

Early Term 1860

James Melvin's Will

I James Melvin with a sound mind and disposed do publish this my last will and testament.

{ First } I direct direct that my wife Stacy Melvin if she outlives that every thing remain as it is what money is in her hands to have it to use in the best way she can to live upon.

{ Second } I will to James R Melvin one hundred and sixty acres of land. { Thirdly } I will to Susan & Mahala Melvin Eighty acres of land on the upper end of the farm including the house I now live in including one acre and a half to be included in the eighty acres with access to the spring and orchard after the death of James & Stacy Melvin Susan and Mahala is to have one cow and one horse apiece or its equivalent if any money or property left to be divided equal except that seventeen acres above Bashors which I will to Mary Brothers { Lastly } I do hereby nominate and appoint James R Melvin my executor this 28th of January 1860

James Melvin (seal)

Witnessed this 15th of February 1860

Amariah Peoples

Wm C Melvin

The foregoing Will being duly proven in open Court at July Term 1860 by the Justices of Amarah Peoples and Wm C Melvin the Subscribing was signed there to and ordered to be recorded and

James R Melvin the Executor then in named appeared in open Court and being duly qualified gave Bond and approved Security

R. H. Conley Clerk

Joseph Duncans Will

State of Tennessee

Washington County } In the name of God amen
We Joseph Duncan senior and my wife Polly Duncan whose maiden name was Allison being sound in mind & memory being mindfully reminded of the certainty of death and for the and for the natural love and affection that we have for our children make this our last will and testament

Joseph Duncans Will

{ First } we commit our souls to God who gave them & our bodies to be Christianly & Decently Interred

{ To the end } that this will may be plain & avoid any doubtful construction of it we premise that some years past a conditional arrangement was made with our son Robert O Duncan to sell him the farm whereon he now resides whereas the condition on which that arrangement was based has not been complied with by the sd Robert O Duncan in full and in view of the enhanced value of the sd farm that has accrued to it since the date of the aforesaid conditional contract was made and in obedience to our joint will & parental desire to do equity justice to all of our children we do hereby revoke all the obligations of sd contract in the premises and in its details and provide for him and all the rest of our children as is hereinafter mentioned { Item first } we bequeath to our son Robert O Duncan the amount of money that he has paid to Frederick Carvult at the date when he assumed said debt we allow him no interest on sd sum of money because he has had the use of the farm on which he lives free of rent & as a further consideration to him in lieu of interest on the sd sum of money paid out as aforesaid we hereby will him the use of sd farm untill it may be sold and if not sold in the lifetime of us or even the testator in the case he shall have the use of it till the death of the sd Joseph Duncan senior the testator in this will free of rent and he shall keep the farm in repairs free of charge

{ Item second } we bequeath to our son Samuel C Duncan the sum of seven hundred dollars as a full recompence for the time he has laboured on our home farm and for his attention to us since he became of age { Item third } we bequeath to our son Nelson Duncan the three hundred dollars as a full compensation for his attention to us since the death of his wife { Item fourth } in order to pay the foregoing bequests and to enable the other provisions of this our joint will and testament to be carried out or executed we jointly will and ordain that all our real estate Rail Road stock and any or all other property real or personal and chose in action except our slave Sarah & her children be sold by our executor after the death of the testator in this will and after our executor shall have paid off the foregoing bequests in the first place and after he shall have paid all our just debts then he shall divide the remainder of the proceeds of our estate equally among all our children { viz } Rachel Duncan Robert Duncan James M. Adams Joseph Duncan James W. Duncan John B. Duncan Allison Duncan Mary C Duncan Samuel B. Duncan after deducting receipts for

Joseph Duncan's Will

(Item fifth) We do hereby nominate & constitute James W. Duncan our executor of this our last will & Testament signed and sealed by us in the presence of these witnesses this 31st day of March 1856

Jacob Hartman
David Guin

Joseph Duncan *sen*
Polly ^{his} Duncan *wife*

Whereas Polly Duncan the Testatrix signed to the above last will and Testament of her self & her husband Joseph Duncan senior is the same Polly Duncan mentioned in her father's (Robert Allison dec'd) last will & Testament on record in the archives of Washington County at Jamesborough the County seat and whereas a portion of the real estate alluded to in the foregoing joint will of mine and my husband Joseph Duncan was willed to me Polly Duncan by my father Robert Allison dec'd whereas I have never conveyed my interest in sd land named in my sd Father's will to my husband Joseph Duncan or any body else in open court or in other way under the laws of the state of Tennessee and whereas it is my last will that my heirs should receive the profits & advantages of the aforesaid will of mine and my husband as soon after my death as practicable and whereas under the laws of this state my husband is entitled to my interest in sd land herein before alluded to which which was willed to me as before said during his natural life which latter fact debars any sale of any of the property alluded to in the aforesaid will my son James W. Duncan also is appointed in the aforesaid joint will of mine and of my husband's husband I do hereby nominate appoint and constitute my lawful attorney to join his father in making a sale of the property alluded to in sd will at any time after my death that his Father may consent to but not without his Father's consent in no case shall he have such power to convey my right after my death at any time at any time my husband shall agree to it then I do hereby to & invest in my son James W. Duncan all the right title & interest that I have in the unmarryed interest of mine in the land willed to me by Father to hold and sell it as my executor in common with my husband and as my

