

Buncombe County: In the Probate Court
in the matter of the Will of } Before James E. Reed
Solomon Carter } Judge of Probate

Daniel W. Carter being sworn, hath said:
That Solomon Carter, late of said County,
is dead, having first made and published
his last Will and Testament; and that
Daniel W. Carter is the Executor named
therein:

Further, that the property of the said
Solomon Carter consisting of real estate
and personal property, is worth about
\$7000 - so far as can be ascertained at the
date of this application; and that John
A. Carter, Wm. A. Carter, Wm. H. Carter,
Samuel P. Carter, Daniel W. Carter, J. B.
Carter, Nancy E. Ray, Susanah Samson,
of Buncombe Co. N.C. Hannah M.
Burlison, of Georgia, Mary Ann Young,
Madison County, N.C. Minerva Ray,
Buncombe Co., N.C. - and also Sarah,
Martha S. Garrett (D. S.), Atlas C., and
Wm. A. Carter, minors, and certain Qui
Trusts of Daniel W. Carter are the parties
entitled under the said will, to the
said property.

Sworn and subscribed before me
this 5th day of Aug 1853 } D. W. Carter
Probate Judge

I, Solomon Carter, of Big Lox, in
the County of Buncombe in the State
of North Carolina, being of sound mind
and memory, but considering the
uncertainty of my earthly existence,
do make and publish the following
Will and Testament, hereby appointing

and making void all other Wills and
Testaments by me at any time heretofore
made.

1 I hereby constitute and appoint my son
(Daniel W. Carter to be sole Executor of this
my last Will and Testament, and I
direct my said Executor to pay all my
just debts and funeral expenses out of
my personal estate as soon after my
decease as may be found convenient.

2 I give, devise, and bequeath to my beloved
wife Elvira Carter, the use, income and
profits of all my property, real and
personal, of every description, of which I
may be seized and possessed, or to which
I shall be entitled at the time of my
death, my debts and funeral expenses
being first paid as aforesaid: To have and
to hold the same to her for and during
her natural life.

3 Subject to the charge hereinafter mentioned,
I give, devise, and bequeath to my son
Daniel W. Carter, the following tract of
land, except the life estate herein before
bequeathed to my said wife, situate on Big
Lox in Buncombe County, State of North
Carolina, being the tract on which I now
live, bounded as follows: Beginning at
the mouth of the branch on which I
now live and runs up the same
to the big road, then with the road in
the direction of Asheville to the forks
of the two branches in the field on the
left of the road, then up the left-hand
or main branch to a rock just below
a spring called the "Gold Spring"; then
southwardly up the main hollow to the
top of the ridge, then with the top of said
ridge about the same course to (D. W. Carter
with his line in the direction
of the low gap to a chestnut on the

ridge, then along the top of the ridge to a pine tree near the low gap, thence an easterly direction with a marked line to a small black oak in the branch, then down the branch to the line of the Garrett Carter tract; then with the several lines of his tract to Sugar Creek, then down Sugar Creek to the mill tract, thence with the line of the same to Big Dry, thence down the same to the Beginning, containing one hundred and twenty acres more or less: To have and to hold the said tract of land with its appurtenances, subject to the charge hereinafter mentioned, unto the said Daniel W. Carter and his heirs in fee simple forever.

4 Subject to the charge hereinafter mentioned I give, devise, and bequeath to my son Samuel P. Carter the following land situate in said County and State, except the life estate herein before devised to my said wife, the said land being bounded as follows: Beginning at the mouth of the branch on which I now live, the beginning corner of the tract herein before devised to my son Daniel W. Carter and run down Big Dry to McKinney's, thence with his line southwardly to the Asheville road, thence with said road easterly to a black crooked oak, the beginning corner of the tract of land herebefore conveyed to D. W. Carter, thence with the several lines of his tract to the top of the ridge, thence down said ridge the head of the hollow at the line of the tract herein before devised to the said Daniel W. Carter, thence with the lines of said tract to the branch on which I live, thence down it to the beginning, containing seventy five acres more or less: To have and to hold said land with its appurtenances, subject to the charge

hereinafter mentioned, unto the said Samuel P. Carter and his heirs in fee simple forever.

5 Subject to the charge hereinafter mentioned I give devise and bequeath to my son J. J. Carter the following piece of land, except the life estate herein before devised to my said wife, situate in said County and State, Beginning on a person's line at the mouth of the branch on Big Dry, then up the branch to said J. J. Carter's corner, then with his line to a branch back of the bottom, then down the branch to a forked double oak between two rocks, then across the bottom southwardly to an oak near a pine on the bank of Big Dry, thence up the same to the beginning, containing ten acres, more or less: To have and to hold said land with its appurtenances, subject to the charge hereinafter mentioned, unto the said J. J. Carter and his heirs in fee simple forever.

