

McKinny, George

1853



SHAW-WALKER

Third Cut #9203R

In the name of God Amen: I George McKiney
of the County of Rutherford and State of North-Caroli-
-na, being of sound and disposing mind and mem-
-ory blessed be God, do on this the 15th day of May A.D.
1833 make publish and declare this to be my
Last will and testament in manner follow-
-ing, hereby revoking all former wills or clauses
of wills made by me.

Item 1st I will and bequeath unto my beloved
wife Minna 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
McKiney my negro boy Andrew.

Item 3rd I give and bequeath unto my daughter
Mary Luttle my negro girl Sarah and the debts which
her husband Joseph Luttle is due me for money
paid for the land on which he now resides,
and the balance of the price of Mill which
he purchased of me.

Item 4th I give and bequeath unto my daughter
Nancy Walker my negro girl Malinda.

Item 5th I give and bequeath unto my daughter
Elizabeth Camp my negroes Primus, Kicy and her
child so far for and during her natural life
and at her death to be sold and equily divided
between my other children.

Item 6th I give and bequeath unto my son Thom-
as McKiney two hundred dollars in trust for
the sole and separate use and maintenance
of my daughter Jane Morris to be managed as
hereinafter specified.

Item 7th I give and bequeath unto my sons
John M. McKiney and Thomas McKiney and their
heirs my home tract of land to be equily divided
between them share and share alike.

Item 8th I will and bequeath unto my son Thomas McKiney my negro boy Henry.

Item 9th I will and direct that my executor shall sell all the rest, remainder and residue of my property both real and personal on a credit of twelve 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 McKiney seven hundred and fifty dollars, Mary Cutler seven hundred and fifty dollars, Nancy Walker seven hundred and fifty dollars, Elizabeth Camp seven hundred and fifty dollars, and to Thomas McKiney in trust for ^{the separate and separate use of} Lane Morris seven hundred and fifty dollars. And after paying those amounts should there be an excess over and above, I will that it be equily divided between all my children and the share of Lane Morris be held in trust by Thomas McKiney in trust for her sole and separate use and maintenance as above.

And where as I have heretofore by deed of gift conveyed certain negroes to my son Thomas McKiney in trust for the sole and separate use and maintenance of my daughter Lane Morris, which negroes by my desire and appointment have been and remained in my possession ever since, & my son Thomas may thereby be made liable for the hire of said negroes, ~~to~~ the said Lane, and whereas it is my will and desire to save him harmless in this matter, I do therefore declare it to be my will, that in case the said hire if any should be demanded and recovered of the said T. McKiney, it shall be paid first out of the fund herein bequeathed to the said Thomas McKiney in trust for the use and benefit of the said Lane Morris, and if that should not be suffi

cient for the purpose of discharging said demand
and Recovery together with all cost accruing there-
-on 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 is regard
to the hire of said Negroes for the time they
shall remain with me as above is settled, it is
my will that my son Thomas vest the funds
herein bequeathed to him in trust for the use
and benefit of my daughter Jane in such
property as he may think most for her ben-
efit, and allow her the use thereof ~~and~~
the same at interest and annu collect and
pay the interest to her or expend the same
under her directions.

Item 10th Should I die any time 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 consti-
tute and appoint my son Thomas McKim
my executor of this my last will and testa-
ment. In witness whereof I hereunto set my
hand and seal the day and date above
written -

George McKim

Signed sealed published
& declared in the presence
of us the words "I do and
separate use of" Entered before
Signed - John J. Powell, Jurat,
Miller McKimney

Cor. Guilford St. & 8th St.
Baltimore, Md.

State of North Carolina, Court of Pleas & Quarter Sessions
Rutherford County 3 August Term 1853

The within instrument was presented in open Court for Probate as the last will & testament of George McKimby Dec'd. John L. McLowell one of the subscribing witnesses upon being duly sworn provides the due and solemn execution of the same, it was therefore ordered to be recorded & filed away.

The McKimby the Executor herein appointed appeared in Court, and was duly qualified & claimed Letters testamentary and order of sale, present J. G. Bynum, M. Beane & J. L. Lickey Esqs on the bench.

Certific

J. L. Lickey (clerk)

George McKimby's

Last Will

May 16th / 1853 -

Aug 7 Court 1853

Recorded Miss Becht
E. Page 247 & Estate
Book Page 604