

State of North Carolina Buncombe
County January 29th 1885.

I Solomon Luther Seignior of the County
And State aforesaid, Being in my proper
mind does make this my last will and
Testament.

1 I will and bequeath my soul to God
who gave it

2 I give devise and bequeath my estate
and property real and personal as fol-
lows, that is to say:

I will and bequeath, to my beloved wife
Nelly the home place, and all the lands
I own joining said home place, namely
the large tract lying East of Home tract
it being 110 acres, one other tract of 8-
acres purchased from W^m Penland
and one other tract purchased from
W^m Penland and wife containing 13 acres
and one other tract purchased from W^m
& Candler and others of 10 acres the
last named lot lying on the south side
of Hominy Creek opposite the home place
All the above named lands, to belong to my
beloved wife Nelly during her lifetime
and then at her death, the same to belong
to four of my beloved children, namely,
R. L. Luther, Laura E. Luther, Barbary
E. Luther and Ellen R. Luther.

I will and bequeath the Michael Luther
place, with all the lands I own at that
place, namely, four acres one from
Charles Logan and wife, one from George
Hawkins and wife, one from Minnie
and wife and one from R. L. Luther, all
joining, to three of my beloved children
namely M. A. Patton and Sarah J. Thrack
and J. P. Luther.

I will and bequeath to two of my beloved
children namely D. M. Luther and D. P.
Luther, all the lands I own at
The Barnes place, and also the place

known as the Childers place,
I will and bequeath to my beloved son Solo-
mon J. Luther, forty acres of the force lands
as set forth in a deed made to him hereafter
by my self and wife Nelly and put to
him at eight hundred dollars, and I over
Solomon J. Luther two hundred dollars
to be paid out of my effects to make him
equal as I think to make him equal
with the rest of my children, that I have
provided for as above set forth.

It is my will that my beloved wife Nelly
Luther have two mules and wagon and har-
ness her choice.

It is my will that the remainders of my land
at the force place which is about thirty
nine acres be sold at the same time and
place that my other property is sold
and also one third of 100 acres of land
in the Horse Cove in Henderson County,
it be sold at the same time and place
that the first named place, the above
named two parcels of land to be sold on
a credit of twelve months title with here
till purchase money paid.

It is my will that all my personal
property be sold on a credit of six months
and out of the proceeds of the land a-
bove named to be sold, and personal prop-
erty to be sold.

It is my will that all my just debts
be paid, and after expenses is paid.

It is my will, that the remainders be equally
divided with my beloved Nelly and
all my children, namely J. P. Luther
R. L. Luther Solomon J. Luther D. M. Luther
D. P. Luther M. A. Patton J. F. Thrack Laura
E. Luther Barbary E. Luther and Ellen R.
Luther.

The above is my will that I desire to have
carried out by my lawful Executors here

I appoint two of my beloved sons as my

lawful executor to carry out my will
as above stated to wit; R L Luther as
Solomon J. Luther,
In witness whereof I hereunto set my
name and fix my seal, day and date
above written
attest Solomon Luther Seal,
J. R. Jones
M. L. Neilson

I Solomon Luther Seignior of The County
of Buncombe and State of North Carolina
Residence at Tommy Creek occupations farming
do make this my Codicil hereby confirm-
ing my last will made on the 29th day of
January 1888. so far as this Codicil is con-
sistent therewith and do hereby this Codicil
give to my wife Nelly Luther for her
years advancement for herself and three
daughters that is with her namely Laura
& Luther Barbary & Luther and Ellen R.
Luther the amount of four hundred and
fifty dollars in stock and provisions
that is or may be on hand, to be at my
wife Nelly's own selection the same to be
valued to her by two good men to be agreed
on by herself and my lawful executors and
the same to be set apart for my wife Nelly
Luther for her own use and benefit.
And I Solomon Luther Seignior the maker
of this Codicil does retain the rents com-
ing to me from the lands known as the
Michael Luther and Logan lands that is to
say, the rents of the small grain crop now
growing it is to go into the hands of my law-
ful executors and account for as my other
personal property And all the small grain
crop on the land known as the Childers land
is retained in the same way and manner
the above named lands this is to say for
the present year and no longer, and only
has reference to the small grain now sown
on said parcels of land,

It is my desire that my two sons above named
in my will of the date of 29 January 1888
Carry out this Codicil to the extent thereof.
In witness whereof I hereunto set my name
and fix my seal this February the 10th day 1888
Attest Solomon Luther Seal
M. L. Neilson
J. R. Jones

State of North Carolina In The
Buncombe County 3 Superior Court.

