

Will, NC, Rutherford, ELIAS ALEXANDER 1818

Be it known unto all whom it may concern that I **ELIAS ALEXANDER** senior of the county of Rutherford state of North Carolina being sound in mind and memory but aware of the uncertainty of human existence do hereby constitute make and appoint this my last will and testament and bequeath my estate real and personal in the following Manner and form:

IMPRIMIS I give and bequeath unto my wife **AGNESS** her dower of the land where on I now reside her bed and furniture together with every other necessary article on the premises for the purposes of rendering her comfortable during the term of her natural life, according to the manner of our living heretofore. I also bequeath unto my said wife **AGNESS** the Negro girl to wait on her during her, said **AGNESS'**, life and at the death of my said wife **AGNESS** the Negro girl **HARRIET** shall devolve to my son **ELIAS**, his heirs & c., but if the said **HARRIET** should die during the lifetime of my said wife **AGNESS**, I ordained that my son **ELIAS** furnish her with another female slave during her, **AGNESS**, life and that the said slave then devoted to my said son **ELIAS** again or to his heirs & c.

CONCERNING that my son **FRANCIS** [**FRANCIS ALEXANDER**] has heretofore received his full portion, I will that he have no part of the property of which I may die possessed of.

TO The Heirs now born or Hereafter to be born of the body of my daughter **ANN**, the wife of **STEPHEN CAMP**, I give and bequeath all that Plantation or tract of land whereon she now resides with this reserve, that she, the said **ANN** shall have the full use and profit of said land during life but should her husband **STEPHEN** find it convenient to remove, he is at Liberty to sell said land upon condition that he, the said **STEPHEN**, give sufficient Bond and security unto my executors to pay over to the children of said daughter **ANN** [**ANN ALEXANDER**] in one year after the death of their mother the monies arising from the sale of said land or other good property to the value thereof. And I further ordain that the said **STEPHEN**, as the representative of his wife and children, shall as a drawback upon said Legacy of land pay over unto **DAVID RINEHARDT** the husband of my daughter **MARGARET** [**MARGARET ALEXANDER**], the sum of two hundred and fifty dollars in two installments viz: \$125 in 3 years after my decease and the balance at the expiration of the three years more. My executors I further direct to make title to the above-named land, if sold.

My daughter **JANE** [**JANE ALEXANDER MCBEE**] shall inherit no part of my property.

To my daughter **MARGARET**, the wife of **DAVID RINEHARDT**, above-mentioned, I give and bequeath the first child that my wench **HANNAH** may hereafter bear to be delivered to my said daughter **MARGARET** at the age of two years by my son **ELIAS** who shall himself be at the expense of rearing the infant until that period.

To The Heirs of the body of my daughter **PATSY** [**PATSY ALEXANDER**], the wife of **JACOB FISHER**, and to her use during her life I give and bequeath the Negro girl **DILSY** now in their possession by way of lean. Said negro **DILSY** not to be subject to the payment of debts of said **JACOB FISHER**, but two descend with her issue to the children of my said daughter **PATSY**. At her, the said **PATSY's**, demise.

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To the children of my son **MAJOR ROSS ALEXANDER** I give and bequeath the following lands adjoining the tract on which I now reside viz:

All the land said land from the mouth of the ditch in the lower field on the east side of the creek up said ditch and Branch to my boundary and down the creek from the mouth of said ditch to the mouth of the first Branch from my Meadow fields that corner in on the west side of the creek and fence crossing the creek and running up a steep hill the distance of four rods in a straight direction as it crossed said Creek fence running along the side of said hill in a straight Direction parallel with the branch until the branch, by its windings, intersects said straight line then up to Branch as far as my land extends.

All the above lands lying Southward of my home tracked according to the boundaries described I give and bequeath as already mentioned to the heirs of my son **MAJOR ROSS ALEXANDER** with this condition that should he the said **MAJOR ROSS** think proper to sell said land and remove my executor shall make title to the purchaser or purchasers of said land upon condition that he the said **MAJOR ROSS** give sufficient Bond and security to my said executors that the money's or profits arising from the sale of said lands shall be paid over to his heirs at his death or that lands or other good property of equal value be substituted in lieu thereof but be it understood that he the said **MAJOR ROSS** shall have full use and possession of said land and of the profits arising there from for the term of his natural life neither the said land nor the said prophets their of being subject to the payments of the debts of him the said **MAJOR ROSS**.

ITEM to the legal heirs of him, the said **MAJOR ROSS**, I will and decree the following slaves, viz: GEORGE, MILLIE, and TERRY. And further ordain that the said **MAJOR ROSS** should during life enjoy the benefit of the labors of said slaves not subject to the payment of the said **MAJOR ROSS**'s debt but to descend with their increase and issued to The heirs of the said **MAJOR ROSS** as above mentioned.

