

Book E

MARCH COURT 1841.

In the name of God Amen. I William Greyson of the County of Rutherford and State of North Carolina being very slow and weak in Body but of Sound mind and memory (Thank be unto God and Knowing that it is appointed for all men to die do make and ordain this my Last Will and Testament that is to Say first of all I give and recommend my Soul unto the hands of Almighty God Who gave it and my Body recommended to the Earth to be buried in a decent Burial at the Description of my Executors nothing doubting but at the General Resurrection I Shall receive the Same again by the Almighty Power of God and as touching Such Worldly Estate wherewith it has pleased God to Help me in this life I give and demise and dispose of the Same in the followin- manner and form.

First, I want all my just Debts to be paid. Second, I give and bequeath to my Son Benjamin all the tract of land wherenon I now live joining Lands with Spencer Melton & J. H. Jones and others. Third, I give and bequeath unto my daughter Patsey Queen one lot of Land deeded to my by Heirs of Bryn Greyson Deed Being a part of the Dower Laid off and Set apart for Rachel Greyson dead Widow of Jos. Greyson Deed I also give and unto my Daughter Salley Diviney one lot Granted to myself being apart of the above mentioned Dower I want sold on a resonable Credit by my Executors and the money arising from Said Sale to go to the use of Paying my Just Debts also all other property belonging to me to be Sold by my execr. that is all my Stock of oxes Cattle and hogs, Household & Kitchen furniture Still and Vesels and all other property of Every Description and kind and farming tools, & the money arsing from the Sale of Said Property to be put to the use of paying my just Debts and after my Debts is all Settled and Paid if ther is any Surplus left I want it Equally Divided between my Son and Three Daughters that is Benjm. Grayson Salley, Diviney, Patsey Queen, and Elizabeth Grayson.

And I do hereby constitute make and ordain Benjamin Greyson the Sole Executor of this my last will and Testament and I do hereby utterly disallow revoke disannull all and every other former Testament Wills, Legacies, bequeaths, and Exetr. by me in any wise before named willed and bequeathed ratifying and confirming this and no other my last will and Testament in Witness Whereof I have hereunto set my hand and Seal this 16th day of February 1841. Signed Sealed Published Pronounced and declered by me Said William Greyson as his last Will and Testament in his presents and in the presents of each of us.

Joseph Taylor (Jurat)

Jno M. Grayson.

Thoms D. Diviney

W. T. Houser. (Jurat)

Wm. Grayson, (Seal)

In the name of God, Amen. I Thomas Upton of the County of Rutherford and State of North Carolina Being in Good health and having the use of my perfect senses hereby make this and ordained and Constituted My Last Will and Testament.

1st. I give my Soul to God who gave it and my Body to be Buried in a Decent Christian Burial. 2nd. I give and bequeath unto my beloved wife Burtha Upton all property that belongs to me to be herin and to be intereupted by no person her life and after her death all to be divided Amorgst my Children Daniel Upton, Edward Upton, Thomas Upton, Polly Hill, Rebecca West, Elizabeth West, Sarah Walker and Equally divide it with them. Further I do hereby Constitute ordain and appoint Daniel Upton Exec. to this my Last Will and Testament in Witness Whereof I have hereunto to Set my hand and Seal this the Eighteenth day of December in the year of our Lord, One Thousand eight hundred and thirty-three.

Thomas Upton (Seal)

Witness: Thomas J. (Jurat)

Spring Court 1841.

In the name of God Amen. I John Moore Do make and ordain 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 me to be disposed of at her discretion. I give and devise to her also three Thousand dollars in money to be paid to her at conveninet times when it can be collected Say in three years from the probate of this will or onte thousand dollars a year at her Discretion.

I give her further a life estate in the following prroperty. Next the House and the Land attached to it that I bought of Robt. Hamilton and the entrus of Land adjoining it that was made by my self also the Doddard Sherry place and the land on the machine back.

I further devise to her on the same Conditions two Negro men of her own choosing and two women all my household furniture of every kind except bedding of which my Children are to have a Share whey they arrive at lawful age or marry. I also give to her Carriage and two horses or mules and a Child's Part of all My other live Stock 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 al iminated-but my Executors and executors hereinafter named may if they conveive it can be done to advantage exchange a part of it for other land that be more convenient and they are autorised to purchase other lands that be more convenient and they are authorised to purchase any land that lies convenirent to or adjoining any of the tracts now owned by me and it can be done on terms beneficial to the family I further will that no Negroes or

du poses Should be Sold except for some Flagrant offence and that in making a division of my Estate families shall not be Separated if practical to avoid it and that in case Shall any Negro Child under Eight years of age be separated from their mo

