

Wills admitted to Record

Given under my hand & seal this 10th day of May 1877
attest.

W. B. James
John L. Hummer

D. H. Childress
Clerk

Proven in open Court by oaths of W. B. James and John L. Hummer subscribing witnesses and ordered to be recorded June 1st 1877.
A. J. Lee Clerk

My Last will & Testament of Benjamin Peaberton died July term 1877.

I Benjamin Peaberton of the County of Sullivan & State of Tennessee being of sound mind & memory, desiring to dispose of my temporal affairs knowing the the certainty of death and the uncertainty of life do make and publish this my last will and testament in the following form and manner.

First I resign my body to the dust from whence it came and my soul to God who gave it, hoping for a happy immortality through the atoning merits of our Lord Jesus Christ, the Savior of the world.

I order and direct that I be decently buried and that my funeral expenses and all my just debts be paid out of any money I may die possessed of or may first come into my Executor's hands.

I give and bequeath to my wife Barbara B. Peaberton a home and a living where she now lives during her natural life or as long as she remains my widow, with all of the necessaries of life such as she has been accustomed to with use of the household and kitchen furniture &c.

I give and bequeath to my son Thomas D. Peaberton the plantation on which I now live, together with all my right, quick land adjoining the same belonging to me, also fifty acres of land near the mountain on the head of a creek called the the Linn Lick River. I also give to my son T. D. Peaberton both of my wagons, together with all my farming tools of every description, also my black Smith tools, also all my stock of every kind, all the grain and hay and every thing raised on the farm that may be on hand

In the County Court, Sullivan County Tenn.

at the time of my death, also two beds and bedding, my desk and Book Case, all of my household and kitchen furniture, but just however to the use of it hereafter mentioned. I direct that after my decease my Executor sell at private sale after being ratified by disinterested men two further beds & bedding, one Walnut bed and one chest and my interest in the mountain land left to me by brother Thomas and the proceeds thereof together with any money that may be on hand or due to me be equally divided between my four sons Henry H. Peaberton, John S. Peaberton, R. H. Peaberton and B. Peaberton.

To my son T. D. Peaberton I give my interest in the mountain land left to me by brother Thomas Peaberton, died and lastly I nominate and appoint my son Thomas D. Peaberton and A. V. Lowry my Executors of this my last will and testament, hereby revoking all other wills heretofore made by me. In testimony whereof I have hereunto subscribed my name and affixed my seal this 27th day of September 1877.

Signed sealed & acknowledged
in the presence of
John S. Cowan
Robert H. Cowan

Benj. Peaberton (died)

Proven in open Court by the oaths of John S. Cowan and Robt H. Cowan (in due form of law) and ordered to be recorded July 29th 1877.

Not A. J. Lee Clerk

Last will & Testament of James D. Allen

In the name of God Amen,
I James D. Allen being of sound mind, free of fictitious health, being confined upon my bed & realizing the near approach of the dissolution of soul & body, do make and ordain this my last will & testament.

Item 1st Into the hands of God I commit my soul.

Item 2nd It is my will that my burial expenses & Physicians bills be all paid out of my estate.

Item 3rd It is my will that all my personal property be sold except that which is necessary to carry on my farm & that my Executor sell said personal property at private sale unless the same can be sold to better advantage at public sale. Then I direct that the same

The original of this will made in this manner after three or more of the original witnesses of the

Wills admitted to Probate In the County Court

be sold by my Executor. I will that my Executor sell off all my horses except the small horse, mule & Black mare. I don't wish any of my Cattle sold except it is for the benefit of my Children or the pasture gives out or the farm be Combs overstocked.

Item 2. It is further my will that my farm shall not be rented out but I desire to appoint a Guardian to look after my Children & it is my will that said Guardian herein of the mentioned shall hire an industrious sober man to cultivate my lands according to the direction of said Guardian that said Guardian give bond as required by law that he make out & file with the Clerk of the County Court an Inventory of my personal property & that at the end of each year during his Guardianship he make a settlement with said Clerk showing what funds has come into his hands & what disbursements he has made for the support of my Children & for keeping up the farm from sales made by the Executor.

Item 3. It is further my will that my Children remain together at the homestead under the jurisdiction & Care of my sister in law Malinda Crockett & my Guardian & that they be educated pro rata according to my estate each one receiving an equal share in that respect.

Item 6. It is my will that no distribution be made of my estate until my youngest Child becomes of age at which time it is my will that my son Jimmie have my farm whereupon I now live and if he should die before he reaches his 21st year then as soon as all of my Children become of age it is my will that my estate be divided equally amongst them if they conduct themselves properly if any of my girls should act improperly then that such one be conducting herself go & take none of my estate.

Item 7. It is further my will that my Guardian is to take charge of my property at Union & at Bristol & that he have the option of selling the same or renting the same out or may pro rata most beneficial to my Children & if he should sell the same then the fund arising from said sale to be put at interest and when my youngest Child is twenty one years of age then all my Children shall share

Sullivan County Tennessee

equally in the proceeds of said property arising either by sale or rent & that their interest in said property if unsold at the time my youngest Child becomes of age be equal.

Item 8. If it is necessary that the fund arising from said property at Union & at Bristol be applied to the support of my Children & for keeping up my farm then it is my will that said fund be so applied.

I desire my farm kept in good repair & improved.

Item 9. I further will that my Children shall all share equally in the interest which came by their mother in the Crockett estate & I further will & desire that a gold watch left to my son Jimmie by his mother be retained in the hands of his Guardian until he arrives at 21 years of age & that his Guardian deliver the same up to him at that time.

Item 10. It is further my will that W. V. Vance act as my Executor in winding up my estate and I hereby nominate & appoint him as such & after my final disolution that he qualify as such & give the necessary bond as required by law & that he proceed to wind up my estate by collecting my outstanding debts & paying all just demands against my estate when the same are presented properly authentic as the law directs.

Item 11. It is further my will that Robt B Rhew Esq^r act as the Guardian of my Children & I hereby nominate and appoint him as such and that after my final disolution that he qualify as such, giving the Bond as required by law & that he enter upon the duties thereof as hereinbefore set forth & further that my Executor & Guardian act in conjunction in winding up my estate. In testimony whereof I have hereunto set my hand and affixed my seal this 12th day of June 1877.

Attest
Henry A Porrett
J. H. P. Secor

James M. Allen Esq^r
mark

Proven in open Court by the oath of Henry A Porrett one of subscribing witnesses July 2nd 1877
Proven in open Court by the oath of J. H. P. Secor one of subscribing witnesses & ordered to be recorded
July 3rd 1877
J. H. P. Secor Clerk