ITEM I will and bequeathed to the said **MAJOR ROSS** to his own proper use my two mares my Sorrel Philly, and Dungannon, also six cows and calves, two young oxen, the third of all my sheep and hogs, the third part or share of the benefit or emolument to be derived from all my meadows now in cultivation as long as he said **MAJOR ROSS** shall reside on or cultivate said land together with an equal share with **ELIAS** of the benefits of the Old Orchard and pasture there in contained should my said Son **MAJOR ROSS** to cease his heirs shall enjoy the above named benefits for the term of fifteen years from the date of this my will.

ITEM I also bequeath unto my said son **MAJOR ROSS** one third of all the farming utensils of which I may be possessed of to my son **WILLIAM ALEXANDER**. I will and bequeath the two Negroes JOHN and SALLY also the Comet Philly to my son **JAMES TAYLOR ALEXANDER**. I will and bequeath the two Negros FOX and VINCES and the blackman KATE, having already bequeath unto my daughter **MARGARET REINHARDT**, the firstborn of the future increase of my wench HANNAH, I further

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will and ordain that the other children hereafter to be born of the body of said wench HANNAH as well as the future increase and issue of the wenches FANNY and RACHEL shall be disposed of in the following manner and form viz: the first child born of the bodies of either of the three wenches above mentioned, and with the exception of HANNAH's first born, already bequeathed, which shall attain the age of two years shall become the property of the following legatees in order and succession as hereafter explained and delivered to said legatees at the age of two years by my son **ELIAS**, free of a cost or expense, viz: the first born to my son **WILLIAM ALEXANDER**. The second to my son **JAMES TAYLOR ALEXANDER**, the third to my granddaughter **MELINDA MCBEE**, the fourth to my granddaughter **EMMELINE E. RINEHARDT**, and fifth to my grandson **WILLIAM D. FISHER**, it being fully understood that the six infants must be born of one or more of the above name three wenches: HANNAH, FANNY, and RACHEL, within the term of twelve calendar years from the date of my deceased and that each and every one of the said six and thence to be delivered at the age of two years is to said legatees by my son **ELIAS**, free of all cost charge or expense for the raising or nurturing thereof.

AND I further will and ordained that should any one or more of the said infants die at any period, within the said two years, the lost shall be his or hers, to whom said infant in right belonged, according to the tenor and order of inheritance as above expressed.

ITEM I further will an ordained that should the above named wenches, HANNAH, FANNY and RACHEL, conjoined or separately, within the term of twelve calendar years from my decease, have issue or increase more than the six children already willed the firstborn, after said six so willed shall, at two years of age, become the property of the heirs of my son **MAJOR ROSS ALEXANDER**, the second child at the age of two years devolve to my son **WILLIAM ALEXANDER**, the third to my son **JAMES TAYLOR ALEXANDER**, the fourth to The heirs of my daughter **ANN CAMP**'s body and the remainder to my son **ELIAS**, he the said **ELIAS** delivering to their proper possessions at the age of two years, free of all charge or expense for the nurturing thereof. Each and every one of said children. The death of any of the said children within the second term of two years being considered the proper loss of the legatee or legatees to whom the child or children would at said expiration of two years in right devolve.

ITEM I will and ordain that at the expiration of twelve calendar years for my deceased the wench, FANNY, already mentioned shall become the property of The heirs of my son **MAJOR ROSS ALEXANDER**, he, said **MAJOR ROSS** enjoying during the term of his Natural Life the bodily labor of said wench FANNY, but not subject to the payment of his debts.

ITEM I will that the said **MAJOR ROSS** have half the emolument derived from the services of my stud horse Strongbow for the term of four years, he said **MAJOR ROSS** is to be accountable to my son **ELIAS** half the expenses of keeping said stud horse I will an ordained that should my son **ELIAS** sell the said stud horse any time within the four years above mentioned then the emolument cease to the said **MAJOR ROSS**.

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The remainder of my estate real and personal of every denomination not already expressed I will and bequeath to my son **ELIAS ALEXANDER**.

I further will and ordained that should any of my legatees, or the representatives thereof, refuse to comply with, or attempt to subvert, this my will, he or they so refusing to comply with or attempting to subvert shall forfeit all right, title, or inheritance to any part of the property of which I may die possessed, either in his or their own right, or for his or their own heirs.

And I further recommend, should any of my legatees imagine that a recourse to Legal measures be necessary for the attainment of their rights or for the subversion of this my will and testament, that the cavels and expenses of litigation be avoided and the cheaper mode of reference be pursued; and I recommend to them the decision of **JAMES MURPHY** alone, planter of Burke County North Carolina.

Lastly I constitute and appoint **VARDRY MCBEE, DAVID RINEHART** and **ELIAS ALEXANDER** junior executors to this my last will and testament.

In testimony whereof I have hereunto affixed my hand and seal this 16th day of March in the year of Our Lord 1818.

ELIAS ALEXANDER {seal}

Signed Sealed acknowledged in presence of

ZADOCK HARRIS
EDWARD GOODE