and that no Negro man or woman having a wife or husband in the Neighborhood Shall 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 unles she should marry in the neighborhood and her Desire should be otherwise--when a division of my property among my Children becomes necessary and s this will probably happen before they all arrive at lawfull age--if a Division Cannot be otherwise made and agreed on--I will that three or five respectable intelligent men connected with the family other by amninting or consanouerly be chosen to make a division of the Same and that there word shall be final ad conclusive--regard being had to the stipulation & Contained in this instrument and that Land and Personal Property Shall be as equally divided as is Practicable without los inconveniret to my heirs in case of my Death while William T. Graham Lives with me it is my wish that he carry on the Store So Long as it may be practically and that he be allowed together with his board for two years on third of the net profits on the Business done in that time and that he chuses 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 to 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 Thirty thousand Dollars Exclusive of Debts Considered bad a Considerable part of this Sum is in Small Debts that it 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 porvided they can make Same Secure a l the Suger debts due to me especially those in So. Carolina that are in zood hand may So remian them being collected annually and the notes renewed with Security.

The provisions of this my will as above exposed and Stipulated are necessary but should it unfortunatly porve otherwise and that my Childre are likely thereby to Suffer either in personor property My Executors or a majority of them are hereby authorised to take and adopt such measures not in consistent with the provisory of this insturmentas they may think most proper to remedy Such Abuse--it is nevertheless my Desire and intintion that none of my Children Should be in Such case Separated from their mother unles and absolute necessity inducirt it existed Should any gold mine be found on my land they are neither to be leased or rented out or worked but to remain until a Division of my prorty among my Children takes place or whichever of them Such Gold Mine (if any) falls to arrives at lawfull age--and as it is just and proper that my wife should be entitled to a Share of the property that accrue on the busiress of my estate after my Decense and I give and devise to her a Childs part of all the the estate after my decease. and I know She will not be wanting in industry and economy in attending tp it I give and devise to her a Childs part of all the profits that may arise from my farm store and mills during her Descoverture--my friend James Nesbitt might attend to this Settlement of any Business and collection of my Debts on Tyger as long as it Suited him and the other executors herein after named that he Should do so--And while William J. Graham Con- tines 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 for Bsuiness done in the Store whenever it may be by my ececutors and Executrix thought expedient to carry to carry on longer the stor Bsuiness and R'sidue of Good? remaining is to be discharged of in the manner deemed most advant: geous for the estate on a credit of not more than twelve months ample security to be requested. It is my Desire that a Schedule be made yearly by my executors or some competent person to be employed by them of the Debts due he estate the Stock of Goods &c. So that the real Situation there of maybe accurately ascertained--my Stills as well as any other part of my Personal property (Negros excepted that is not considered proper to keep may be desposed of by my executors when they Value can be obtained--and it is my intition that timber for the Saw Mill Should be taken of the land divided to my wife as 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 Leerr The Dead Languages without (What can Scarcely be Expected), they should give indications of Superior Geniuses or Talents ther is already a large overstock of the learned Professions a good English Educa. are most practically necessary in the usual avocation of life--when my Children all attain en 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 ordenary price for Te aching--if it becomes necessary Gardines might be appoirted for my Children but I wouldn great- ly prefer that they Should all live together as Before Stated with their mother as long as circumstances will permit with property 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 way time and manner as my Executors may consider most expdient and advantageous. Should I leave any written memorandum with my wife herafte& devising Some Small Token of B quest 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 Robt. G. Twitty, Ambrose Mills Esqir. and James Nesbitt Jur. of Spartanbury Direct Executors of this my lastwill and Testament in Witnes whereof I have hereunto 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

Book E

any of the spare Capital of the Estate when they think it can be advantageously done.
John Moore (Seal)

I John Moore do make and ordain this additional instrument as a codicile to my last will and testament hereunto annexed. Which Said will bears the date of July 1832.

Should my wife Sarah outlive me of which there is every porbility I lease to her the Sole Executorship of this my last will and Testament during her Descoverture only advising her to consult with and act in the business with the advice and approbation of her Brother Robert G. Twitty bel aving that as I have rendered to him considerable Services he will fall disposed to stand by my wife and children with his common advice also protection his living in the decency 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 he excutorship with her and accordingly re-nominated the persons before named in my will to act with her Say R. 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 Thos. Mills who is now in my employment to be contained therein so long as he acts prudently and that he be liberally compensated all and every other part of my will aforesaid is hereby fully confirmed in witness whereof I have hereunto Set my hand and Seal this 28th. of April 1834.

John Moore (Seal)

I have erased the names of Jas Nesbitt and Ambrose Mills mentioned above as two of my Executors--not from any Desmonstration of confidence in them but thinking it unnecessary to continue them one of the lives too inconvenient to act and Mr. Mills is Generally much engaged and his own business Robt. G. Twitty for the reason above Stated I wish to qualify as Executor with my wife.

John Moore (Seal)

FALL COURT 1841.

