

Then appeared before me in open court John and Joseph
 Lanning the subscribing witnesses and solemnly sworn upon
 the holy evangelist of almighty god that they saw William
 Madison Signe said publish and execute the foregoing instru-
 ment to be and contain his last will and testament
 and at the time thereof he was of sound and disposing
 mind and memory and did it freely and without
 compulsion
 J. H. Mason Clerk

In the Name of God Amen

I John B. Whitehead of the county of Buncombe and State of
 Carolina do make and ordain ^{and declare} this ^{my} last will and Testament that is to
 say first after all my lawful debts are paid the residue of my estate
 real and personal I give bequeath and dispose of as follows viz to my
 beloved wife Catherine in the plantation wherein I now live to have
 hold use and occupy the same during her natural life for the support
 of herself and such of the children as may remain with her the said
 plantation to be used and cultivated by her subject to the rules and restrictions
 of law governing the right of dower in this State all the property called
~~perishable~~ ^{personal} which shall be on said plantation or pertaining to the same at
 my death I give and devise to my said wife absolutely to be by her
 used sold or disposed of in any way she may think best for herself
 and the support of our said children there shall be no Inventories taken
 nor sale made at random only at the discretion of my said wife
 of the said perishable property the bequest being to her I make absolute
 as above stated

At the death of my said wife the said plantation with all its rights
 and interests I bequeath and devise to our seven sons (namely) Henry Clay
 James Hardy, Charles Lincoln, Frank Patton, Simpson Lockett, William
 Potchiff and John Bowen on such of them as may be living at their
 Mother's death and to their heirs share and share alike and if any
 one or more of our said sons should be dead having lawful issue
 such issue shall take the deceased father's share in each and every
 such case, And if my said wife shall contract a second marriage
 I will and declare that her husband shall be restrained from cutting and
 selling timber clearing ^{land} and selling fire wood and from all improper use
 and abuse of the said plantation either in the cultivation of the fields or
 in any other way to lessen the value of the property when it shall come
 to the heirs to whom it is herein devised

I will and devise to my son Henry C. the right to build for himself
 a small comfortable house and such out houses as he may see fit to be built
 at what is called the rock spring at the head of the mill dam
 said improvement to be made at his own proper cost except that
 he shall lose the right to use such timber as may be necessary
 from the said property to be used for any part of the plan
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Honour and regard to economy in selecting the same I also desire
to my said son one acre of land to be lyeed off as convenient as may
be to his improvement for garden ground all of which improvement
when so made he is to have the right to occupy possess and enjoy
free from any other rent than the cost of improvement. He is also
to have the right of free use and possession during his mother's lifetime
he is not to have the right to lend or lease said improvement
to any other person or persons whatever nor yet to make a free gift
of the same and at the death of his mother the right herein
bequeathed to my said son Henry C. shall cease and again return to
and be considered part of the plantation to be devised with the
rest of the land as herein before devised. I further will and desire
that whatever money may be on hand together with all that may
be due and collectible including the money rents for my home
and lot in Asheville shall be collected & used to aid in the more
comfortable support of my wife and her children. I further will and desire
to my son in law Simpson Reid of Blainville Simpson County in the
State of Georgia my two old negroes Dick and his wife Sarah and
also the one fourth part of my two town lots situated in the town
of Asheville & Carolina and to his heirs executors and administrators
to have hold occupy and possess the said negroes with the said
one fourth right and interest in the said lots with full power to
use the services of the said negroes or to hire them out or sell
them as may be thought best also to lend or sell the said estate
in said lots to be held in trust nevertheless for the exclusive benefit
of Richardson and her children the term being three fourths of the right
and interest in and to the said town lots I give and bequeath to my
other three daughters (names) C. M. Reid the wife of the said S. Reid
of the said town of Blainville and C. E. King wife of W. C. King
of Hill County of the state of Texas and M. E. Staloff wife of J. E.
Staloff living in the last named county & state and to their children
whenever said town lots so devised shall go into the possession of my
said trustee & the others here named in this bequest on the first of March
1862 and be jointly held and possessed by the said devisees with the
right to use and or sell as they may think most to their interest
the above named negroes Dick and Sarah devised in trust for
the benefit of my before named daughter E. S. Richardson and her
children shall go into the possession of my said trustee six
months after my death and if time first that time forth be
held used or sold as herein before devised.

I now ratify confirm and approve said James & E. ~~my~~
and A. J. Merriam Executors of this my last will and
testament in testimony whereof I have hereunto set my hand
affixed my seal the 28th Dec. 1859

James P. Whitehead
Buncombe Co. NC Wills 1854 to 1860
www.northcarolinapioneers.com