

Copy of John Brabsons Will, filed in Office 16th March 1863, Sevier County  
Chancery Court.

I John Brabson of Sevier County and State of Tennessee- being of sound and disposing mind and memory do make and publish this my last will and Testament.

Item 1. I will and desire, that after my death, my executors pay all my debts and funeral expences out of my Estate.

Item 2. I give and bequeath to my wife Elizabeth all my household and Kitchen furnitures Including two clocks and my Safe, together with such Books as she may chesse the residue to be divided between my three Sons Benjamin Thomas and Reese.

I also give to my wife Elizabeth all of the crops I may have on hand at my death, either in the ground or gathered, and also all the provision on hand, the crop is to include all the rents that may be coming from my Tenants as well as what may be raised on the Grounds cultivated by myself. I also give and bequeath as much of my stock of every description and farming utensils as she may need leaving that to her own Judgement.

Item 3. I also give and bequeath to my wife Elizabeth, during her natural life the following Tracts of Land for her support First the Tract on which I now live, including the hereditments and appurtenances thereto belonging, and bounded as follows

Beginning on a Spanish oak, near where Colleen Warren ? lives on the Public road, leading to the Store, then running down Boyds creek so as to include a lot and House adjoining said oak tree, and Including the Spring at the Creek, to the mouth of said creek then down with the meanders thereof Including the Ferry to James Ellises line, and with that line to a stake that will be in a line, between the corner of Ellises fence that turns Short round to go towards my Mill, from thence to where the Road turns round a  $\frac{1}{2}$  across field called the Mudhole field to go towards Blairs big field, and from that corner, with the Mill road, to the public Road, and with that to the Beginning.

Also I give to my wife Elizabeth during her natural life, what cleared land I have in the Island, called Buckingham's Island with liberty to clear five acres more in the Island adjoining the cleared land on the sluice. Also I give to my said wife during her natural life, all the land I own on the North side of French Broad River, adjoining my ferry and Including the Ferry, and where Saml Cook now lives all for her use to Farm, but not to sell or waste, or Sell any timber but to use such Timber as may be necessary for keeping up the farms, and for fireweed &c, also to use what timber in the Island above named that may be necessary to keep up the fencing thereon. My said wife is also at liberty to clear Twenty acres on the land, on the north side of the Ferry. I also give to my said wife, all the rents that may be made on the Shamblin Place and the Amos Gallion place, and where James White lives, during her life. I also give to my wife during her life the use of what is called Blairs Big field, and the field adjoining that I have worked also the fourteen acre field called the Mudhole field and the field adjoining, and the Reagan field all for her to have to farm, during her natural life, and also She to have the privilege of using timber on the on the different of land to keep up the fences, and to have what Timber she may need on any of my lands in the Knobs for rails &c.

Item 4. I give and bequeath to my said wife Elizabeth six Hundred Dollars to be paid her out of my money, or a good note as she may choose.

Item 5. I give and bequeath to my said (sic) during her natural life, the use of all my slaves, that I do not otherwise dispose of.

Item 6. My will is that my slave Molly be freed from bondage at my death, and the death of my wife, and that my executors make provisions for her live with some person that will be bound to keep her off the county, and to live some person of her own choice, if any person will give her security to keep her from becoming a county charge, and the county court will allow it, my will is that she may be Emancipated Instead of being bound to live with any person.

Item 7. It is my will that my wife may have as many Raw hides taned in my Tanyard free of charge, as will shoe her family during her life provided that Tanyard is kept up. Also my will is that she may in like manner have what sawing she may need for Ferry Beats done at my Sawmill, provided she furnish the timber and the mill continues to Run.