In the name of God Amen. I Rafel Twitty of Rutherford County & State of North Carolina calling to mind the uncertainty of Death do make and declare this my last Will and Testament in manner and form following: First, I will that my brother Robert G. Twitty pay over to one Emily and William when they arrive at proper age the balance of money that is due me for my lot of Land Deeded to him & two Negro boys Rausone and Peeler now in the porportion of him & my mother making in all nine hundred dollars to be paid as above stated.

2nd. I will my stock to William to be given him at proper age.

3rd. I will that all notes due me be collected & put to interest by my brother Robert and expended in educating the Children he may think best.

4th. In case any or all the above named Children which are the three youngest Children of Matilda (other so called should die then such Estate Shall I will to) Brother and Sister.

I appoint my Brother Robert G. Twitty the sole Executor of this my last will and Testament. In Testimony of which I have hereunto set my hand
Attest.

Guilford Raves

Rafel Twitty (Seal)

FEBRUARY COURT 1842.

In the name of God Amen. The Kinth day of April 1839 I John Collins of North Carolina Rutherford County being very sick and week in body, but of perfect mind and memory. (Thanks be Given Unto God). Therefore Calling unto mind the mortality of Body and Knowing that it is appointed for all men to die do make and ordain this last will and Testament. That is to say Principally and first of all I give and command my Soul to the hands of Almighty God that gave it and my body I recommend to Earth to be buried in Decent Christain Burial at the Discretion of my Executors.

Nothing doubting but at the General Resurrection I shall receive the same again by the Mighty Power of God and also as touching such worldly Estate Wherewith it hath pleased God to bless me in this life I give demise and dispose of the same in the following manner and form: I give and bequeath to my two well beloved daughters Sally and Lucinda all the cattle that is belonging to me and also all my beds and bedding and also my Mow. It is also my will and Testament that my son-in-law Joe B. Wilkie should take and collect all Notes that I have in my possession also it is my will and Testament that my Son Russel Should posses and occupy that hundred acres of land in the Mount if it should be gained by law. Also it is my will and Testament that my sons Dan and John Should Recieve one dollar each out of the notes that is to be collected by my son-in-law J. B. Wilkie. And I do hereby utterly disallow revoke and disannull all and every other form Testament Wills Legacies and Bequeaths satisfying and confirming this my and no other to be my last Will and Testament.

In Witness Whereof I have hereunto set my had and Seal the day and year above written signed Sealed Published Pronounced and Declared by me Said John Collins his last Will and Testament in the presence of us The Subscribers his

William Wilkie Sig. (Jurat)
T. D. WilkieJohn x Collins (Seal)
mark

Moore, John

1841



SHAW-WALKER

Third Cut #9203R

In the name of God Amen

I John Moore do make and ordain this instrument written by myself and made subscribed and seal'd the 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 three thousand Dollars or money to be paid to her at convenient times when it can be collected say in three years from the probate of this will, or one thousand Dollars a year at her discretion

I give her farther a life estate in the following property vizt. The House and the land attached to it that I bought of Robt Hamilton and the entries of land adjoining it that was made by myself also the Dodd and Sherry places and the land on ~~the~~ the Machine Creek.

I further devise to her on the same conditions two negro men of her own choice, and two women, all my household furniture of every kind except bedding of which my children are to have a share when they arrive at lawfull age or marry - I also give to her my carriage and two horses or ~~and~~ mules and a child's part of all my other live stock 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 landed estate be sold or alienated - but my executors and my executors herein after named may if they conceive it can be done to advantage exchange a part of it for other lands that be more convenient - and they are authorized to purchase

John Moore

any land that lies convenient to or adjoining any of the tracts now owned by me when it can be done on terms beneficial to the family - I further will that no Negro of whom I do dispose should be sold except for some flagrant offence and that in making a division of my estate, families shall not be separated if practicable to avoid it, and that in no case shall any negro child under eight years of age ~~shall~~ be separated from their mother - and that no negro man or woman having a wife or husband in the neighbourhood shall 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 portion be in money or personal property unless she should marry in the neighbourhood 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 lawfull age - if a division cannot be otherwise made and agreed on - I will that there or five respectable intelligent men unconnected with the family either by affinity or consanguinity be chosen to make a division of the same and that their award shall be final and conclusive - regard being had to the previous stipulations contained in ^{this} instrument - and that land and ~~other~~ personal property shall be as equally divided as is practicable without loss or inconvenience to my heirs - in case of my death while Willm. T. Graham lives with me it is my wish that he carry on the store so long as it may be done profitably and that he be allowed together with his board for two years one third of the nett profits on the business done in that time, and that after that he if he chooses to remain, and it should be thought adverable to carry on the business longer to be allowed half the profits according - but it will be proper not to keep to large stock on hand - there is now due to me in this County

