

**BENJAMIN DENNEY**  
**(1810-1844)**  
**WILL AND ESTATE RECORDS**

**Benjam Denneys last Will**  
**Benj Denny**  
**R.O. 8 Oct 1844**  
**In Book B page 32 Burnett Clk**

**I Benjamin Denney Do make and publish this as my Last will and Testament heareby Revoaking and making void all other wills by me at aney time made. First I Direct that my funarle Expenses and all my Debts be paid as soon possible out of aney money that I may Die persesed of or may first come in to the hands of my Exec. I Secondly Give and Bequeath to my beloved wife Evaline Denney my Entire Estate During her Lifetime in case She should not marry and case She Should marry then my Effects to be Sold She to have a child's part with my heirs Lastly I Do heareby nominate and appoint my beloved father-in-law James Rollings and my beloved brother Charles Denney my Executors. In witness where of I do to this my will set my hand and Seal This 5 day of September 1844**

**Benjamin Denney (Seal)**

**Signed Sealed and published in our presence and we have subscribed our names hear to in the presence of the Testator this the 5<sup>th</sup> day of September 1844.**

**Attest**

**Jordan Kilzer**

**Philip B. Smith**

**William B. Allen**

**James W. McClanahan**

**State of Tennessee Smith County**

**October Term County Court 1844**

**When the executors of the last will and Testament of Benjamin Denny dcd was proved in open court for probate and was duly proved by the Oaths of Phillip B. Smith and William B. Allen subscribing to the Same, and on motion ordered to Record**

**Attes**

**John I Burnett Clk**  
**Of Smith County Court**

**At the County Court on October 7, 1844, John Stevens and Gregory Moore went security for James Rollins and Charles Denney as executors of the estate.**

Some of Benjamin's belongings were auctioned off in October of 1844, presumably to pay for any debts that Denney may have owed.

**Account of the sale of the Estate of Benj. Denney Dcd.**

John Rogers	1 <sup>st</sup> lot corn	\$3.90	
	2 <sup>nd</sup> lot 5 barrels	\$3.90	
	3 <sup>rd</sup> lot 5 barrels	\$3.90	
	4 <sup>th</sup> lot 5 barrels	\$3.90	
Evaline Denney	1 Sorrel Mare	\$5.55	
J. D. Hollis	1 Sorrel Mare	\$40.12	
Evaline Denney	1 gray colt	\$17.50	
James Barrett	1 cropp tobacco	\$18.54	
Evaline Denney	1 Ox Cart	\$12.65	
Alex E. Wright	4 hogs 1 <sup>st</sup> choice	\$5.87	
Simeon Jones	4 hogs 3 <sup>rd</sup> choice	\$5.87	
Alex E. Right	4 hogs 4 <sup>th</sup> choice	\$5.87	
Evaline Denney	5 hogs 5 <sup>th</sup> choice	\$4.62	
Dolphy Farmer	1 Red & White Heifer	\$6.70	
Willis Whitley	1 Red & White Heifer	\$4.65	
Evel Denney	1 Red Steer	\$7.90	
		\$ 156.25 total	

The forgoing is a full and perfect account of the sales of the property of the estate of Benjamin Denny dcd directed to be sold Notes with Security due 12 months after \_\_\_\_\_ taking \_\_\_\_\_ the purchases, with the executors of Eveline Denney, James Rollins, and Charles Denny that we chould [sic] pay the debts of said dcd without taking the widows notes as said widow by will was to have all the estate after the debts were paid we therefore did not take notes from the widow of any she purchased at the sale October 1844

Charles Denney

James Rollins

Recorded Sept. 1846.

See Original No 13.

(Smith County, Tennessee, Administrator and Executors Settlements Sept 1846-Dec 1856)

**Benjamin Denneys Estate County Court Clerks office 1 Oct 1847 Chas. Deney & James Rolling Exs to the Estate of Benjamin Denny Dcd.**

For this amount account sales	\$154.51	
Amount supp.	\$51.45	\$205.96
Amount Z. Denny Judgement		\$79.
		<b>\$284.96</b>
<b>By amount Charles Denney</b>		
1 by act of widow Receipt in will	\$51.10	
2 Harrison Feagan's act recpt	\$3.00	
3 amt George Merriman act recpt	\$1.45	
4 amt ob Jenkins act recpt	\$1.50	
5 amt G.W. Saylor's act recpt	\$5.25	
6 amt John H. Newbell Const. Recpt	\$11.68	
7 amt Charles Denny apt recpt		\$5.00
8 amt Jno Gordon apt recpt	\$1.06	
9 amt Benj. Denny cast		\$0.50
10 amt Wm. Moores cast (or is it cost)		\$0.50
11 J.D. Bradley constable recpt		\$4.99
12 amt James Denny note	\$3.00	
13 amt Charles Denny account	\$1.62	
14 amt Wesley Hall account	\$1.25	
15 amt Alex Hurd		\$0.75
16 amt E. Atwood	\$2.05	
17 amt James Winfrey	\$7.05	\$101.95

