

The State of Alabama / Office of Judge of Probate Said
Cherokee County / County

I James McLeath Judge of Said
Court hereby certify that the foregoing pages contain
a true and correct copy of an instrument purporting
to be the last will and testament of Samuel S. Ivie and
on record in my office in Book of Wills Pages 78 and 79
Given under my hand and Seal of Office
on this 15th day of March A.D. 1876

James McLeath
Judge of Probate Court
Cherokee Co Alabama

State of Georgia / In the name of God Amen
Chattooga County / I John W Penn, of the State
and County aforesaid, being
of Sound Mind and disposing Memory, and being
desirous of settling my worldly affairs while I
have strength to do, do make and publish this
my last will and testament, hereby revoking all wills
by me heretofore made, and first I commit my Soul
to God who gave it, My body I desire to be buried in
the family burial ground, And my worldly estate
I dispose of as follows -

Item 1st I give and bequeath to my beloved
wife Nancy L Penn during her natural life the
Home place, consisting of two lots of Land known
as the Quinn place, and at her death the same
to go to my Son James C Penn as his entire portion
of my real estate, And I desire that my Son James
C shall remain with, and take care of his Mother
so long as she may live -

Item 2nd I will and bequeath to my three
Daughters, to wit, Mary E, Lucie L & Fannie W Penn
all the balance of my real estate except my Stock
in the Iron Manufacturing Company, to be
equally divided between them according to value
and should it ever become necessary to divide
said lands, I desire my executors hereinafter
appointed to value and make the division
or else to appoint disinterested freeholders to value
and make said division for them; But they each one
of my said Daughters are to take said lands sub-
ject to the following limitations and restrictions
that is during life with remainder to the heirs
of their body at their death in fee, and not to be
subject to the debts of any future husbands; and
should any one of my said Daughters die before
marriage, then in that event I desire her portion

of my estate to revert back and be equally divided between my lawful heirs then living, or if any such be dead leaving issue, then the heirs of the deceased to inherit per stirpes. And should either of my said daughters or their husbands desire to sell said lands and reinvest elsewhere, I wish my executors to value or cause the same to be done, the whole of said lands and if the other two desire to take the share at one third the valuation of the whole, I desire my executors to make said sale and reinvestment for them, and to pay for the same out of the personal or cash legacy going to those for whom it is purchased—

Item 3rd I desire the rents and profits arising from the whole of my real estate to be controlled by my wife, Mary L. Penn, and used for the support of my family, and the education of my children. So long as the family shall remain together and remain single. But should any one of them marry, then such one to draw their proportion of the rents coming from the real estate bequeathed to them—

Item 4th I desire that my stock in the Union Manufacturing Company, and the dividends arising therefrom to be controlled and used by my wife, Mary L. Penn, as she sees proper and at her death to be equally divided between my children—

Item 5th, It is my will and I do direct that my executors hereinafter appointed, sell off such of my personal property as is not specially needed for the use of the family, either publicly or privately as they may think will be most advantageous to my estate, and without obtaining any order of Court to do so; And should it ever become necessary to sell or exchange any of the stock belonging to me, I desire my executors to do so on such terms and in such manner as they may think best—

Item 6th The residue of my property not heretofore specially bequeathed, such as money, notes, accounts and personal property, I desire to be equally divided between all of my children share and share alike, but the shares of said daughters married in the second item of this my will, I wish to remain their separate estate and not be subject to or for the debts of any future husband.

Item 7th I desire that my Sister Bellie Penn now living with me, remain with my family so long as she may live; and her effects to be managed and controlled by my Executors as I have heretofore controlled them And she to pay board at the rate of one Hundred Dollars pro annum; And to draw a sufficient amount of interest accruing from her estate to pay said board and for her clothing or any other expenses that may accrue - and according to my father (William Penn) will her (said Bellie Penn) at her death is to go to my Children, the Children of James Penn now deceased and the Children of Mary Edwards deceased -

Item 8th I hereby constitute and appoint L. C. Cleghorn, M. W. Penn, John J. Cleghorn, Nancy L. Penn and James C. Penn Executors to this my last will and testament. This 3rd day of February 1877

John W. Penn

Signed Sealed declared and Published by John W. Penn as his last will and Testament in the presence of the undersigned, who Subscribed our names hereto in the presence of said Testator at his Special instance and request, and in the presence of each other This 3rd day of February 1877

J. B. Myers
E. L. Gaze
A. R. Steel

State of Georgia, } In the Name of God Amen, I Mary
Chattooga County } Annasville of said State and County
Being of advanced age, but of sound and disposing mind and memory, knowing that I must shortly depart this life, do in it right and proper, both as respects my family and myself, that I should make a disposition of the property, with which a kind Providence has blessed me I do therefore make this my last will and Testament; Herby revoking and annulling all others by me heretofore made This I desire and direct, that my body be buried in a decent and Christianlike manner, suitable to my Circumstances and condition in life, My Soul I trust shall return to rest in the God who gave it, as I hope for Salvation, Through the merits and atonement of the blessed Lord and Saviour Jesus Christ So cordly I desire and direct that all of my just debts be paid without delay, by my Executor, herein after named and appointed

Thirdly I give, bequeath and devise to my beloved daughter Francis M. Annasville all interest what