John Moore

and on business done by James Harritt and me on Hygea
 heretofore and on the business now doing there by him and
 me under the superintendence of Francis Ward, above
 thirty thousand, Dollars exclusive of debts considered bad,
 a considerable part of this sum is in small debts that it
 is troublesome to attend to and ought to be collected and
 put into larger ones - but I desire that no poor honest
 person be disturbed on account of any debt due to me provided
 they can make the same secure, all the larger debts due
 to me especially those in So 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 excepted 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 abso-
 lute necessity inducing it existed - Should any Gold mines
 be found on my land they are neither to be leased or rented out
 or worked, but to remain until a division of my property
 among my children takes place or whenever of them such
 Gold mine (if any) falls to arrives at lawfull age - and as it is
 just and proper that my wife should be entitled to a share of
 the profits that may accrue on the business of my estate after my
 decease and I know she will not be wanting in industry and

John Moore

economy in attending to it - I give and devise to her a
 child's part of all the profits that may arise from my farms
 store and mills during her discretion - my friend James
 Hobitt might attend to the settlement of my business and the
 collection of my debts on Tyger as long as it suited him
 and the other executors herein after named that he should do
 so - and while Willm T. Graham continued 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 County for bus-
 ness done in the store - when ever it may be by my executors
 and executrix thought expedient 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,

It is my desire that a schedule be made yearly by my
 executors or some competent person to be employed by them
 of the debts due the estate the stock of goods &c so that the
 real situation thereof may be accurately ascertained.

my stells as well as any other part of my personal property
 (provisions excepted) that it 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 lumber for the
 saw mill should be taken of the land devised to my wife
 as her power as well as from any of my other tracts.

I wish my children raised to plain and industrious habits and
 that they receive an education suitable to their station in
 life - I have no wish for any of them to learn the dead
 languages without (what can scarcely be expected) they
 should give indications of superior genius or talents.
 there is already a large overstock of the learned professors.
 a good English education with the most usefull branches
 of Mathematics are most practically necessary in the
 usual avocations of life - when my children all attain an

John Moore

age to attend School I wish my executors to endeavour to procure a capable teacher in the neighbourhood if they should have to pay one a good deal more than the ordinary price for teaching - if it became necessary guardians might be appointed for my children but I would 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 neighbourhood in such way and time and manner as my executors may consider most expedient and advantageous

I should I leave any written memorandum with my wife hereafter bearing some small tokens 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 Robt G. Furtley Ambrose Mills Esq: and James Webster ^{Junr} of Shantisbury District executors of this my last Will and Testament in witness whereof I have hereunto 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*

John Moore



My Last Will & Testament

John Moore

4528

John Moore W.C.

Will

Spring 6th 1841

Entered Estate Books
6 page 96 - Recorded
Will Book 6 page
79

4028

My Last Will & Testament

John Moore

John Moore M.O.

Will

Spring 6th - 1844

Entered Estate Books
to page 96 - Recorded
Will Book 6/ page
79

I John Moore do make and ordain this additional instrument
as a codicil to my last will and testament hencarto annexed which
said will bears date the 20th day of July 1832

should my wife Sarah outlive me of which there is every probability
I leave to her the sole executorship of ~~say~~ this my last will and test-
ament during her discretion only advising her to consult with
and act in the business with the advice and approbation of her
Brother Robt. G. Tully believing that as I have named to her consid-
erable service to well ful disservice and my wife and children with her
counsel advice and protection - his living in the vicinity well 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 R. G. Tully ~~Jas. Hibbett and Ambrose~~
~~Mills~~ - 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 that Mills who is now in my employment to be continued
therein so long as he acts prudently and shall be liberally compensated
all and every other part of my will apnised is hereby fully confirmed
In witness whereof I have hereunto set my hand and seal this 28th April
1834

John Moore *Seal*

I have erased the names of Jas. Hibbett and Ambrose Mills mentioned
above as two of my executors - not from any diminution of confidence
in them - but thinking it unnecessary to continue them - one of them was too
inconveniencient to act and Mr. Mills is generally much engaged in his own
Business - Robt G. Tully for the reasons above stated I wish to qualify
as executor with my wife

John Moore *Seal*

State of North Carolina

Rutherford County

Spring Session 1844

The within on foregoing instrument there being five pages
numbered besides the writing purporting to be the Last Will and Testament
in writing of John Moore deceased - was presented in open Court for Probate
by Robert F. Trinity & Sarah Moore and was proven in open Court by the
oaths of David Gray, Terrell Willis & Thomas Littlejohn - who declare that
they have examined the same and believe every part thereof to be in the
hand writing of the said John Moore dead - whereupon it is ordered to be
recorded at length and filed away in this office with leave to the Executor
& Executrix to finalise Robert F. Trinity & Sarah Moore the Executor & Executrix
therein appointed being present came before the Court and were
duly qualified as such -

Certified

William Willis Clif