In the Matter of the Probate
of the last Will and Testament
of Solomon Luther, deceased,

A paper writing purporting
to be the last will and Testament of Solomon
Luther, deceased, dated the 29th day of Janu-
ary AD 1888, together with another paper
writing attached, and purporting to be a Codicil
thereto, dated the 10th day of February 1888,
is exhibited this the eleventh day of February
1888, - in open Court, for probate by
R. L. Luther and Solomon J. Luther, the
executors therein named,
And thereupon comes J. R. Jones and
M. L. Neilson, who being duly sworn, and
the said last will and Testament and the
Codicil thereto, being exhibited to them
each severally depose and state that he
saw the said Solomon Luther sign and
seal the said last will and Testament and
the Codicil, and heard him declare the
same to be his said last will and Testament,
that he at the request and in the presence
of the said Solomon Luther, and in the
presence of the said Solomon Luther,
and in the presence of the subscribing wit-
ness, signed his name thereto as a subscrib-
ing witness.

It is therefore adjudged that the said
paper writing, and the said Codicil thereto

And every part thereof is the last will and testament of the said Solomon Luther; That the same has been duly proved, and the same together with this order, and probate, is ordered to be licensed and filed.

And therefore, The said R. L. Luther and Solomon J. Luther Executors as aforesaid duly qualified as such by taking the oath required by law.

E. McHendon
Clerk Superior Court,

Buncombe County in the Superior Court in the matter of the Will of Before Supreme Court R. L. Luther & Solomon J. Luther being duly sworn, doth say;

That Solomon Luther late of said County is dead, having first made and published his last Will and Testament; and that R. L. Luther and Solomon J. Luther are the Executors named therein.

Further, that the property of the said Solomon Luther consisting of real estate and personal property, is worth about \$12000, so far as can be ascertained at the date of this application;

And that Mary A. Patton, Sarah J. Thrash, Laura E. Luther, Thomas P. Luther, R. L. Luther, Barbara E. Luther, Solomon J. Luther, Ellen R. Luther, William M. Luther, David P. Luther all of whom are residents of Buncombe Co except Mary Patton who resides in Haywood Co. N.C. and Thos P. Luther who resides in the State of Oregon but at present is in Buncombe County. are the parties entitled under said will to the said property. R. L. Luther sworn to and subscribed J. J. Luther before me, this 11th day of July 1884

E. McHendon
Clerk Superior Court

In the name of God Amen.

I Frederick A. North, of the Town of Asheville, in the County of Buncombe and State of North Carolina, declare this to be my last will and testament, in manner and form following that is to say;

1. I give and devise to my beloved Mother Caroline A. Hall, for and during the term of her natural life all my right title and interest in and to the dwelling house in which I now reside, together with the land, garden, outbuildings and appurtenances thereto belonging, situate and being on Haywood Street in the said Town of Asheville; and after her death to my child Achia S. North for life.

2. Whereas there is a considerable sum of money due and owing to me from my said Mother, on a note secured by mortgage on the brick Store House and lot on the North Side of the Court House Square in said Town, adjoining the Store House of Rev. Mr. Burnett on the east and Mr. Penland on the West Side, belonging to my said Mother and now occupied by Messrs. Levy & Co. Merchants; which debt I desire to release, I do hereby declare that all evidence of such debt shall be cancelled and destroyed by my Executor immediately after my death; and I do hereby discharge my said Mother, her heirs, executors and administrators from the payment of the same.

3. I give and devise all the rest, residue and remainder of my real property, of every name and nature whatsoever, to my beloved wife Achia S. North, for and during the term of her natural life, in lieu of dower.

4. I give and bequeath all the rest, residue and remainder of my personal property, of what nature or kind