

I Thomas Foster of the County of Buncombe and State of North Carolina being in better health but of sound and disposing mind and memory and with a view of preventing contention and litigation among my children after my death do make order and establish this my last will and testament in presence and form following that is to say

Item 1st I will and bequeath to my beloved wife Maria for and during the term of her natural life one third part of all the land I own at my death not herein after particularly bequeathed consisting of between six and seven hundred acres lying all adjoining and including the place where I now live to be laid off and allotted to her by five disinterested men to be selected by my said wife and my executors herein after named and if they cannot agree in making the selection then my said wife is to select two and my executors two and the four thus chosen to select the fifth and in making the division they are to take into consideration the quantity as well as the quality of land and lay it off so as to include the dwelling house out buildings and Mills I also give and bequeath my said beloved wife during the time of her natural life two negroes to be chosen by her out of all I own at the time of my death all the household and kitchen furniture as shown ~~off~~ her own choosing out of the stock on hand one two Cows and Calves to be selected by herself and one years provision to be laid off to her by the five men selected as above to lay off her portion of the land

Item 2^d I will and bequeath to my daughter Nancy Alexander a tract of land lying in the County of Forsyth on the waters of Big Dry containing about one hundred and eighty acres valued by me at four hundred dollars and a negro girl hitherto given her and valued at two hundred dollars

Item 3^d I will and bequeath to my daughter Elizabeth Alexander two negro girls and their increase hitherto put in her possession by me and valued at six hundred dollars to her her heirs and assigns forever

Item 4th I will and bequeath to my son John W Foster a tract of land lying on New found Creek on which he now lives including the land purchased by me from William Triplett and a tract purchased from J. Candler joining the same valued by me at thirteen hundred and eighty dollars to him the said John W Foster his heirs and assigns forever

Item 5th I will and bequeath to my grand children William and Mary Ann children of my son Edmund S Foster three hundred dollars each and should either of them die without having come to full age to go to the survivor and this is all I allot them out of my estate having given their father in his life time a sum sufficient to take care of them to make &

equal to the amount which will be received by my other children
Item 6th I will and bequeath to my son Thomas H. Foster his heirs and
assigns two Negro boys heretofore put into his possession by me
Item 7th I will and bequeath to my daughter Sarah Davidson
her heirs and assigns a negro girl heretofore put into her possession
by me valued at three hundred dollars

Item 8th I will and bequeath to my grand children Thomas, William
Cred H and John Moody children of my daughter Caroline all
that part of my tract of land lying on Beaverdam Creek which
lies on the north side of said Creek except three acres commencing
at the old mill place and running down the Creek so as to
include the hill side and a negro woman named Martha and her
children together with all her future increase to have and to hold
to them the said Thomas William Cred H and John their heirs and
assigns forever it is my ^{will} desire that Jesse H. Moody the father
of my said Grand children be permitted to cultivate said land
and have the use of said negroes for the purpose of raising and edu-
cating said children if he chooses to live on it until said
children become of age and that my said Grand children
receive no other part of my estate

Item 9th I will and bequeath to my son Benj. F. Foster all
that part of my Beaverdam tract of land which lies on the south
side of said Creek and the 3 acres except on the in the fore-
going Item on the south side of said Creek to him his heirs
and assigns forever valued by me at twenty three hundred
and fifty

Item 10th I will and bequeath to my daughter Rachael Carter
her heirs and assigns two Negro boys heretofore put into her
possession by me valued at six hundred dollars

Item 11th I will and direct that the tract of land on which
I now live containing between six and seven hundred acres
be sold by my Executors at public sale on a credit of
twelve months subject to the incumbrance of the life estate
of my wife on that part which may be allotted to her under
the first Item of this will and all my negro and other
property be a sale also on a credit of 12 months purchasers
in both cases giving bond with approved surety and that
the proceeds of said sale after paying all my just
debts be divided between my children Henry Alexander
Elizabeth Alexander J. W. Foster W. C. Foster H. H. Foster
Sarah Davidson B. F. Foster and Rachael Carter in such
manner as to make them all equal taking into consideration the
following advancements made in my life time viz
To Henry Alexander six hundred dollars To Elizabeth
six hundred dollars To John W. Foster sixteen hundred

Eighty dollars To Wm C Foster Eleven hundred dollars
 To Thos H Foster fourteen hundred dollars To Sarah
 Davidson Eleven hundred dollars To B. F. Foster
 Twenty three hundred and fifty dollars To Richard
 Gardner Seven hundred dollars and at the death
 of my wife the property left to her except the house hold
 furniture which she is to dispose of at the chance to be
 sold on a twelve month credit and the proceeds of
 said sale to be equally divided among the above eight
 named children or their issue of such as may be dead
 leaving issue

Then Wth I hereby nominate and appoint George C
 Alexander & Thos H Foster Executors of this my last will
 and testament In witness whereof I have hereunto set my
 hand and seal the 11th day of March 1847

Witness
 Joshua Roberts } Jurat
 James C Rice } Jurat

Thos. Foster (Seal)

Attest Carolina } Court of Pleas and said grand
 Buncombe County } session Term 1852
 The Execution of foregoing will was duly proved in open
 Court by the oaths of Joshua Roberts and James C Rice
 subscribing witnesses and admitted of record
 J. M. Weaver atty