

Oct 2nd Sept 1832

15

The Last will and Testament of Athan S. McDowell Second

1st In the name of God amen. I Athan S. McDowell of the County of Buncombe in the State of North Carolina being sick and weak in body, but of sound and disposing mind and memory, do hereby make, ordain, publish and declare this to be my last will and Testament in manner and form following to wit;

Firstly It is my will and as hereby give and bequeath unto my then dearly beloved Children, namely Charles, Mary and Louisa, my home plantation on French River including the mouth of Cane Creek with all the lands adjoining thereto to them and their heirs forever to be equally divided amongst them share and share alike, with the exception that my said son Charles, shall have and possess the division of the said land that shall include my dwelling house, and other buildings.

2nd It is my further will and desire that all my claim and interest in land lying in the western district of Tennessee which I hold in common with my brothers and sisters together with the whole of my Slave Estate be sold to the best advantage at nine or twelve months credit by my Executors herein after named and the money arising therefrom to be equally divided among my said three Children namely Charles, Mary and Louisa share and share alike

3rd It is my express further will and desire that a division and distribution of my said lands as above shall be made on my said son Charles attaining lawful age and in the event of demise of one or other of said Children the survivor or survivors of them shall inherit having no issue

4th It is likewise my further will and desire that all the residue of my estate be sold by my Executors for the best interest of my said Children the proceeds of which I give and bequeath unto them, share and share alike, vesting full discretion in my said Executors to retain and preserve for the use of my said Children such articles from among the household furniture as they may deem suitable for my said Children or any of them

5th It is my express will that my Executors hereinafter named shall be authorized fully to make division of my said land equally and to execute and appropriate the

16.
~~Testament~~ Sepiors 1830 October

(Athens McDowall Will Continued)

the same paying due regard to quality & quantity
in strict pursuance of the first clause of this will and
their Division and allotment to be conclusive and final
6th I do nominate and appoint my friends Charles McDowall
William Dickson and William Deavenport as Executors
to this my last will and testament. In witness whereof
I have hereunto set my hand and seal this 20th day
of July 1832

Signed sealed published } (Signed) A. H. McDowall Esq
and acknowledged his last
will and testament in
the presence of us

J. Erwin
W. C. Tate
E. M. Gumble

was duly proved in open Court by the oath
of James Erwin a Subscribing witness thereto
and Recorded. William Dickson and
Charles McDowall two of the Executors
therein named came into open Court
and were duly sworn