

June 2<sup>nd</sup> 1862

Louis Thomas Wilson  
regarding Mills of Alongs  
with that he saw said  
I highly acknowledge the  
the time of that statement  
mind, and memory that  
I am not Wilson and  
requested and also saw  
except in the presence  
now

of that said W. W. S.  
Regular Term  
Ordinary

W. C. Wilson  
W. C. Wilson  
W. C. Wilson

Georgian  
Clark County, O.

I, Sumrell Derby by the Grace of God, Amend.

100

I, Sumrell Derby, of the County & State aforesaid, being of  
sound mind and disposing memory, and knowing the uncertainty of  
life, and the certainty of death, do make and publish this my last Will.

and Testame[n]t in manner and form as follows:

I desire my just debts to be first paid, should I breath all in debt at  
the time of my death; for at present, I am absolutely free from debt, save  
what may relate to Wm. D. Mitchell, Esq., of Albany for a thousand Dollars

for their professional services which is not to be paid till after death.

I give and devise to my Son Everett Derby in fee simple the following land

to wit, Beginning on the old road at the corner of a middle fence, at it passes the  
Cochran house and running thence a straight line to the fence which it

crosses the Wrightsboro branch, and thence down the meander of that branch  
to McCatchey Creek, and thence down the meander of said creek to the line

between me and George Phillips, and thence to a hickey corner adjoining

Worboro, and thence in a South Easterly direction to a Chestnut corner,  
and thence to a stone corner before Yafford's door, and thence to a pine,

comes in a Easterly direction from the State, and thence in a straight  
line to the corner of Everett Derby's fence cut in Pine Road, and thence

in a westerly direction to a Post Oak corner before the meeting boundaries

and thence in a Southerly direction in a straight line along the old  
existing line to a Pine corner, which is common to myself, W. D. Phillips, Mrs.

Mobile, and Mrs. Wilson; and the acre running with Wm. D. Phillips fence  
at corner of the same, and thence in a South Easterly direction to Matthew

line, and thence in a straight line between myself and William Matthews  
and Easterly corner to a Pinetree corner at the Pine Party, and thence along

the road from William Matthews to said W. Matthews's house at forked pine  
at that edge of the old field, and by the said forked pine in a north westerly course

to a hickory corner and continuing the same course by the said hickey corner to  
the Post Oak branch, and thence down the meander of said Post Oak branch

and thence in a westerly course to the old road, and thence along the old road  
to the beginning corner near the Cochran house, reserving out of the foregoing corner

one half acre of land, where Wm. D. Phillips house stands, and the Phillip's  
Springs belonging to William D. Phillips Esq. of Athens, and also reserving out

acres for a grave yard, never to be disturbed, which I dedicated as a burying place  
for any of my family that may chance to die.

I give and devise to my daughter-in-law Sarah Derby, widow and her

four children, Burnell D. Elias, C. L. Rebecca A. and Mary C. Derby, and her

grand son William D. Fox, being my great grand son, all constituted in fee simple

the following land, to wit, Beginning in the old road at the corner of a red oak

fence, at or near the Cochran house and running thence in a Southwesterly course

down the old road to Mrs. Edward line, and the same in at Post Oak  
corner, down to the old road to the Pine Party, and thence in a Southwesterly

course down the old road to a red oak corner at the Pine Party, and thence in a  
middle of the South Post Oak of Pine Party to a pine corner adjoining James D.

Matthews; and thence in a westerly course to a red oak corner, and thence in a  
South Easterly course to a Post Oak corner, and thence in a Southwesterly course to a

State corner near the Pine House of James D. Matthews; and thence in a Southwesterly

Easterly course to a Post Oak corner, and thence in an Easterly course to a  
Post Oak corner, and thence in a Southwesterly course to a State corner near the Pine

House of Phillips; and in a Southwesterly course to a Post Oak corner near the Pine

House of Phillips; and in a Southwesterly course to a Post Oak corner near the Pine

House of Phillips; and in a Southwesterly course to a Post Oak corner near the Pine

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House of Phillips; and in a Southwesterly course to a Post Oak corner near the Pine

W.C. Weller  
H.L. O'Neil

and then east at Northwesterly course to a Rock Oak station and corner; and thence at north easterly course to a Stake corner at the Grand Bend; and thence down that old road to William Mattheus corner, being a station; and a rock is also placed there as at corner, thence to a Post Oak; thence east at Northeasterly course in a straight line to Mc-cathy Creek; and thence down the meanders of said Creek to the mouth of Hockholtree Branch, reserving the privilege of ever flowing so much of the land as may be required for the mills provided for the benefit of my sons Everett & Robert herein after mentioned particularly mentioned; and thence up the meanders of Hockholtree Branch to the beginning corner to be thence as long as they lie below it, and if the meanders of said stream do not always belong to those that remain on it, and if they all move away, then the said land is to be divided between my sons Everett and Robert by the following line, Beginning at the big road, at the line near the Cobham house and running at straight line with the line through to Mattheus line, Everett to extend that south to Robert and then North of said line of division.