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my attorney in fact & in law to make a warrantee deed to any purchaser under the foregoing conditions if such a sale should be under the consent of my husband after my death then I bind my attorney to pay ~~over~~ to himself and my other heirs as provided for in the aforesaid joint will I ratify all the lawful acts of my attorney in the premises as tho I done it myself

Signed and sealed in the presence of these witnesses this 31st day of March 1856 Polly ^{his} Duncan *wife*
Jacob Hartman
David Guin

Codicil to the last will & Testament of Joseph Duncan Sen. = Whereas on the 31st day of March 1856 I Joseph Duncan Sen made a will in conjunction with my wife Polly Duncan which sd will of hers & mine is duly signed by her and me and witnessed by Jacob Hartman & David Guin this Codicil of mine is to amend the aforesaid will alluded to as hereinafter specified (viz) in my will of March 31st 1856 I made my daughter Rachel & Nancy Jane Lyon an equal heir with the rest of my heirs as therein specified but on subsequent reflection I have come to a different conclusion in regard to my daughter Rachel & Nancy Jane Lyon therefore I revoke that part of my will which applies to ~~them~~ her (Item 1st) I will and bequeath to my daughter Nancy Jane Lyon five hundred dollars in addition to what I willed her in my will of March 31st 1856 and this sd five hundred dollars shall be deducted from the bequest of my daughter Rachel and from none of the rest of my heirs (Item 2^d) I furthermore revoke my last will and Testament of March 31st 1856 so far as it applies & provides for my daughter Ann S. Adams and substitute as follows that is to say if she & her husband B. S. Adams be dead when my Executor is bound by law to pay out legacies to my heirs then all of her legacy shall ^{pay} back to the rest of my heirs then living equally (Item 3^d) In my last will & Testament as before alluded to dated March 31st 1856 no disposition is made of ~~in name~~ of my slave Sarah & her children therefore it is my last will and wish and I so bequeath that after my death that she & all her children

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offspring be valued or as many of sd slaves as may be then living by two disinterested, good men to be chosen by my executor then after sd slaves have been so valued Sarah may choose her master from among my heirs which heir when so chosen by her shall take her & her offspring to gether at the valuation fixed to the slaves by the two men above provided for & in adjusting such heirs legacy and if sd valuation be more than such heirs legacy under my will & this codicil to it then such heir shall pay back to my executor such overplus which shall be paid out by him according to my will & this codicil to my heirs in equal proportion but if the valuation of sd slaves should be less than one heirs part then such lacking shall be made up to such heir out of my estate — whereas during the time and while I have been engaged in writing this codicil to my last will & testament which date March 31st 1856 my son Robert A Duncan has called to see me & has agreed to & hereby does relinquish all claims that hold or had set up to the right of the farm where he now resides by which act of relinquishment by the sd Robert A Duncan a lawsuit by him against my estate is stopped & all the lapes & evils resulting from litigation has by this act of his been saved to my estate and also it brings the valuable farm where he now lives and which he had a contract into my estate therefore ~~that my~~ soundness of body & mind and after great care & deliberation of my affairs and with a great concernment to dispose of my estate so as to be just and right in my sight & the light of God wh made me I have concluded to further alter and revoke my will made March 31st 1856 in the following manner (viz) In that will I made Joseph Duncan have an equal heir with the rest of my heirs in the way & manner & on the terms therein specified but I now revoke the legacy of my sd son Joseph so far as to take off his legacy the sum of three hundred dollars and I do will that sum ~~be paid to my son Robert~~ A Duncan in addition to what is bequeathed him in my will of March 31st 1856 and I also hereby bequeath to my son Robert the interest on the sum of six hundred & eighty dollars from the first day of

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March 1844 til March 1st 1859 which is the money he paid to Davault for me and which is the same alluded to in connection with my son Robert in the fore part of my will & my wife jointly dated March 31st 1856 I also bequeath to my son Robert A Duncan five hundred dollars more in addition to what I have herein bequeathed him and in addition to all other provisions made for him in my will of March 1856 which ~~which~~ last sum of five hundred dollars shall be paid out of the whole estate all the bequests to my son Robert are to be paid out of my general or whole estate except the three hundred dollars named above which comes of my son Josephs individual legacy or part and finally I nominate constitute and appoint my son James W Duncan my executor of this my codicil to my last will & testament signed sealed & delivered in the presence of three witnesses this Dec. 7th 1858
 Jasral. Canby
 John A Canby
 Joseph Duncan

The foregoing Will & Codicil was duly proven in open court at August term 1860 the will by the oaths of Jacob Hartman & David Guism and the Codicil by the oaths of Joseph Canby and John A Canby the subscribing witnesses witnesses thereto and ordered to be recorded and James W Duncan the executor there in named appeared in open court & was duly qualified as the law directs and gave bond and approved security
 J. A Canby Clerk
 J. H. Ferguson Sept Clerk

Phoebe Nelsons Will.

The foregoing Will was duly proven in open Court by the oaths of John Blair and Daniel Kemmer and Samuel B. Gunningham the subscribing witnesses thereto and ordered to be recorded and also personally appeared Daniel Kemmer Thomas E. Stoper & William P. Brewer the subscribing witnesses to the within Codicil to said Will and the same was proven by their oaths and ordered to be recorded

I Phoebe Nelson of County of Washington in the State of D.C. do make, organ, and publish this as my last will and testament. I direct that my debts, if any, and funeral expenses be paid out of my estate and after this is done I will give devise and bequeath to my son Thomas A. Nelson all the property, real, personal or mixed which I may own at the time of