

Last Will of John Dyer.

Georgia, Carroll County
I John Dyer of said State and County being
of sound and disposing mind, and memory do make
this my last will and testament.

Item first I give bequeath and devise to my son-in-law
John M. Hemmer, and my daughter Martha C.
Hemmer wife of the said John M. Hemmer, the
following property to wit, the south half lot land
No 126 one hundred & twenty six, in the Sixth
town and district of the county and State aforesaid, and
also, 80 acres of land in the State of Alabama
Delade County, and all my Stock, wagon of all kind
and money and notes, at my death, and wife
Dealy Dyer, and all my household and kitchen
furniture the we have or may have at me and
my wife's death.

This the 30 day of December 1885

John Dyer

Signed, declared, and published by John Dyer as
his last will and testament in the presence of
us the Subscribers, who subscribe our names
here to in the presence of said testator (at his
instance and request) and of each other he
signing in our presence and we signing in
his presence.

Bene G. Degg

Levi M. Helms

James D. Helms

Last Will & Testament of William Bailey, Deceased

Georgia, } I, William Bailey of said
Butts County, } County, being of sound dispos-
ing mind and memory, and now
in my common health, and deem-
ing it a duty to provide for the
disposal of such worldly property
as I may have at the time of my
death, do declare the following to
be my last will and testament, to wit:

Item first. Trusting that my family
and friends may allow my body to
be buried, plain, christian burial, I then de-

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are my just debts to be paid by my executor,
hereafter to be named.

Item 2^d. I give to my wife, Mariab L., who has
been to me a faithful companion all the property
I may have to be held right by her during her life
and if she marries then my will is that the
property with the increase be equally divided
by three disinterested persons to be selected and
appointed by her & her children or a majority
of them, between her, my said wife and the
children born to me & my wife, and if any
of the children are dead at the time of the par-
tition of my wife or the division of the prop-
erty and such dead child shall leave descendants
then such part in said division is to go to
such descendants.

Item 3^d. It is my will that if my wife
shall marry then the part in the division of
my estate that goes to her shall be a separate
estate for the sole and separate use of herself
free from the debts & contracts of any husband
she may marry.

Item 4th. It is my will, that, if at any time
either before or after the settling of my estate,
it shall be deemed proper in the opinion of my
Executor, that any part of my estate should be
sold then I desire my Executor to sell the same
without any order of Court and the fund
arising from the sale to be invested in such
other property as may, in his judgment
be proper.

Item 5th. It is my will that my youngest
child, Emily, in the division of my estate
shall be allowed an extra amount to make
her share equal with others of my children
who are to get their legacies which I have
received from the said male Dr Stephen
Baileys estate.

Item sixth. It is my will that the por-
tions of my estate which severally goes to
each of my daughters shall be to each of
them a separate estate for their sole and
separate use free from the debts, contracts
& control of any husband they may marry.

Item 7th. I have this adopted a woman
named Milly, and her two children, one a
boy & one a girl, which are in possession
of my wife's father, Robert C. Attenden, and
I have bound them to him, and desire

him to keep them during his & his wife's life and do not require my Executor to take possession untill after the death of said Robert L. Lintenden & his wife.

Item 8th. I hereby appoint David S. Bailey, Executor to this, my last will and testament and if he does not act as such, from any circumstances that may occur, I then appoint my wife, Maria L. Bailey, Executrix, who is thereby authorised to act and do, in all cases as directed for my said named Executor to act and do.

Item 9th. It is my will & desire and request, that in any matter touching their rights hereby convey in my will to my said children, they will avoid litigation if they can do so, and have no controversy, and advise them to try and settle any dispute about rights in some other way than appealing to the vexations of law suits in Courts.

Item 10th. I declare the foregoing my last will and testament.

Signed, sealed & declared this the ninth 9th day of November, 1863.

William Bailey, Seal

The undersigned, at the request of the testator signed the above as witnesses, and saw him seal sign & declare the same for the purposes therein specified, and in his presence, and in presence of each other signed the same as witnesses on the date above.

Test.

I. W. Nolen.
A. J. Towles.
H. Williams.

Court of Ordinary, June Term, 1886.
Georgia, Carroll County.

It appearing that William Bailey late deceased, having departed this life in said County of Carroll, where he was domiciled at the time of his death and the said William Bailey having made and executed his last will and testament, and the same attested by Isaac W. Nolen, & D. Towles and H. Williams, and it is represented, and appearing to the said

Court of Ordinary that said witnesses to the execution of said will resided at the time of said execution in the County of Butts in said State and it further appearing that A. D. Fowles and H. Williams, two of the witnesses to the execution of said will have died and that Isaac W. Nolen is only surviving witness to the said will. It is therefore ordered that the said Isaac W. Nolen be examined by two or more of the citizens of legal age and capacity to the following interrogatories touching the execution of said will and testament purporting to be made and executed by the said William Bailey dec'd. The said Interrogatories being as follows:

Interrogatory first. Do you know anything about the execution of the paper and writing hereto attached purporting to be the will of William Bailey dec'd—were you present at the execution of said will—State if your name as witness to said will is your signature—also state if A. D. Fowles and H. Williams were also witnesses to said will.

At the time of the execution of said will was William Bailey, the testator, of sound disposing mind, and capable of making a will.

State if A. D. Fowles and H. Williams, two of the witnesses to said will are dead.

Witness my hand and seal of office, this
June 8th, 1886. S. J. Brown,
Seal Ordinary Carroll County, Ga.

Georgia } In the matter of Probate of
Spalding County } the last Will & Testament of
William Bailey late deceased of Carroll County
Georgia and certain interrogatories from
the said Court of Ordinary of said Carroll
County Georgia, the undersigned Com-
missioners for the execution of the said
interrogatories have caused Isaac
Nolen, the witness named in said
commission, this day to come before
us, who being sworn, he answers as follows:
To the first interrogatory he says he
lives in Butts County Georgia, and
that he has examined the writing
attached to the commission from the
said Ordinary Court of Carroll County
purporting to be the will of William Bailey

deceased, late of Carroll County Georgia
dated the ninth day of November Eighteen
hundred and sixty three, and attested by
deponent and Adam S. Fowler and Hur-
bert William, as witnesses to said Will.

Witness says that he and Adam S. Fowler
at the time with Hurbert William were
near neighbors of William Bailey, and
intimate friends, living less than a mile
of each other, and near Dublin in DeKalb
County.

Witness recognizes his signature as a
witness, to be true and genuine and
so believes of Fowler and William, who
all signed the same with the written state-
ment that it was in the presence of
the testator, and of each other, and
he has no doubt of the soundness of
mind of testator, and believes William
and Fowler would so state if in life,
they are dead. J. W. Fowler.

Answered, subscribed and sworn to
before us, this the 16th day of August 1886.
J. C. McLaurin Seal.
C. J. McDowell Seal.
J. S. Gaillard Seal.

Georgia } Court of Ordinary of said
Carroll County } County, September Term 1886.
Upon the foregoing answers to
interrogatories of J. W. Nowley one of
the subscribing witnesses to the within
will of William Bailey deceased it is
ordered by the Court that said Will be
admitted to record as satisfactory
proof in common form and it is
further ordered letters testamentary
issue to David J. Bailey the executor named
in said Will upon his taking and sub-
scribing the oath required by law.
This the 16th day of September, 1886.
J. F. Brown,
Ordinary.