

Will of James Madison Trehitt

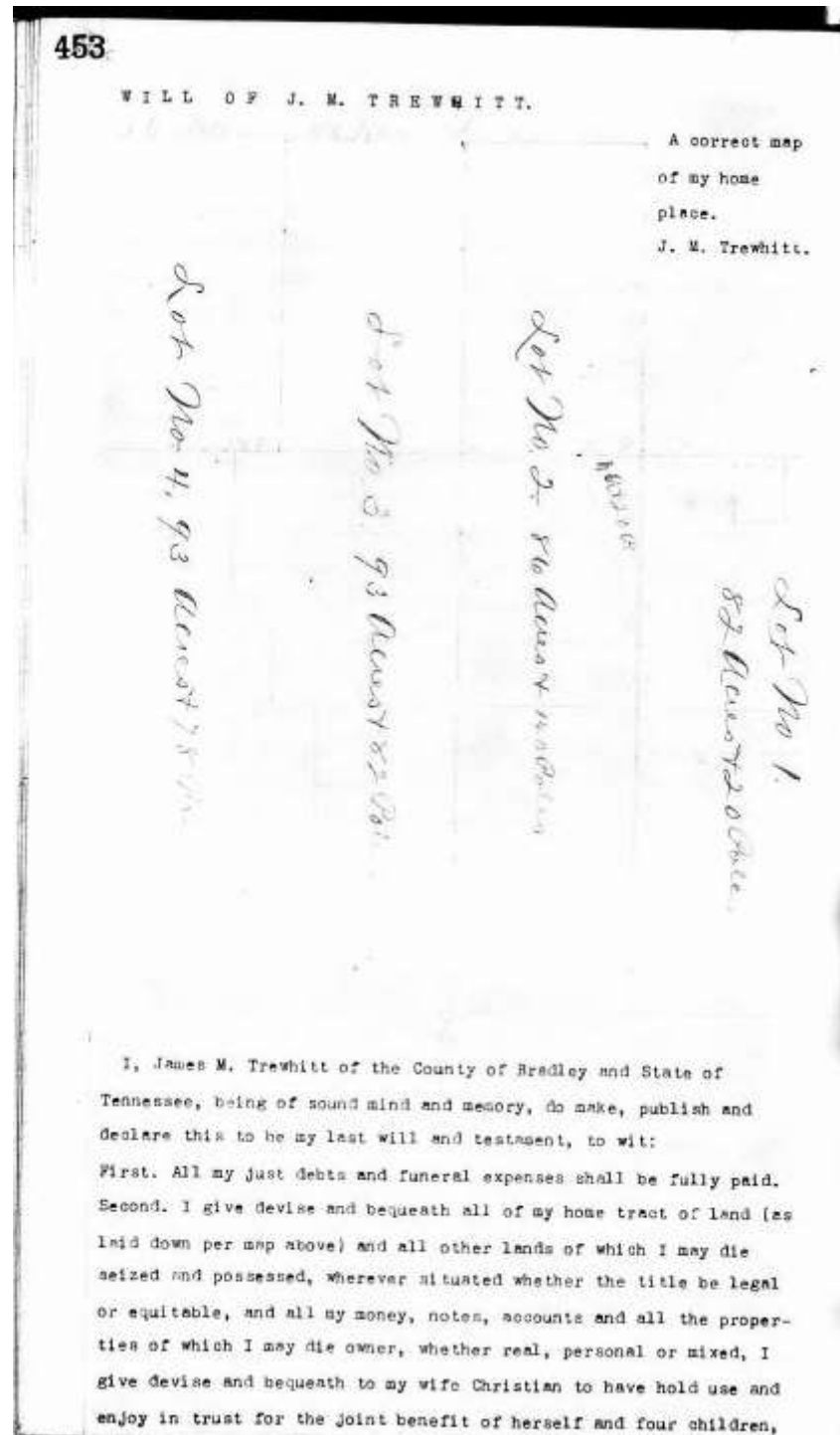
19 Apr 1820, Morgan Co, TN –3 Jun 1899, Bradley Co, TN

Son of Judge Levi Trehitt and grandson of James Madison Trehitt (1764-abt 1900) of North Carolina..

From

Bradley County, Tennessee Will Book Vol 1-2, 1859-1905. pp 453-458

(pages 401-405 of the Tennessee Wills and Probate Records, 1779-2008, as stored at Ancestry.com)



to wit, Susannah E., Levi, Daniel C., and James A. Trewhitt, for and during her natural life, and at my said wife's death, then, I give and devise the fee simple and absolute title to all said properties unconsented to the above named children share and share alike, and that part of said properties which may go to my daughter Susannah E. to be taken and holden and enjoyed by her to her sole and separate use benefit and behoof excluding entirely the marital rights of any husband in all respects, and the rights of any creditor or creditors of such husband. The land of my home tract as shown by the aforesaid map, to be divided equally between my four children, Susannah E., Levi, Daniel C., and James A. Trewhitt, after my wife's death. First, I give devise and bequeath to my son Levi lot number one as shown on the above map, beginning at the north west corner of [at No. 1 on the section line, running south twenty west one hundred and two (102) poles to a corner near the creek bank, thence in an eastern direction up the center of the creek running with the meanders of said creek to where the section line crosses the creek, thence one hundred (100) poles to the east boundary south east corner of the eighty acre tract that my dwelling house is on, thence eighty (80) poles along the line that divides the aforesaid eighty acre tract and the land known as the Johnston land, thence westerly with the line that divides the aforesaid eighty and Hendersons land one hundred and sixty (160) poles to the beginning, being (after excluding two acres and three poles advanced to Daniel C. Trewhitt), Eighty two (82 A.) acres and twenty (20) poles more or less.

