

I William Whitaker of the County of Buncombe and State of North Carolina being of sound mind and memory but conceiving the uncertainty of my earthly existence do make and declare this my last will and Testament in manner and form following that is to say first that my Executors hereinafter named shall provide for my body at decent burial suitable to the wishes of my relations and friends and pay all funeral expenses together with my just debts wherever or whomever owing out of the Monies that may first come into his hands as a part or parcel of my Estate

Second I give and devise to my beloved wife Susanna fifty Acres of Landed land so as to include all my buildings and other necessarys suited to her comfort also all my Stock Cattle and horses my two Sons William and Noah to have the care of them for her support also all my household and Kitchen furniture to her the said Susanna for ~~and~~ during her widowhood or natural life in satisfaction and the issue of her dower and thirds of and in all my real estate and at the end of her widowhood or natural life then all but the land and farming tools to be sold and equally divided between Jane & Din and Miriam as for Peltina McRary and Elizabeth Clarke & Emily Sorrels & Mary Sorrels I think they have got their proportionate share in my estate. I also give and devise to my Second Son Lot a piece or parcel of Land including the improvement known by the name of the Poey Place beginning on a large chestnut tree in a line between me and L C Clayton and running near north a conditional line of my make till it intersects by the line then with the line to my first corner in Claytons line then with Claytons line to the beginning chestnut containing fifty acres more or less. I also give and devise to my third Son Jasper all that tract of land where he now lives beginning on a Hickory and runs a conditional line near North to a branch then up the branch to a corner of my make then to the right of North a conditional line to a White Oak then to the left of North a conditional line to Sally Jenkins, line then with her line over South to a line one of my own corners then East to the beginning containing fifty acres more or less. I also give and devise to my two youngest sons William and Noah all the rest of my lands where on I now live and my farming tools except the widowhood or life estate of my wife during in a former item of this my will to have and to hold to them and their heirs in fee simple for ever.

I further devise that my four boys should take all the care they could of their eldest brother Ambros. as he is insane. as to Susanna and Sargam I wish to help them to ten Dollars each and if I fail to do it I want them to have it out of William and Noah's share. And lastly I do hereby constitute and appoint my two boys William and Noah my lawful Executors to all intents and purposes to execute this my last Will and Testament according to the true intent and meaning of the same and every part and clause thereof hereby revoking and declaring utterly all other wills and testaments by me heretofore made for witness whereof I the said William Whitaker do hereunto set my hand and seal this 26<sup>th</sup> of Octr 1856 Signed Sealed published and declared by the said William Whitaker 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

William Whitaker (C) mark

John Lanning  
Joseph Lanning (Jurat)

### Codicil To my within Will

Whereas I William Whitaker have made my last Will and Testament in writing bearing date on the 26<sup>th</sup> of October 1856 and having thereby made sundry devises and bequests according to the then existing circumstances of my estate which circumstances having now materially changed I do by this my writing which I hereby declare to be a Codicil to my Will to be taken and construed as a part thereof I will and admit that the fifty acres of land that I willed to my son Jeph with its but and bounds to be his heirs the offspring of his body in fee simple forever and that my son Jeph's wife Maria be allowed to cultivate and live on the same during her widowhood or lifetime the surplus of my estate to be disposed of by my executors as directed in my said will and testament of which this Codicil hereby declared to be a part for testimony whereof I hereunto set my hand and seal the 6<sup>th</sup> day of March 1857.

William Whitaker (C)

Signed Sealed published by the said William Whitaker to be a Codicil to part of his last will and testament in presence of us who at his request and in his presence and the presence of each other do subscribe our names as Witnesses thereto  
John Lanning  
Joseph Lanning (Jurat)

State of North Carolina } Court of Pleas and Quarter Sessions  
Puncombe County }  
Buncome Co. NC Wills 1830 to 1868

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 sign 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. Weaver Clerk

In the Name of God Amen

I John B. Whitbread of the county of Buncombe and State of  
 Carolina do make and ordain <sup>publish and declare</sup> this <sup>my</sup> 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  
~~personal~~ <sup>personal</sup> 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 ~~personal~~ <sup>personal</sup> property the bequest being to her & made 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  
 Cateloff and John Bowen or 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 cash 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 <sup>land</sup> 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 this right to use such timber as may be necessary  
 for the said purpose & he shall pay for any part of the plantation  
 Buncombe Co. N. C. 1868