Item 8. I give and devise to my son Benjamin D Brabson and his heirs forever all the land that I have herein given to my wife Elizabeth except such as I have otherwise disposed of to others, and the possession of which, he is to get at the death of his mother. My will is that my son Benjamin D Brabson begin two chains along the road towards the Ferry, from the corner Spanish oak spoken of above, and to run parallel and with the Gully, to the present fence, and with the fence two Roads, and then at right angles to the creek to its mouth, and with the line allotted to his mother, untill it reaches within two chains of the spanish oak his mothers corner. I also give and devise unto my son Benjamin D. Brabson, and his heirs forever, all the lands I own on the north side of Fench Broad, adjoining my Ferry, Including the ferry, and adjoining the lands of George Hudson, and the heirs of John Kear, supposed to contain five hundred acres, with the exception of a small piece of land I allotted to the widow Ingram during her life, or widowhood, at which term of time, my will is that it belong to my son Benjamin D Brabson and his heirs forever. I further give and devise to my son Benjamin D Brabson and his heirs the following one half of a one Hundred acre tract that lies on the public Road between my Ferry and Henrys Cross Roads, and the other half of said tract I give and devise to my son Thomas C. Brabson and his heirs forever. I further give and devise to my son Benjamin D Brabson and his heirs forever, all the land I own in what is called Buckingham's Island together with (sic) acres of an Island, that lies in the river adjoining. I also give and devise to my said son Benjamin D Brabson and his heirs forever all the lands where William Cannon once lived Including one hundred and thirty acres of an entry, adjoining said land. I also give and devise to said Benjamin D Brabson and his heirs forever ~~with~~ a slip of ground 32 feet at the road, and wider at the creek, that lies between the lands of James Ellis and Hugh Cowans land, got off of Cowans land for a road to the creek to get timber across the creek. All the land I have willed to my ~~son Benjamin D Brabson~~ wife Elizabeth during her life, that at her death to my son Benjamin D. Brabson, are not to be occupied by him, untill after the Death of his said mother. I also give and devise to my said son Benjamin D. Brabson, and his heirs forever, the one third part of my Knob lands, that are not specially devised to others.

Item 9. I give and devise to my two sons Benjamin D. Brabson and Thomas C

Brabson, and their heirs forever, all the land that lie on that part, of my place, that lies between James Ellises where he lives, and his old place that lies on the west side, of the Road, that leads towards the Mill, untill they come to the corner that turns to go to the Blair big field, they are to run on the line allotted to Benjamin D. Brabson individually to a stake on James Ellises land provided this line does not, run the line to Ellises fence corner spoken of in Elizabeth Brabsons line through a sink hole if so it is to be allotted so as to pass by one of the sink holes, and to run from said stake on Ellises line, and to his corner that runs from the river, and to run from that corner, so as to run in a small distance, to the road that runs towards Whittles old place, and with the road to Hugh Cowans corner, and Randlees by running in same place, so as to suit the road, or make it better than where it ~~is~~ now is, and with Cowans line to James Ellises line, and with Ellises line, to the white oak corner on the creek, and then with the creek to the middle of it to the bend, and then down the creek, on the south side to the mouth and up on the other side to Benjamin D Brabsons corner on the creek, and then with his line to the stake on the road two chains from the Spanish oak, the fields that are allotted to my wife, during her life out of the above lands are not to be occupied by the said Benjamin D Brabson and Thomas C Brabson untill after the death of my said wife. I also give and devise to my said sons Benjamin D Brabson and Thomas C Brabson, and their heirs forever all my Tanyard, with all the Tools on hand, and dry hides and also one half of all the leather in tan or is preparing for tanning, and the other half I direct, to be divided, between the rest of my children, to be worked out by my Black Boy Henry, and the Bark and oil on hand to be used for that purpose, and what is left if any, is to belong to my said two sons Benjamin D. Brabson & Thomas C Brabson, and if any is wanted then my said son Benjamin is to furnish it, the leather to be divided as it is worked out. I also give to my said two sons Benjamin & Thomas, all my Smith Tools. I give and bequeath to my said sons Benjamin & Thomas my Two Black Boys Henry and Charles the Blacksmith equally, during their natural lives, at the death of either, that shall die leaving no Heirs of their own body then the right to said two slaves Henry and Charles shall go to the survivor and his heirs forever. I further give and devise to my two sons, Benjamin and Thomas C Brabson, and their heirs forever all the tract of land that my old mill was built upon, in the Knobbs, with its appurtenances, also a small piece of land of about three acres near where the widow Perry, once lived, being part of the field where Shamblin lives. I also give to my said two sons Benjamin D & Thomas C. Brabson and their heirs forever, a one hundred acre tract, that takes in the Knob at the left as one passes toward the old Mill, and also one other tract that contains two hundred acres that Whittle entered and sold to me, also one third of a tract of three Hundred & fifty acres or thereabouts that runs to the lick place and also in like manner, I give and devise to them my said two sons my part of an Entry made by myself & Chadler(Chandler) that lies between Chandler & Whittle fifty acres and my Mill Tract, that runs to the lick, and the Creek. I also give and devise to my said two sons Benjamin D & Thomas C Brabson and their heirs forever, the ballance of the said tract called five hundred & fifty two acres, or near that Some of this tract is taken in by other entries If my wife Elizabeth may want Timber, out of any of these lands She is to have for rails, firewood and other uses, my will is that said Benjamin & Thomas C Brabson shall tan the Leather spoken of for my wife. In part consideration yard and Black Bey.