Second. I give devise and bequeath to my son Daniel C. Trewhitt in addition to two (2) acres and three (3) poles that I have heretofore gave him as an advancement, Lot Number two (No. 2) as marked on the above map, beginning on the Section line where my land and Harriet McCroskeys forty acres corner, thence with the line between my land and the aforesaid Harriet McCroskey's forty acres south twenty west fifty two (52) poles to a corner, thence at a right angle parallel with the section line two hundred and eighty (280) poles to a corner on the eastern boundary of my land fifty (52) poles south twenty west of the south east corner of Lot number one, thence with the said boundary line to the aforesaid corner, thence westerly with the section line one hundred (100) poles to where the section line crosses the creek, thence down the center of the main channel of the creek to the south west corner of lot marked number one on the map, thence north with the

section line twenty two (22) poles to the rock corner of the section and forty (40) acre lot that the dwelling house is on, thence west with the section line one hundred and twenty (120) poles to the beginning corner containing eighty six acres (86) one hundred and forty (140) poles more or less.

Third. I give devise and bequeath to my son James A. Trewhitt the Lot number three (No. 3) as marked on the map beginning on the south east corner of lot marked number two (No. 2) running west a parallel line with the section line two hundred and eighty (280) poles to the south west corner of lot number two (No. 2) as marked on the above map, thence south twenty west fifty four poles (54), thence easterly a parallel line with the section line one hundred and twenty (120) poles to the section line running south twenty west, thence with the aforesaid line fourteen (14) poles, thence easterly a parallel line as marked on the map fifty one (51) poles near the creek and foot of the hill called the bluff, thence up the center of the creek with the meanders of the creek to where a parallel line of fifty four (54) poles crosses the creek, thence with said parallel line five (5) poles, thence in a northern direction with the line that runs back of the field thirteen (13) poles, thence a parallel line as shown on the map eighty (80) poles to the eastern boundary line, thence north with said line forty one (41) poles to the beginning, containing Ninety three acres (93 A.) and eighty two (82) poles more or less.

Fourth. I give devise and bequeath to my daughter Susannah E. Trewhitt the lot, tract, piece or parcel of land marked as number four (No. 4) described as follows: Beginning at the south west corner of lot number three (No. 3) as marked on the map running south twenty (20) west fifty four (54) poles to the south west corner of the whole entire tract of land, thence in an eastern direction with the line marked on the map as quarter section line Newell & Ingrahams two acre (2 A.) piece or parcel of land near the old saw dust pile and creek, thence in a northern direction with the said two (2) acre line to the north west corner of the aforesaid two (2) acres, thence in an eastern direction along the aforesaid two (2) line to the eastern boundary line of the whole entire tract of land, thence along said line fifty (50) poles to the south east corner of lot marked number three (No. 3), thence westerly eighty (80) poles

thence south twenty (20) west thirteen (13) poles, thence in a western direction five (5) poles to the creek, thence down the creek of the main channel of the creek to the corner near the creek and bluff, thence a parallel line with the line marked as quarter section line fifty one (51) poles to the section line, thence in a northern direction along the section line fourteen (14) poles, thence westerly on a parallel line one hundred and twenty (120) poles to the beginning containing Ninety three acres (93 A.) and seventy eight (78) poles more or less.

Seventh. I will and devise that each one of the children or their representatives give the right at least of one way at some suitable place for to make a road through their respective share for their mutual benefit to pass and repass.

Eight. I nominate and appoint my son Levi Trehitt to be the Executor of this my last will and testament, requiring no bond whatever from him the said Levi Trehitt, hereby revoking all former wills by me made.

In witness whereof I have hereunto set my hand and seal this 5th day of March, A. D. 1891.

James M. Trehitt (Seal).

Signed, sealed, published and declared as and for his last will and testament by the above named testator, in our presence, who have at his request, and in his presence and in the presence of each other, signed our names as witnesses thereto.

Levi Trehitt,

Thomas T. Trehitt.

P R O B A T E. FEBRUARY 4, 1903.

It appearing to the Court that J. M. Trehitt has lately departed this life testate in Bradley County, Tennessee, at his late residence, and came into open Court Levi Trehitt, son of said testator, and the person named as the Executor thereof, and presented to the Court a paper writing purporting to be the last will and testament of the said J. M. Trehitt, deceased, and asked that the same be admitted to probate. And came into open Court Levi Trehitt, one of the attesting witnesses to said paper writing, who being first duly sworn, deposed and said that he was present with the other attesting witness, Thomas T. Trehitt who has since departed this life and his testimony therefore cannot be had, when the said J. M. Trehitt signed said paper writing as and for his last will and testament on the day it bears date, and that he signed the same in his presence, and that he and the other attesting witness

signed said paper writing in the presence of the testator, at his request and in the presence of each other, and that the testator was at the time of sound mind and disposing memory.

It is therefore, ordered, adjudged and decreed by the Court that said paper writing is as it purports to be, the last will and testament of the said J. M. Trehitt, deceased, and the Clerk is ordered to enter the same of record in the Will Book of this Court, together with this order of probate.