

April Term 1860

In the name of God amen I Wm Whitaker sen of the county of Buncombe and State of Carolina being aged and infirm but of perfect mind and memory thanks be to almighty God calling to mind the mortality of my body and knowing that it is appointed for men once to die do make and enact this my last will and testament principally and first of all I give and bequeath my soul into the hands of almighty God who gave it and my body I recommend to the earth to be buried in a decent Christian like manner at the discretion of my surviving friends and touching such worldly estate wherein it has pleased God to bless me with in this life I desire and dispose of in the following manner and form first that all my just and lawful debts be paid I also give and bequeath to my son Henry the land where I now live and my saw mill and lay abain and all that belongs to said mill my wagon and stills and all right of the water dam so to say to each of my other three sons Joshua and James the sum of Twenty four Dollars in trade in Twelve months after my decease the payment to James only to be made on condition that James or his legal representatives apply for the same I also give and bequeath to my son Joshua my arpent saw my Gold Scales and Shel top I also give and bequeath to my son William all that piece or parcel of land which I bought of W Blalstock known as my Mountain land I also give and bequeath to my daughter Sarah a pair of gears for turning pumps and flow and work head of Horse such at the time of my death if I have none of that description then a young cart if any should be left together with my loom harness and such articles to belong with the loom also my dock and corner Pulboard and Flax wheel also my household and kitchen furniture I give to my two daughters Sarah and Martha to be equally divided amongst them unto my two daughters Margaret and Mary I give eight dollars worth each of clothing which is allowed to them, unto my Son John Columbus I give his axe hoe and mattocks to my Grand son Henry I give one mattock my axe and hoe and to the black boy Burton that lives with me I give his axe hoe and mattocks I further give unto my three sons Joshua Wm Henry and James all my working tools and remaining part of my farming tools to be equally divided amongst them as to my property that I may have not specially bequeathed to any individual I bequeath to my five children liberty in this county Joshua Wm Henry Sarah and Martha so I also desire that all advancements of property made by me to any of my children never be brought into question any more I also nominate constitute and appoint my two sons Joshua & Henry my Executors of this my last will and testament

hereby renouncing and disavowing all former wills or wills by
me at any time heretofore made in testimony whereof I have
hereunto set my hand and seal and in the presence of the witnesses and
even after the 24th of Dec. 1849

William Whitaker

E. Reed

John Lanning Swad

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Whereas I Wm Whitaker have heretofore made my last will and testament
in writing bearing date 24th of Dec 1849 have thereby made several bequests
and requests accordingly to them existing circumstances of my state of health
Circumstances having now materially changed I do by this my writing
which I hereby do declare to be accorded to my will said will
to be taken and construed as a part thereof will and direct in
that the sum of forty acres of land of the tract on which I
now live purchased from David Vance and James Hance agents
or attys. &c and lying on a bank of the creek in my own line
a few poles east of my own Summer house on White Oak running
thence South 44th E. 120 poles to an Iron B.C. on a map then S 40th
W 120 poles to a pine in Joshua Whitaker's line; then S 50th W.
54 poles to a B.C.; thence S 40th W 120 poles to a White Oak
with the same lying which lands according to the State of my
will were to be bequeathed to my son Henry but I now change that
bequest and bequeath the same 40 acres to my daughter Sarah

(as I am in my old age and infirmities at her almost entire trouble
and expense) and so far as my daughter Sarah having a household
I hereby revoke that bequest having myself given her the best interest
the given her by said will I also revoke so much of the clause of
my will and above as requires my son Henry to by the sum of twenty
dollars to each of my other three sons Joshua Wm and James also
I revoke in part another clause of my will which gave my son
Wm all my tract of land known as my Black Stock land I
now will and bequeath it to my three sons Joshua Wm Henry to be
equally divided amongst them The above God will I desire to be
construed as a part of my will and its contents to be read and carried
into effect by my executors

In testimony whereof I have hereunto set my hand and seal this the 25th of July 1854
My witnesses published and declared in by the said Wm Whitaker to be a correct copy of
his will and testament in presence of E. Reed Wm Whitaker
Whose request and subscription do declare I am John Lanning Swad
our witnesses as witnesses

I Wm Moore Clerk of Buncombe County and County that the foregoing will was duly proved
in open court by the oath of Jno Lanning one of the subscribing witnesses and E. Reed the
other subscribing witness being about his hand writing was proved by the oath of Jno Lanning
and Jno Patton and the same was admitted to record