Item 11. I give and bequeath to my son Thomas C Brabson and his heirs forever, so much of my lands, where he now lives as lies on the north side of the Road, that leads from my Mill towards Livi Whittles old place with the exception I have made in the Road mentioned in the line of Benjamin & Thomas C Brabson on said Road, where there is a waggen Road used that is to make the Road better in places when it needs changing of the Road to better Ground, the bounds are to be as follows. Begining at a post oak corner of Hugh Cowans James Randles & myself, and to Run with the Road spoken of to a corer between me and James Ellis the first corner ~~between~~ from a beach on the River bank, and from that corner to said beach on the river Bank, and from thence up the River various courses and distances to enclose the Mills, and an Island of thirty seven acres or thereabouts called ~~Englis~~ Boggesses Island and down the River to James & Richard Randles Mill, and with their line to the public Road, and with the Road to James Randles deceased, and with said James Randles line to the begining containing one tract of land formerly owned by John Clinkenbeard, and purchased by me from Edward George. One other purchased by me at a trust sale of Samuel Beman the f land formerly belonged to Samuel Bogges, part of another tract formerly owned by Joseph Blair. All that has not been devised to Benjamin and said Thomas C Brabson Jointly. I further give and devise to my said Son Thomas C Brabson and his heirs forever a one hundred acre tract I own in the Knobbs, being the one I purchased two thirds of it from James W. Ellis adjoining the lands of said Ellis. I further devise to my said son Thomas C Brabson & his heirs forever, the one third of the tract of Land that belonged to John Chancler & myself the one half to each the trats contains 532 acres lying Knobb creek & the waters of Boyds Creek, once which I divided between Benjamin D & Thomas C. Brabson.

Item 12. I direct that my executors shall Sell my lands and lot in the Town of Sevierville, and my twenty tract near Jerry Mathises old place, with the  $3\frac{1}{2}$  acres I got of John Catlett upon such a credit as will secure the best price so that it be not longer than two years and to be sold as seen as there is an opportunity of selling for a fair price, and untill it can be sold, I devise that it be rented, and the money arising from said sale I direct that it shall be equally divided among my five daughteers.

Item 13. I give and devise to my daughter Mary Hodson my land known as the Bush tract Including three tracts, een two hundred & forty acres, in the Fork of the big East Fork & little East fork of little Pigeon River een other tract on the opposite side of the Little East Fork containing one hundred & fourteen acres being the place George Bush formerly lived on and one other tract of ffifty acres, the above lands with the Hereditaments & appurtenances thereto belonging, I give to my said Daughter Mary during her natural life and at her death, I give and devise the same to her children born of her body and their heirs forever. I also give to my said daughter one Negre Girl out my Estate, during her natural life, together with her Increase, and at the Death of my Daughter Mary, then I give and bequeath the said Negre girl and her Increase to the children born of the body of my said Daughter and their heirs forever, to be equally divided amongst them. If I should furnish my said Daughter with a Negre Girl before my Death, then she is to hold the same, under this will in lieu of the one Given by the Will, and to be held by her children as directed by this my Will.

