August Term 1870 ; Then the last will and testament of Benjamin Fanning was proven unto the Court for probate and duly proven by the oaths of E. T. Taylor John Fitzpatrick and J. Taylor the witnesses thereto and ordered by the Court to be recorded."

State of Tennessee County of Franklin :

Know all men by these presents that I Benjamin Fanning make and publish this my last will and testament hereby revoking all others by me at any time heretofore made and it is my will and desire my wife Julia Ann and son Thomas B. Fanning to have at my death the tracts of land on which I now live which I desire to be equally divided between my said wife and son Thomas these two tracts of lands are bounded as follows (to wit) Beginning on a stake South East corner of the tract running thence North 5½ West crossing the river at 172 Poles in all 256 Poles to an ash on the North East bank of the shoe of Elk River thence South 84½ West crossing the River at 30 Poles in all 116 Poles to a stake on the East Bank of said River thence South 12½° West 32 Poles thence South 8° West 12 Poles South 13 West 10 Poles South 10 West 16 Poles South 11½ West 18 poles South 6° West 38 poles South 5° East 54 poles South 8° West 14 poles South 7 West 34 poles South 11 West 12 poles South 5 West 8 poles South 20 West 19 Poles to a stake then to the beginning containing by estimation 236 acres and the following tract which is bounded on the North and East by the tract above described on the West and South by the lands of George Simmons the same is known as the still house tract the same having been purchased by me from Jack Taylor I desire that my wife have and hold one half of the above described tract of land until her death then I desire my said son Thomas B. Fanning to have her part of said tract of land. 2nd I bequeath to my wife a negro girl Susan along with Terrace until her death and then I desire my said son Thomas B. Fanning to have said negro however I desire my said wife if she in her judgment should think proper to dispose of said negro as she may desire 3rd I will to my said wife one bay mare 8 or 9 years old and also one brown mule 2 years old and one yoke of oxen and wagon in good running order and condition and all the stock that I now own and all head stock hogs and two choice milch cows and my Buggy and Harness and my thresher & fan and my straw cutter and corn sheller and two good ploughs & gears two shovel ploughs two bull tongues plows and two turning ploughs and two harrows and harrow and one cross cut and hand saw all augers chisels planes and all tools on hand at my death

4" I give to my wife my sheet of Mahogany wardrobe and Cherry Center table and one Mirror cloth as Dressing glass attached. My Grazing heifers and glasses and two good beds and furniture during Widdowhood Loom and all the property on hands and all the table ware and Cooking utensils and Safe and two good spinning wheels one side saddle and Bridle and one dozen chairs and one house which I have since purchased herself and one year's provision as good as the Country affords. I also give to my wife three several promissory notes on Sam Fanning and H. B. Fanning amounting to $850-5" I give and desire my son Thos B. Fanning to be well Educated and as soon as he is large enough to ride I want him to have a good horse saddle and Bridle clothes his education horse saddle and bridle &c to be paid for out of the money that may be on hand of my estate of for my debts. I also desire my said son to have one good bed and bedstead and I also give to my said son one negro boy coffee color named Henry who is about four years old I have at the back here to be specified for my said son to be raised and the proceeds paid out for the benefit of my said son by his Guardian and one good choice black cow and calf and a good sow and pigs I desire my said son to have I also desire my son Thomas B. Fanning to have my watch and chain 6" I give and bequeath to my Grand daughter Mahala Runnels five hundred dollars to be paid to her out of my Estate as soon after my death as practicable. I give and bequeath my Grand daughter Harriet Georgie five hundred dollars and a good bed and furniture both said beds and money to be delivered to my said Grand daughter as soon as practicable after my death I also desire my said daughter Harriet Georgie to have one large fresh heifer about one year old. All the remainder of my property not herein before mentioned I desire to be sold by my Executors as soon as practicable after my death. I hereby nominate my Executors Pat Carter and William Simmons whom I desire to settle up my entire business according to the instructions herein before stated and after selling all my property not disposed of by me herein I desire my said Executors to divide the proceeds thereof equally between my wife Julia and all my children. Witness my hand and seal this 12th day January 1865

his
Benjamin × Fanning (Seal)
mark

Witness
Ezra Colyar John T. Tilleffs
J. H. Lyles