

and written will and testament October the 21st 1848 of James Tate do make and publish this as my last will and testament and making void ~~the~~ all other wills by me at any time made first I direct that my funeral expenses and all my debts be paid as soon as ~~before~~ death as possible out of any moneys that I may die possessed of or may first come into the hands of my executor secondly I give and bequeath to my wife and negroes man benjamin during his natural life or widow herd I will give to my wife one negro woman early to dispose of as shee thinks best I give my daughter Nancy and to her heirs for ever a negro girl Eliza and to her heirs for ever a negro girl Phill I give to my wife and to her five children the tract of land I now live on and all the land I own adjoining to tract in all eleven hundred acres I give to my wife all the necessary buildings the dwelling house and kitchen with all the furniture to do with as shee thinks best I also give her a choice of the stock and as much of each as shee thinks is necessary I give to my son Charles a late land to cultivate wherever it is convenient if his affliction puts him a part labour he must have reasonable support out of the rents and profits of the land ^{in witness whereof} I do to this will set my hand and seal 21 day of October 1848 James Tate signed sealed and published in our presence and we have subscribed our names hereto in the presence of testator James Tate

accord to a last will
I give to wife my oxen and wagon

State of Tennessee, A. W. J. Christian Clerk of
Warren County 3rd Circuit Court of Warren
County, do hereby certify

that this the foregoing is the Last Will and
Testament of James Tate dec'd and which was filed
in my office the 25th day of March 1850 in the
suit of Elizabeth Tate and others against Robt
Tate and others, and which will or paper
herewith, I hereby certify up to the Supreme
Court, and which here accompanies the
transcript of the Record in said Cause
as fully as I am directed to do by the Bill
of Exceptions in said Cause.



Witness my hand and private
seal (there being no seal of office)
at office in McMinnville this 22nd of
November 1850 W. J. Christian Clerk

This day Elizabeth Tate widow & executrix of James
Tate, Jonathan Poff & Nancy Poff his wife late
Nancy Tate, Elizabeth Tate infant daughter of
James Tate decd - Astbury Tate, Meredith
Tate brought into open Court a paper writing
purporting to be the will of James Tate dated
21st Oct 1848, ~~which~~ and on the evidence
decided by the ~~same~~ saw Elizabeth & the others
purporting to be the devise, before the Court
the Court ~~there~~ on the whole case from the
proof being satisfied, that the said paper
writing is not ~~such a~~ will of said James
Tate, refuse to admit it to ~~be~~ ~~proven~~ ~~as~~ ~~his~~
decided as his will - From which the
said Elizabeth the widow and the said Poff
& wife, Elizabeth, Astbury & Meredith appeared
to the next Court of Greenock County
to be held at the Court House in Albanach
on the 24th Monday in June next and to
that it is granted upon jury bond & security
as required. The other heirs Robert Tate
was present objecting to the probate of the will
by counsel and the legates asked the court
to send the will to the Circuit Court without
proof but the said counsel prevailed the court
ought to hear the proof which the court
decided and which was James Tate one of
the legates declared his interest but being
sworn would not say he did not

expect any thing under the will his
evidence was excluded the legatus paid
for ^{written by the court} to try the will
for ~~the~~ issue, which was referred from all
this the legatus appeal

James State East
will and testament

1919

Will -