Item 14. I give and devise to my daughter Priscilla Shields my tract of land

lying near McClarus Mills where Frederick Scruggs lives, and Jesse Cunningham lives, containing three Hundred and thirteen acres more or less, together with an Entry containing fifty two acres on Tuckahoe Creek, adjoining the same and the above lands with the hereditaments and appurtenances thereto belonging, I give to my said Daughter Pricella during her natural life, and at her Death, I give the same to her children and their heirs born of her body forever. I also give to my said Daughter Pricilla during her natural life, one Negro Girl named Tennessee, about thirteen years old and at the death of my said Daughter, said Negro girl and her Increase, I give to the children of my said Daughter, and her heirs forever. I also give to my said Daughter Pricella fifteen Hundred Dollars to make her land equal in value to the lands of my other Daughters.

Item 15. I give to my Daughter Lucy Scruggs all that tract of Land I purchased of Levi Whittle in Sevier County, containing from five to six Hundred acres. It being in different Deeds, and the lands that said Whittle lived upon including a cotton machine, and also Seventy acres of land I purchased of Richard Haney, the above land with the hereditaments and appurtenances thereto belonging, I give to my said Daughter, Lucy during her natural life, and at her death, I give and devise the same, to her children born of her body, and their heirs forever.

Item 16. I give and devise to my daughter Elizabeth McNutt my tract of land formerly owned by Doctor Thomas Hill, containing five Hundred & thirty four acres, or thereabouts, the above lands with the hereditaments and appurtenances I give to my said Daughter, during her natural life, and at her death, I give and devise the same to her children, born of her body, & their heirs forever. I also give to my said Daughter Elizabeth a Negro girl named Amanda, and her two children Gilber & Josah Emaline during her natural life, and at the death of my said Daughter, I give and devise the said above named negroes with their Increase to the children of my said Daughter and their Heirs forever. I also give to my said daughter five Hundred Dollars in money, to make her land equal in value to my other Daughters.

Item 17. I give and devise to my daughter Penelope Brabson, that tract of land I purchased of John Franklin, with the hereditaments and appurtenances, lying in what is called McClarus bend, containing about one hundred & ninety two acres. I also give to my said daughter, my Island with Its appurtenances, called McClarus Island, in French Broad River, the above said lands, I give to my said daughter, Penelope, during her natural life, and should She marry and have children, then at her death, I give said lands to her children, and their heirs forever, but should she die unmarried or without children, or the lawful descendants of children, then I give and bequeath said lands to her brothers & sisters and their heirs forever. I further give to my daughter Penelope, one Negro girl out of my stock of negroes, or out of my estate, during her natural life, and at her death said Negro with her Increase is to go to the children of her body, If she should marry, and if she die unmarried or without children, or the lawful descendants of children, then said Negro and Increase, to go to her brothers & sisters and their heirs forever. I also give to my daughter Penelope twelve hundred & fifty Dollars, to make her land equal in value to my other Daughters. I also give to my said Daughter the same amount of Household furniture and stock, that I gave to my other Daughters out of my Estate.

Item 18. I give and devise to my son Reese B. Brabson and his heirs forever my tract of land lying in Gibson County, in ~~the~~ West Tennessee, containing about 337 acres together with the hereditaments & appertinances thereto belonging. I also give to him the sum of \$2535 heretofore advanced to him by me for the purpose of purchasing a tract of land near the Town of Chattanooga. I also give to my said son Reese B Brabson the sum of four hundred & sixty five dollars to be paid to him by my executors in money. It is further my Will that if the tract of land in Gibson County, shall not sell for or be worth one thousand dollars, then I give to my said son Reese, out of my estate in addition to what I have given to him as much as will make said tract of land equal in value to one thousand dollars, I also give to my said son Reese the sum of Eleven Hundred Dollars, heretofore advanced to him by me, to purchase a lot in the Town of Chattanooga. I also give to my said son Reese a Negro Boy now in his possession named Bill.

Item 19. I give and devise to my son Benjamin D Brabson & his heirs forever that tract of land with its appurtenances that lies between Peter Huffakers old place on the North Side of the river called twenty eight acres or thereabouts. Also I give to my said son and his heirs forever the tract of land that was in dispute with Westly Huffaker, supposed to be about sixty eight acres, or thereabouts. My Will also is, that my said son Benjamin Shall not be charged Interest on his note of \$655, dollars, that he gave for the Baker place.

