

I Jacob Forney of the county of Burke
and state of North Carolina do make and
constitute this my last will & testament, and
do hereby revoke all former wills & testaments
by me made

In the first place I bequeath to my wife
Mary, a negro woman Becky & children, Catherine
Elvira, Oliver James and all her future increase
to her & her heirs forever. also two beds and furni-
ture, cupboard & furniture, eight good cows & calves, four
horses including Team, twenty five head of hogs, ten
head of sheep, two tables, one bureau, all the stoves
& kitchen furniture, what farming implements my
executors may think she needs, and the grass pro-
vision to be allotted to her by my executors. also one
third part of the plantation on which I now live, to be
laid off by my executors, to her during her life, and
the following slaves to her during her life (to wit)
Jas. John Sr, Mechanic, Thomas, Polly, Milly & Minnie

My desire is that all the balance of my property
should be equally divided amongst my ten children
and their heirs, the amount they have each heretofore
severally received being taken and returned a part of
their shares. In order therefore that my executors
may know how to equalize their shares, I give the
following list of what I have given to each, which
is to be taken as a part of their shares as

To my son Thomas J Forney I have given in property
two thousand eight hundred dollars. (\$2085)

To my son Isaac N. Forney four hundred & twenty three
dollars (\$423)

To my son Albert S Forney nineteen hundred and
nine dollars (\$1909)

To my son Mervin S Forney nineteen hundred
and nine dollars. (\$1909)

To my daughter Fatima E. Fats two thousand and
eighty dollars including my son & her increase, and Lucia
Mary and Alexander which slaves are now in her

possession and which I bequeath to her and her
husband forever (\$2000.)

To my son Peter B Forney I have given five hundred
and thirty dollars (\$530)

To my son James H Forney four hundred and forty
seven dollars (\$447)

To my son Daniel J Forney I bequeath the following
seaves (to wit) George, Tilly & Oliver at the agents
valuation of thirteen hundred & fifty dollars, to him and
his wife forever (\$1350)

To my daughter Mary L Forney I bequeath, one
bureau, two beds & furniture and two slaves Elmina &
Elvira at the valuation of three hundred dollars each
to her & her husband forever (\$600 and bureau & beds)

To my daughter Catherine Ignou Forney I bequeath
one bureau, two beds & furniture and two slaves, Eliza &
Sarah valued at three hundred dollars each to her
and her husband forever (\$600 bureau, beds & furniture)

The balance of my property, to wit the tract of land
on which I now live containing near three thousand
acres, ~~and~~ ^{near} Alpha Creek, and one other tract also on
Alpha containing two hundred & fifty acres more or less
joining Molly Percy, Hugh Taylor & others and known
as the only place, and the following slaves, Candy, Hay-
wood, Maria, Harriet Emsey, Sophronia, Louisa, Edmund
Milly & infant child of Sophronia, Jean, Seaborn, Tom
Ann, Brooks, J. jr, John jr, Jifer, Isaac, David Aaron
Emmanuel & Jubilee & their increase, together with all the
property of mine not herein specified, I bequeath
to my executors hereinafter named, the survivors
or survivor of them and the heirs of the survivor, in
trust for the following purposes.

At my death my executors shall take possession of
the property bequeathed to them and divide it into two equal
shares, including in the shares the amount above set forth
as received by my several children and the amount
specifically bequeathed to them, and making those
amounts parts of their shares. After having thus divided

The property real & personal & equalled the shares as
is above directed. My executors the survivors or survivor
of them and the heirs of the survivor shall deliver
to my daughter Fatima & Tah & to my son Daniel
their several shares to have & to hold to them and their
heirs forever. The remaining eight shares to remain
in the hands of my executors, the survivors or survivor
of them & the heirs of the survivor, who to be managed to
the best advantage so as to accumulate as fast
and as much as possible, and whenever my daughters
Mary & Catherine shall marry or come of age, a
new division must be made and the shares of my said
daughters increased by the profits of the property, if any
in their just proportion, shall be assigned to them and their
heirs forever.

And inasmuch as my sons, Thomas, Albert,
Marcus, Isaac, Peter, & James are deeply involved
in debt the four last named as security for the first
two named, and as I have good reason to believe that
if the property I bequeathed to them now to vest in
them at my death it would be sacrificed at public
sale without relieving them from their difficulties
and as my special wish & desire is that they shall
be personally benefited by what property I may be-
queath to them, I will and desire that the property
remain vested in my executors, the survivors or sur-
vivor of them & the heirs of the survivor, until they
shall be relieved from their difficulties & free from
debt; and when any one of them shall be free from
debt shall apply to my executors, the survivors
or survivor of them or the heirs of the survivor, who
shall proceed to divide the property as is before directed
and allot to such one so free from debt his share
including the amount heretofore received by him as
above stated, which shall inure to him & his heirs
forever, and thus on the same way shall every one
receive his share when gets out of debt and applies
for the same as above directed until all receiving their shares

If any one or more shall not get out of debt during his life, then his share to be allotted to his heirs living at his death

The property which I have willed to my wife for life I desire to be disposed of at her death in the same manner with the property heretofore devised the shares of those who can take being allotted to them forthwith, and the shares of those involved in debt to be vested in my executor, the survivors or survivor of them & the heirs of the survivors upon the same trusts & conditions with the other property vested in them.

Having full confidence in the Integrity & Capacity of my brother in law David Esparmy, of my son in law Alexander Tate and of my son Daniel I hereby constitute and appoint them executors of this my Last will & Testament: and in all cases where they are required to act my will & desire is that the survivors or survivor or the heirs of the survivors shall act on as full & complete a manner, as though they were all alive and personally present and acting. And when in this will they are required to make divisions, they shall have power to select three persons, in conjunction with the heirs interested in the division, who shall proceed to make the division and allotment required.

In witness whereof I have hereunto set my hand and affixed my seal this 11th day of February 1840

Witness my hand
John Caldwell Jurat

W. A. Crum Jurat

John H. Pearson

State of North Carolina, Court of Pleas & Quarter Sessions
Pucker County 3 January Term 1841

J. J. Crum Clerk of the Court of Pleas & Quarter Sessions

For the County of Pucker I certify that the within will was duly presented in Court by the oath of John Caldwell and W. A. Crum subscribing and reading the same and ordered to be recorded which is recorded accordingly
John J. Crum Clerk