

Court, NC, Rutherford, JOHN CARRICK 1797

Whereas **AMBROSE MILLS** deceased died intestate in the year 1780 leaving a widow **ANNA MILLS** and seven surviving children to wit **WILLIAM MILLS, THOMAS MILLS, JOHN MILLS, AMBROSE MILLS, MILLY MILLS, POLLY MILLS TWITTY** and **AMELIA MILLS** and **ANNA MILLS** the younger and the said **ANNA MILLS** Widow and Colonel **JAMES MILLER** in the year 1782 administered on the estate of the deceased and the said **ANNA MILLS** in February 1790 intermarried with **JOHN CARRICK**, and such proceedings have been had and such management with the estate of the deceased as appear in this copy hereunto annexed certified by **RICHARD LEWIS** Esquire and the said **WILLIAM MILLS** has been appointed Guardian by the county court of Rutherford for his brother **AMBROSE MILLS**, the younger and his sister the said **ANNA MILLS** younger and as guardian have caused three sales to be instituted against the said **JOHN CARRICK**, concerning that estate in the said County Court of one or petition in order to compel the said **JOHN CARRICK** to give security for the estate of the deceased suggested by the said petition to be in the hands of the said **JOHN CARRICK** on action of debt on bond, supposed to be for the price of a negro wench **RACHEL** to as part of that estate as appears in the account of the second sales in the annexed copy and one third sale by petition against said **JOHN CARRICK**, and a his wife, and **JAMES MILLER** administrators and administrators of that estate in order to compel them to account for a still, some wagon irons, a note on **MCCAFFERTY**, for for half johanas, a mare and a yearling, five cows and calves, a yearling heifer. One gray horse, nine guineas and four dollars, and lock chain suggested by the said petition to be unaccounted for by the administrators and also to compel the set administrators to account and better for the estate of the deceased in general and where as some other disputes have arisen and subsisted between the said **CARRICK** and the said **WILLIAM MILLS** concerning the right of dower in the lands of the deceased and also with other claimants of the estate.

Now this indenture witnesseth that the said **WILLIAM MILLS** and **JOHN CARRICK** have mutually agreed to settle and compose the said lawsuits and all other controversies and disputes that have subsisted of and concerning every other part of the estate of **AMBROSE MILLS**, deceased, and the said **WILLIAM MILLS** for himself and for his said wards **AMBROSE MILLS** and **ANNA MILLS**, as their guardian, and also as agent for the said **THOMAS** and **JOHN MILLS, POLLY TWITTY** and **PAMILLA MILLS** doth by these presents agree to and with the said **JOHN CARRICK** and covenant that he will dismiss the said three lawsuits in Rutherford County court, at his own expense, and pay all costs that have accrued thereon, including his own attorney fees, clerks, and Sheriff's fees, government taxes and one attorney fee in each suit for the said **JOHN CARRICK**'s attorney and the said **WILLIAM MILLS** to further agree and Covenant that he will take up and deliver to and with said **JOHN CARRICK** and that the said **JOHN CARRICK** to be canceled the said Bond on which the said **JOHN CARRICK** has been sued, as aforesaid, be the sum mentioned therein, more or less, and the consideration for which it was given whatever on the same may have been and the said **WILLIAM MILLS** for himself his heirs Executives administrators as guardian for and in behalf of his said wards **AMBROSE** and **ANNA MILLS** and also as agent for the said **THOMAS** and **JOHN MILLS** and said **POLLY TWITTY** and **PAMILLA MILLS** doth further agree and Covenant to and with the said **JOHN CARRICK** his executivors and administrators that the said **WILLIAM MILLS** and the said **THOMAS** and **JOHN AMBROSE, POLLY, PAMILLA** and **ANNA** shall and will release and quit and discharge the said **JOHN CARRICK** and **ANNA** his wife of and from all future claims against them or either of them for or an account of the personal estate of the said **AMBROSE MILLS** deceased and that he and they shall and will request of the said **JOHN CARRICK** executor for that purpose any other and for the release acquittance and discharge that shall be necessary in the law for that purpose and the said **WILLIAM MILLS** for himself his heirs executives and administrators doth further agree and covenant with the said **JOHN CARRICK** that he will indemnify and save harmless the said **JOHN CARRICK** of in from all costs charges