6 Subject to the charge hereinafter mentioned, I give, devise, and bequeath to my son J. S. Carter the following land, except the life estate herein before devised to my said wife, situate in said County and State, bounded as follows: Beginning on a maple, the beginning corner of said J. S. Carter's place, on the branch that divides J. J. Carter's and J. S. Carter's land, then down the branch to the double forked oak between two rocks, then across the bottom to an oak on Big Dry, then down Big Dry to the Mill tract, then with the lines of the same to J. S. Carter's lines, then with his lines back to the beginning, containing ~~seventy five~~ acres more or less: To have and to hold said land with its appurtenances,

subject to the charge hereinafter mentioned, unto the said J. S. Carter and his heirs in fee simple forever.

7 Subject to the charge hereinafter mentioned, I give, devise, and bequeath to my sons Samuel P. Carter and J. J. Carter and to my daughter Nancy E. Ray, wife of H. H. Ray, as tenants in common one half of my mill property on Big Log in said County and State, including the land, mill, appurtenances &c. known as the mill property, the other half of the same having been heretofore conveyed to Samuel P. Carter, J. J. Carter and Wm. H. Carter: To Have and to Hold said half interest in said mill property, subject to the charge hereinafter mentioned, unto the said Samuel P. Carter, J. J. Carter, and Nancy E. Ray, their heirs, and assigns in fee simple forever.

8. I give devise, and bequeath to my grandsons Wm. H. Carter and Garrett D. Carter, children of my son Garrett D. Carter, deceased, the following tract of land, except the life estate of my said wife heretofore devised to her, the said land, being in said County and State, bounded as follows: Beginning at a bush in Garrett Carter's line on Bear Orchard branch, and runs up said branch to a small black oak then with a marked line to a pine tree near the low gap, J. W. Carter's corner, then up, and with the top of the mountain with S. Carter's old line to a corner of Garrett Carter's land on the ridge, then with his several lines to the beginning, containing fifty acres more or less: To Have and to Hold said land with its appurtenances unto the said Wm. H. Carter and Garrett D. Carter and their heirs in fee simple forever.

9. It is my desire that my children, namely, John Carter, Hannah M. Bullock, J. J. Carter, Wm. H. Carter, Samuel P. Carter, Mary Ann Young, Elizabeth Minerva Ray, J. S. Carter, Martha E. Ramsey, Daniel W. Carter, Nancy E. Ray, and Susanah Jarvis shall have equal portions of my estate, that is each shall have ~~(400)~~ ~~per~~ one thirtieth part thereof, and that the children of my deceased son Garrett D. Carter, namely, Wm. H. Carter, Garrett D. S. Carter, Charles E. Carter, Martha S. Carter, and Alas C. Carter shall also have one thirtieth part of it: And in case any of my said children shall not survive both their parents then their portions or shares including the aforementioned devises of real estate subject to the charges hereinafter mentioned, shall go to their heirs who shall take per stirpes.

10 In the division of my property into thirteen equal parts as directed in the next preceding section, it is my will that my real estate heretofore described shall be valued as follows: The tract devised to Daniel W. Carter at twenty hundred & fifty (2050) Dollars; the tract devised to Samuel P. Carter at six hundred (600) Dollars; the tract devised to J. J. Carter at seven hundred & seventy five (775) Dollars; the tract devised to J. S. Carter at seven hundred & seventy five Dollars, the one sixth interest in the mill property, devised to Samuel P. Carter at seven hundred (700) Dollars; the sixth interest in the same property, devised to J. J. Carter at seven hundred (700) Dollars; the sixth interest in the same property, devised to Nancy E. Ray at six hundred & fifty (650) Dollars; and the tract devised to Wm. H. Carter and Garrett D. S. Carter at

three hundred & fifty - (350) dollars; total value of real estate Six Thousand Six hundred and ten (610) Dollars; And my personal property shall be valued at what it may bring upon a sale of it, which I hereby direct my said Executor to make on such times as he may think best as soon as the same comes into his possession.

11 If in the division of my property as aforesaid upon the basis just mentioned, it shall be found, that any of my children to whom I have devised real estate in this my Last Will shall not be entitled to receive the amount fixed by me in the next preceding item as the value of the land devised to him or her, then and in that event, it is my will that such child or children shall pay to my said Executor within twelve months from the death of my wife if she survive me or in case she do not survive me, within twelve months from my decease, whatever sum with interest the land devised to him or her may be worth according to my said valuation - over and above said child's or children's one thirteenth part of my estate, and the amount so to be paid to my Executor shall be a lien or charge upon the land so devised to him or her by me in this Will; And the amounts thus paid to my Executor shall be held by him as a part of the general fund for distribution among the parties aforesaid.

12 If any of children shall fail to pay my said Executor within the time fixed in the preceding item, the amount with which his or her share is so charged as aforesaid, shall be

the duty of my said Executor to expose said land to sale at public auction on twelve months time with interest from date and out of the proceeds, sale to retain the amount with which the land may have been charged and pay the surplus if any to the child or children to whom it is devised in this will in full satisfaction of his or her share of my property, and for a Quittance Discharge on the part of my said Executor he shall be liable under the direction of the Court to have the land devised to him sold and the proceeds applied to pay any sum charged upon the same and the surplus paid to him in full satisfaction of his part of my estate.

