

Will, NC, Rutherford, JOHN MOORE, 1832

Spring Court 1841

In the name of God Amen.

I **JOHN MOORE** to make and ordained this instrument written by myself and made subscribed and sealed this 20th day of July 1832 with my name subscribed in the margin of each page to be my last will and testament to the exclusion of all others.

To my dear wife **SARAH** I give all the property of every kind that I received with her to be disposed of at her discretion. I give and devise to her also \$3,000 and money to be paid to her at convenient times when it can be collected say in 3 years from the probate of this will or \$1,000 per year at her discretion.

I give her father a life estate in the following property next the house at the land attached to it that I bought of **ROBERT HAMILTON** and the interests of the land adjoining it that was made by myself also **DODDARD SHERRY** place and the land on the Machine creek.

I further devised to her on the same conditions two negro men of her own choice and two women, all of my household furniture of every kind except, bedding of which my children are to have a share when they arrive at lawful age for marry. I also give to her one carriage and two horses or mules and a child's part of all my other livestock of every description. It is my wish and desire that my wife and children live together until they arrive at age or marry and that no part of my land estate be sold or eliminated out by my executor or executrix hereinafter named may if they can see that it can be done to the advantage, exchange a part of it for other land that may be more convenient and arrange to purchase other lands that may be more convenient and they appraise to purchase other lands that may be more convenient and are authorized to purchase any land that lies convenient to or joining any of the tracks now owned by me if it can be done on terms beneficial to the family.

I further will that no Negroes of whom I do possess should be sold, except for some flagrant offense, and that in making a division of my estate, family shall not be separated, if practical to avoid it, and that in no case shall any negro child under eight years of age be separated from their mother, and that no negro man or woman having a wife or husband in the neighborhood will be sent out of it without their consent.

I will that my property be equally divided among my children. It would be most expedient that my daughter's portion be in money or personal property unless she should marry in the neighborhood and her desire should be otherwise -- when a division of my property among my children becomes necessary, and as this will probably happen before they all arrive at lawful age, if a division cannot be otherwise made and agreed on I will that three or five respectable intelligent men, unconnected with the family, utter by affinity or or consanguinity be chosen to make a division of the same that their award shall be final and conclusive, regard being had to the situation and contained in this instrument and that land and personal property shall be equally divided as is practical without loss and convenient to my heirs. In case of my death

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while **WILLIAM T. GRAHAM** lives with me it is my wish that he carry on the store so long as it may be practically done and that he be allowed together with his board for two years one third of the net profits on the business done in that time and that he chooses to remain and it should be thought advisable to carry on the business longer be allowed half the profits accruing but it will be proper not to keep large a stock on hand.

There is due to me in this county and on business done by **JAMES NESBITT** and me and **TYGER** heretofore and on the business now doing there by him and me under the superintendence of **FRANCES WARD** above \$30,000 exclusive of debts considered bad, a considerable part of this sum is in small debts that is troublesome to attend to and ought to be collected and put into larger accounts, but I desire that no poor honest person be distressed on account of any debt due to me, provided they can make same secure, all the larger debts due to me especially those in South Carolina that are in good hands, may so remain, except so much as may be necessary to keep up business. The interest on them being collected annually and the notes renewed with security.

Should my wife marry again, I am in hopes she will make such a prudent choice as will render any alteration in the provisions of this, my will as above expressed and stipulated unnecessary - but should it unfortunately prove otherwise and that my children are likely thereby to suffer either in person or property - my executors or a majority of them - are hereby authorized to take and adopt such measures not inconsistent with the provisions of this instrument as they may think most proper to remedy such abuse. It is nevertheless my desire and intention that none of my children should be in such case separated from their mother unless an absolute necessity indicating it existed.

Should any gold mine be found on my land they are neither to be leased or rented out for work but to remain until a division of my property among my children takes place or whichever of them such gold mine (if any) fails to arrive at lawful age and as it is just and proper that my wife should be entitled to a share of the property that a crew on the business of my estate after my decease and I give and devise her a child's part of all the state after my decease. And I know she will not be wanting in industry and economy and attending to it I give and devise to her a child part of all the profits that may arise from my farm store and mills during her discoverture my friend **JAMES NESBITT** might attend to the settlement of any business and collection of my debts on **TYGER** as long as it suited him and the other executives herein after named that he should do so and while **WILLIAM T. GRAHAM** continues in the business of my estate as he is best acquainted with my business it would seem most proper that he should attend to the collection settling and liquidating the debts due in Rutherford count for business done in the store whenever it may be by my executor and executrix inexpedient to carry on longer the store business any residue of goods remaining is to be disposed of in the manner deemed most advantageous for the estate on a credit of not less than a year ample security to be required.