Item 20. My will is, that so much of my stock, and other articles that may not be disposed of, such as stock that my wife Elizabeth, may not want, or other articles be sold by executors, and the money placed with my other moneys.

Item 21. I give to my Son Thomas C Brabson my Surveying Instruments and my Gibson on Surveying.

Item 23. My Will is, that Son Benjamin D Brabson have the use and benefit of my House and lots in the Town of Marysville, during the life of his mother, and at her death, they shall be sold by my Executors, and the money equally divided amongst my eight children.

Item 23. I give to my daughter Lucy Seruggs one half of an entry of land, lying back of the widow Hendersons place, the whole containing 150 acres, owned now by John Chandler & myself, which she is to have during her natural life, and at her death to go to her children and their heirs in the same way, that I have directed the others lands willed to her.

Item 24. My will is that my executors contract with some person to wall in a grave yard on the Hill, above my house, and pay for the same, out of my estate or debts, as they can make a contract, the wall may be thirty feet Square or more, if thought necessary, and be of such highth and thickness, as may be best to make it a good wall.

Item 25. I direct that my executors shall sell my lands where Charles Reed owned and the money divided among my eight children.

Item 26. My will is, that if I should provide other means, for any of my above named children, they are to have no more, than what will make them equal with what I have given them.

Item 27. My will is, that at the death of my wife, my Negroes shall be divided, by my executors as follows,

1st I give to my son Thomas C. Brabson, one Negro slave of his own choice, after he has made his choice, I then direct, there shall be set apart by my Executors, seven lots of Negroes, placing two in each lot, and the said lots to be of as near of equal value as may be, one of which lots I give to Thomas C Brabson, one to Reece B Brabson, one to Mary Hedsden, one to Pricilla Shields, one to Lucy Scruggs, one to Elizabeth McNutt and one to Penelope Brabson, and the rights to the respective lots, to be determined by drawing, and the difference in the value of said lots, is to be made up in money by my executors, so as to equalise the value of said lots, the remainder of my Negroes, at the time above stated, to be divided in eight lots, so as not to be better than what will be half of each of the above seven lots, and these eight lots, I give one to Benjamin D. Brabson, one to Reese B Brabson, one to Thomas C Brabson, one to Mary Hedsden, one to Pricilla Shields, one to Lucy Scruggs, one to Elizabeth McNutt, & one to Penelope Brabson, and said lots to be made of equal value, by my executors paying the difference in the value in money and the choice of these last lots, to be likewise determined by drawing. The Negroes that shall fall to my daughters under the above two divisions Mary Hedsden, Pricilla Shields Lucy Scruggs, Elizabeth McNutt & Penelope Brabson, I give and bequeath to them respectively, during their natural lives, and at their death, to go to their respective children and their heirs, in the same way that I have directed the other slaves given them to go, and should my daughter Penelope die unmarried or without children or the lawful decendants of children, then her said slaves, are to go to her Brothers and Sisters.

Item 28. It is my will, that the business of the firms of John Brabson & Co Brabson and Toole, may be wound up, in such manner and time, as may be consistent with the Interest of said firms, that reasonable time be allowed, for winding up the same, without unnecessary pressing collection of debts, so as to hazard their safety.

Item 28 (sic). It is my desire that my executors, collect as soon as they can, or within a reasonable time, so much money out of the debts owing to me, as will pay off the money I have directed specially to be paid to my wife and legatees.

Item 29. I give and bequeath to my son Benjamin D. Brabson, the sum of Two thousand dollars in money. In addition to what I have already given to him, in consideration his services rendered to me in the management of my business.

Item 30. I give to my son Thomas C Brabson one thousand dollars in money, in addition to what I have already given him in consideration of services rendered by him in management of my business.

Item 31. All the rest and residue of my estate, I direct shall be equally divided among my eight children, and their heirs, (to wit), Benjamin D Brabson, Thomas C Brabson, Pricilla Shields, Reece B Brabson, Mary Hedsden, Lucy Scruggs, Elizabeth McNutt and Penelope Brabson.

Item 32. I hereby appoint Benjamin D Brabson Thomas C Brabson, and John S McNutt executors of this my last will and testament.