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and expenses of any suit or suits that may appear after be brought against the said **JOHN CARRICK** his executor administrators to receive any sum or sums of money as part of the estate of the said **AMBROSE MILLS** deceased or to compel or bring him or them further to account or settle for and the said **WILLIAM MILLS** being eldest son and heir at law of the said **AMBROSE MILLS** deceased to whom all lands of the same **AMBROSE MILLS** have descended by and with the full and free consent of the said **JOHN CARRICK** and the said **ANNA CARRICK** his wife death by these presents as signs to the said **ANNA CARRICK** at and for her dower in all the lands to descend as aforesaid in manor following to wit:

Beginning at a white oak of a tract of six hundred and forty acres of land lying in the county of Rutherford on both sides of Green River conveyed to the said **AMBROSE MILLS** deceased from **THOMAS REYNOLDS** by deed bearing date the first day of December 1770, the said beginning White Oak standing on the North Branch of Green River, aforesaid, running from the said White Oak south crossing the said River to a stake standing on the South Branch of the said River Running thence with the said River down the said River the various courses and members thereof to the northwest corner of a tract of the same old track conveyed heretofore by the said **WILLIAM MILLS** and now the possession and occupation of **EDWARD'S** supposed to be about a half a mile from the said beginning White Oak, be the same more or less, running thence Southwardly with **EDWARD'S** line, to the said to the South line of the old survey and Grant conveyed from **THOMAS REYNOLDS** as aforesaid running thence West with the old line of the same old survey to the southwest corner there of running fence North with the line of the same old survey 160 poles to the beginning White Oak aforesaid.

Including the old plantation were **AMBROSE MILLS** formerly lived and all the houses, orchards, buildings and improvements within the lines above-described for the dower lands, to have and to hold, the lands and tenements assigned for dower to the said **JOHN CARRICK** and **ANNA** his wife during their joint lives and their lawful assigns and if the said **ANNA CARRICK** should survive the said **JOHN CARRICK** then to have and hold the lands and tenements so assigned for dower to the said **ANNA CARRICK** during her natural life to be possessed and enjoyed by the said **JOHN CARRICK** and **ANNA** his wife and their lawful assigns during their joint lives and by her, in case she survives during her natural life, in a full and ample matter manner as lands held by rights of dower ought to be held possessed and enjoyed free from the test, hindrance, or molestation of him the said **WILLIAM MILLS** or any person claiming by from or under him and the said **JOHN CARRICK** on his pact, by these presents, doth release acquit and forever quit claim to the said **WILLIAM MILLS** his assigns all other and further and rite or title to dower in any and all other lands of the said **AMBROSE MILLS** deceased which he the said **JOHN CARRICK** by virtue of his said intermarriage, might or could have claimed or demanded, and the said **JOHN CARRICK** doth further agree and covenant with the said **WILLIAM MILLS**, that he will dismiss his portion for dower and that he will not prosecute any such petition hereafter to obtain any other dower in the lands of **AMBROSE MILLS** deceased by the said old plantation, herein and hereby laid off and assigned as aforesaid, and the said **JOHN CARRICK** doth further agree and covenant to and with the said **WILLIAM MILLS** that he, the said **JOHN CARRICK**, shall not and will not claim sue or prosecute any manner of suit to recover any further sum or sums of money, third share or dividend of the personal estate of the said **AMBROSE MILLS** deceased other and more than he hath already received and such as he the said **JOHN** had in possession and such as he left at the said old Plantation where he went to Cumberland, Cumberland, including on

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Negro wench RACHEL, the the beds household and kitchen Furniture, Farming tools,
one bay horse and some cattle.

In witness whereof the said **WILLIAM MILLS** and **JOHN CARRICK** have hereunto set their
hands and a fix their seals this 15th day of April in the year of Our Lord 1797.

Interlined before signing

Signed sealed in the presence of

WILLIAM MILLS {seal}

JOHN CARRICK {seal, his mark}

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