**The following vouchers paid by J. Rollings**

18 David Burford note	\$32.20	
19 W.C. Hubbard note	\$8.62	
20 John R. Rollings affidavit proving away a receipt		\$0.33
21 N. & M.C. Ward act Receipt		\$11.16
22 James Rollings ace Receipt	\$4.00	
23 Samuel Allison Cost	\$16.80	
24 N & M.L. or C. Ward ase Recpt		\$5.22
25 Jno R. Rollings affidavit	\$3.00	
26 Jno Bridges Recpt	\$5.17	
27 James Barrett ase recpt for Dr. Gordon	\$14.31	
28 H.L. Moors ase recpt	\$1.32	
29 Jas. Barret	\$2.57	
30 W.N. Smart ase recpt	\$0.40	
31 Joseph R. Wills ase recpt	\$2.42	
32 A.H. Ross tax recpt	\$2.35	

33	G.W. Walker tax recpt	\$0.50	
34	P.B. Smith ase recpt	\$6.10	
35	R.W. Newby note	\$5.75	
36	J.D. Bradley constable recpt		\$5.21
37	Jno R. Nalow ase recpt	\$5.00	
38	J.R. Rollings note	\$12.24	
39	J.R. Smith ase recpt	\$0.67	
40	N. & M.G. Ward ase recpt	\$37.50	
41	N. & M.G. Ward ase recpt	\$1.60	
42	N. & M.G. Ward ase recpt	\$8.89	
43	acct W. Jenkins payment proven	\$10.00	
44	act J. Moor	\$10.00	
45	act J. Reasor insolvent	\$1.50	
	Act amount clerks fees	\$4.75	\$282.35
	Amt allowed Executors		\$25.00

Amt Inventory \$74.22  
\$284.96  
\$365.18  
\$307.35  
\$56.82

August 75h 1849 the within settlement presented to the court for the sanction of said court and as there are no new vouchers produced the court is in doubt as to the property of sanctioning and confirming said settlement but as this is all the account of the will the court orders this document to be recorded and filed. J.R.

Smith Clk

Rec 13 Mar. 1850

See file dated 1850

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#### Benjamin Denny's estate

A supplemental account sales of the property belonging to the estate of Benjamin Denny deceased after the marriage of the former widow Evaline Denny to Dawson Harris made on the 29<sup>th</sup> Dec 1849 on credit of twelve months as follows.

Evaline Harris	1 Bed & Counterpin	\$2.00
	1 Bed & feather undertick	\$5.00
	Feathers of one bed	\$1.50
	3 quilts	\$3.00
	1 chest	\$2.00
	1 table	\$3.25
	5 sitting chairs	\$2.00
	1 old loom	\$0.25
	1 cupboard	\$4.00
	2 pitchers	\$0.05

2 salt	\$ _____
1 old table	\$0.60
2 pots & 1 oven	\$1.30
2 skillets	\$0.55
1 washing tub	\$0.25
2 plow haus	\$0.10
1 cotton wheel	\$0.25
1 lot of sundries &c	\$0.50
1 Bay mare	\$35.00
1 Pickled Steer	\$10.00
1 cart	\$2.00
1 sheep	\$2.00

It seems as though Evaline purchased everything that was sold on this date.  
The above is a tru ace of the sales of that date.

Rec 28 Sept 1850

See file dated 1850

Charles Denny

James Rollings Executors.

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**Benjamin Denny's Estate**

\_\_\_\_\_ Evaline Harris formerly Eveline Denny, John Rollings, & B.F. Atwood are held and firmly bound unto the state of Tennessee in the penal sum of one hundred & twelve dollars to the payment whereof we bind ourselves jointly & severally seald & dated Aug 6, 1850 whereas said Evaline has this day received from Charles Denny & James Rollinngs Executors &c of Benjamin Denny decd fifty six dollars & c it is the amount due her as a legatee of said estate. Noe the condition of this obligation is fulfilled that if any debt or debts truly owing said Testator shall hereafter be sued for & recover them of the said Evaline shall pay her reliable part of said debt or debts out of her Legacy to aforesaid receive this obligation is to be void else remain in full force ad\_\_\_\_\_.

Evaline her x mark Harris

John R. Rollings

B.F. Atwood

Signed & acknowledged before me this 6<sup>th</sup> day of Aug, 1850 F.P. Gill J.P. for Smith County

Rec. 12 Dec 1850

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In February of 1852 in the case of Charles Denny Executor of Benjamin Denny Decd vs Jas Rollins, Dawson B. Harris & Wife Eveline, Jas, Caroline, Mary, Sally and Benj. W. Denny, the last minors & Franklin Atwood, guardian stated that "On Sep 5, 1844 Benjamin Denny made and published his last will and testament and died." He had five children. Widow Evaline remarried to Dawson B. Harris and now the estate of Benjamin Denney to be sold and the proceeds divided between her

**and the kids. The land located on Mulherrins Creek bounded on West by L. & D. Barnet & Daniel J. Cardwell's line, on the East by the lands of George Walker, on the East and North by the lands of Thomas Kitchens & on the south by Barrett or Parrett on which said Dawson B. Harris now lives with 150 acres. Sold on March 10 and Evaline Harris was the highest bidder for \$15.80 and she gave up her bid to Benjamin F. Atwood who paid 85 in cash.**

**Return for more information on the Denney family**

**[stevendenney.com](http://stevendenney.com)**