13 It is my will that any bonds, notes, or other evidences of debt that I may hold against my sons, sons-in-law or daughters at my death shall upon my decease be delivered to them by my Executor as so much of their shares of my estate. But no money hereof or paid to any of my sons or daughters, or lands or other property conveyed to them or either of them, shall be considered as advancements made to them; unless I shall hold some evidence of debt against them for the same; and no one of my sons or daughters shall be entitled to any compensation for services rendered me during my life time.

14 My desire is that my grand children Perkins S., Martha S., and Atlas C. shall receive one hundred & seventy

five dollars out of the one thirtieth part of my estate herein devised to my said son's heirs, in case said thirtieth part shall amount to so much before their deaths, Wm. A. Carter and Garrett P. J. Carter, shall receive any thing in addition to the land herein before devised to them; but if one thirtieth part of my estate shall exceed Eight Hundred & Seventy five dollars, then all of said Garrett P. J. Carter's five children shall share and share alike in whatever they may be entitled to receive in addition to Eight Hundred & Seventy five dollars: And as said children are all minors, I hereby constitute my said Executor Trustee to hold and pay over to said children as he may think for their best interests, whatever sums of money they may be entitled to receive by virtue of this will; his said discretion to continue until they reach their majority, when each of them shall be entitled to demand his or her part.

15- It is my will that J. S. Carter shall take the land hereinbefore devised to him subject to have the mill dam below his said land so raised as to increase the average height of the water eight inches above its present height and this to be a private appurtenant and without compensation for damages.

16 If I shall be owner of any real estate at my decease not herein devised, it is my will that my said Executor shall sell the same on such terms as he shall think proper and divide the proceeds among my

children and grand children aforesaid in the proportion aforesaid.

17 If my beloved wife do not survive me, then the devise herein before made to take effect upon her decease shall take effect immediately after my death.

18 It is my desire that my said Executor shall receive no other compensation for the execution of this my last will and Testament, except the necessary expenses, including Council fees, traveling expenses, &c. In witness whereof I, the said Solomon Carter do hereunto set my hand and seal this the 16th day of June A.D. 1873

Solomon Carter (Seal)
Signed sealed published and declared by the said Solomon Carter to be his last will and Testament in the presence of us who at his request and in his presence do subscribe our names as witnesses thereto this the 16th day of June A.D. 1873
J. S. Adams
W. Greenwood

State of North Carolina } ss In the Probate
Buncombe County } Court

A paper purporting to be the last Will and Testament of Solomon Carter deceased, is exhibited before me the undersigned, Judge of Probate for said County, by Daniel W. Carter the Executor therein named, and the due execution thereof by the said Solomon Carter is proved by the oath and examination of J. S.

Adams and W. Greenwood the
 subscribing witnesses thereto: who
 being duly sworn, doth depose and
 say, and each for himself
 depose and saith, that he
 is a subscribing witness to the
 paper now shown him,
 purporting to be the last Will and
 Testament of Solomon Carter
 that the said Solomon Carter
 in the presence of this deponent
 subscribed his name at the end
 of said paper writing, which is now
 shown as aforesaid, and which
 bears date of the 16th of June 1873.

And the deponent further saith
 that the said Solomon Carter
 the testator aforesaid, did at the
 time of subscribing his name as
 aforesaid, declare the said paper
 writing so subscribed by him, and
 exhibited, to be his last Will and
 Testament, and this deponent
 did thereupon subscribe his name
 at the end of said Will as an
 attesting witness thereto, and at
 the request and in the presence
 of the said testator. And this
 deponent further saith, that
 at the said time when the said
 testator subscribed his name to the
 said last Will as aforesaid, and at
 the time of the deponent's subscribing
 his name as an attesting witness
 thereto as aforesaid, the said Solomon
 Carter was of sound mind and
 memory, of full age to execute
 a Will, and was not under any
 restraint or the knowledge, infor-
 mation or belief of this deponent,
 and further these deponents

severally

subscribed before me this
 August the 5th 1873 J. E. Reed
 Probate Judge:

It is therefore upon the foregoing
 proofs adjudged by the Court, that the
 said paper writing and every part
 thereof is the last Will and Testament
 of the said Solomon Carter, and
 the same is recorded and filed,
 and thereupon the said Daniel W.
 Carter, Executor therein named, duly
 qualified by taking the oath required
 by law, given under my hand and
 seal of said office, at Asheville,
 the 5th day of August 1873.

J. E. Reed
 Probate Judge

State of North Carolina
 Buncombe County, In the Probate Court
 of J. E. Reed Judge of Probate for the County
 of Buncombe and State aforesaid do
 hereby certify that the foregoing is a true
 and perfect copy of the last Will & Testament
 and probate of the same, as well more
 fully appear reference being had to the
 original on file in my office

In witness whereof I hereunto set
 my hand and affix the seal of
 said Court at Office in Asheville
 this 8th day of August A.D. 1873

J. E. Reed
 Judge of Probate