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It is my desire that a schedule be made yearly by my executor or some competent person to be employed by them of the debts due the estate of the stock of goods & c. so that the real situation there may be accurately ascertained. My stills as well as any other part of my personal property, Negroes excepted, that is not considered proper to keep may be disposed of by my executors when their value can be obtained - and it is my intention that timber for the sawmill should be taken of the land devised to my wife has her dower as well as from any of my other tracts.

I wish my children raised to plain industrial habits and that they receive an education suitable to their situation in life. I have no wish for any of them to learn the dead languages without, what can scarcely be expected, they should give indication of superior genius or talents. There is already a large overstock of learned professions. A good english education with the most useful branches of mathematics are most practically necessary in the usual avocations of life. When my children all attain an age to attend school I wish my executors to endeavor to procure a capable teacher in the neighborhood. If they should have to pay one a good deal more than the ordinary price for teaching - if it becomes necessary guardians may have to be appointed for my children but I wouldn't greatly prefer that they should all live together as before stated with their mother as long as circumstances will with propriety admit.

The only Legacy I leave is one hundred dollars to be laid out in the education of poor children in the neighborhood in such a way and time and manner as my executors may consider most expedient and advantageous.

Should I leave any written memorandums with my wife hereafter devising some small token of respect to any of my friends or relatives it is my desire that they be observed and paid.

I do hereby nominate and appoint my wife **SARAH** executrix and **ROBERT G. TWITTY, AMBROSE MILLS** Esquire, and **JAMES NESBITT JR.** of Spartanburg District executors of this my last will and testament.

In witness whereof I have here on to set my hand and affixed my seal the day and year above written - my executrix and executors are at liberty to make purchases of land with any of the spare capital of the estate when they think it can be advantageously done.

JOHN MOORE {seal}

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I **JOHN MOORE** do make and ordained this additional instrument has a codicil to my last will and testament hereunto annexed which said will bears the date of July 1832.

Should my wife **SARAH [TWITTY]** outlive me, of which there is every probability, I leave to her the sole executorship of this my last will and testament during her discoverture only advising her to consult with and act in the business with the advice and approbation of her brother **ROBERT G. TWITTY**, believing that as I have rendered to him considerable services he will fall disposed to aid my wife and children with his counsel, advice and protection - his living in the vicinity will enable him to do this with no great inconvenience to himself. Should my wife marry again I judge it most expedient and prudent that others should be joined in the executorship with her and accordingly nominate the persons before named in my will to act with her, say **ROBERT G. TWITTY** - **WILLIAM T. GRAHAM** having left my employ - all that part of my said will so far as regards him is of course rescinded and I hereby recommend **THOMAS MILLS** who is now in my employment to be continued therein, so long as he acts prudently, and that he'd be liberally compensated. All and every other part of my will aforesaid is hereby fully confirmed in witness whereof I have here and to set my hand and seal this 28th day of April 1834 renominate persons before named in my will to act with her.

JOHN MOORE {seal}

I have erased the names of **JAMES NESBITT** and **AMBROSE MILLS** mentioned above as two of my executors is not from any demonstration of confidence in them but thinking it necessary to continue them one of the wives too inconvenient to act and Mr. **MILLS** is generally much engaged and his own business **ROBERT G. TWITTY** he risen above stated I wish to qualify as executor with my wife.

JOHN MOORE {seal}

Certified, **WILLIAM WILLIAMS**, clerk

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State of North Carolina
Rutherford County

Spring Session 1841

The within or foregoing instrument, there being five pages numbered besides the within purporting to be the last will and testament, in writing, of **JOHN MOORE**, deceased, was presented in open court for probate by **ROBERT G. TWITTY & SARAH MOORE** and was proven in open court by the oaths of **DAVID GRAY, TERRELL WILLIAMS & THOMAS LITTLEJOHN** who swears that they have examined the same and believe every part thereof to be in the hand writing of the said **JOHN MOORE**, deceased. Whereupon it is ordered to be recorded at length and filed away in this office with leave to the executor and executrix to qualify, **ROBERT G. TWITTY & SARAH MOORE**, the executor and executrix therein appointed being present came before the court and were duly qualified as such.

Certified

WILLIAM WILKINS, Clerk

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