

That he pay to:

**JAMES MCKINNEY** \$750

**MARY SUBTLE** \$750

**NANCY WALKER** \$750

**ELIZABETH CAMP** \$750 and to

**THOMAS MCKINNEY** in trust for the safe and separate use of **JANE MORRIS** \$750.

And after paying those amounts should there be any excess over and above I will that it will be equally divided between all my children and the share of **JANE MORRIS** be held in trust by **THOMAS MCKINNEY**, in trust for her sole and separate use and maintenance as above.

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And whereas I have hereunto by deed of gifts conveyed certain Negroes to my son **THOMAS MCKINNEY** in trust for the sole and separate use and maintenance of my daughter **JANE MORRIS**, which negro by my desire and approbation have been and remained in my possession ever since, and my son **THOMAS** may thereby be made liable for the hire of said Negroes, to the said **JANE**, and whereas it is my will and desire to keep him harmless in this matter, I do therefore declare it to be my will that in case the said hire should be demanded and recovered, of the said **THOMAS MCKINNEY**, it shall be paid first out of the fund herein bequeathed to the said **THOMAS MCKINNEY** in trust for the use and benefit of the said **JANE MORRIS**, and if that should not be sufficient for the purpose of discharging said demand and recovery, together with the costs accruing thereon, he shall be allowed to pay the same out of any funds arising from the residue of my estate which funds he is hereby authorized to retain in his own hands until this matter is settled by a release from the said **JANE MORRIS** and her husband, or in some other manner that will entirely protect my son **THOMAS**. And after this matter, in regard to the hire of the said negro, for the time they shall remain with me as above is settled it is my will that my son **THOMAS** invest the funds herein bequeathed to him in trust for the use and benefit of my daughter **JANE** and such property as he may think most for her benefit and allow her to use thereof and the same at interest and annually it collect and pay the interest to her or expend the same under her direction.

**ITEM 10th** Should I die anytime during crop time it is my will that all the property should be kept on my Plantation until the crop is made and gathered.

I do hereby nominate constitute and appoint my son **THOMAS MCKINNEY** my executor of this my last will and testament.

In witness whereof I have hereunto set my hand and seal the day and date above written.

**GEORGE MCKINNEY** {seal}

Signed Sealed published and declared in the presence of us.

The words "the sole and separate use of" interlined before signing

**JOHN L. MCDOWELL**  
**MUELLER MCKINNEY**

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State of North Carolina  
Rutherford County

Court of pleas and quarter sessions

August term 1853

The within instrument was presented in open court for probate as the last will and testament of **GEORGE MCKINNEY**, deceased. **JOHN L. MCDOWELL**, one of the subscribing witness, was upon being duly sworn proved the due and solemn execution of the same. It was therefore ordered to be recorded and filed away.

**THOMAS MCKINNEY**, the executor therein appointed, appeared in court and was duly qualified and obtain letters testamentary and order of sales presented.

**J. G. BYNUM**, **M. BEAM** and **J. GILKEY** Esquires on the bench

Certified **R. L. GILKEY**, Clerk possibly in our

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**GEORGE MCKINNEY**

Last Will May 10th 1853

August Court 1853

Recorded:

Will Docket and page 247 and Estate Book page 604

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