4th I give and devise to my son Robert Becker in fee simple, the following land, to wit, Beginning on Mc-cathy creek at the upper end of my place of station adjoining William Mattheus and running thence in at South easterly course to a steam corner; and thence northerly course to a Rock oak corner; and thence in at northerly course to a pine corner; and thence still in at northerly course to Black Oak and corner; and thence in at South easterly course to a Rock corner; and thence in at South easterly course to a stake corner; and thence in at South easterly course to the forked Chestnut river corner; and thence in at South easterly course to a Stake corner; and thence in at South easterly course to the Bridge over Mc-cathy; and thence up the meanders of this Creek to the beginning corner.

5th I give and devise to my son Everett & Robert the said mills and Mc-cathy creek with all its appurtenances and the right to ever flow as much land as they may want for water power to be divided by them equally & jointly.

6th I claim the following land to be sold by my executors and the proceeds to constitute a part of the residuum of my Estate, to wit, Beginning at a pine corner near Mrs. Ferrought and running in at north westerly course to a pine corner; and thence in at north easterly course to a Rock line to up the Branch; and thence in at westerly course to a Branch near John Gates House & up that Branch to a white oak corner; and thence in at easterly course to a Rock oak corner, towards Green Hill; and thence in at south easterly course to a pine corner; and thence in at southerly course to a Post oak corner near Mrs. McKey's; thence in at South easterly course to Chestnut River corner; and thence in at westerly course to a Stake corner; thence in at southerly course to the head of Grassy Creek; thence back in at north westerly course to the pine corner, over Grassy Creek; thence back in at north westerly course to the creek again; and thence up the meanders of said Creek to a hickory corner by the top; and thence in at South easterly course to the beginning pine corner containing six hundred and twenty acres, more or less, and lying in the County of Monroe and State aforesaid, except fifty acres of this tract sold by me to John Gates.

8th It is my will and desire that one acre of land where my son William is buried be reserved for a graveyard, and be laid off for that purpose and never be disturbed, for the use of any of my descendants.

I give and  
devise to my  
son Everett &  
Robert Becker  
in fee simple  
the land  
described  
above

and a corner; and  
the Grand Bend; and  
my being a slave; and  
Catt; there is a  
k; and slaves down the  
ranch; reserving this  
be required for the  
Rebels hereafter  
orders of the right before  
of freedom; and if the  
rein on us; and if  
betraying my sons  
at the head road at  
eight miles north the  
South & Rebels and

simple; the following  
ends of my place  
lives in a white  
house; a Red oak  
thence still as far  
as South  
South; eastly; cause  
to cause to a state  
had Chastened now  
times; and then  
y; and then up

East mill and  
left to ever gloom  
and by them equally

told and the process  
of Beginning it; I  
mostly come to  
Nashville & kept  
near John Foster  
and mostly come  
at South eastly  
to East Oak; and  
mostly Pointed  
outly come to that  
hickey comes like  
comes; containing  
County of Ma-  
son by one to

my son William  
that purpose

- 9th I give and bequeath to my daughter Eliza Russell for and during her natural life, and after her death to her Daughters and only child Martha Anne Russell, for and during her natural life with remainder to her child and should she have any; and in the event of my daughter Eliza having other children by her present or any future husband, they each of them and their children with and be upon an equal footing with said Martha Anne and in the event of my daughter Eliza and my grand daughter Anna child of  
thistle my sons Everett & Robert and to my daughter-in-law Sarah H. A. to  
and her four children & grand children making together our locator; the following  
negro slaves, and their increase, to wit Oliver, and his children, themselves  
Margaret & child Alice, Wuldy, Daniel, Lucy, and Marshall, and  
Sarah.
- 10th I also give and bequeath to my said daughter for and during her natural life to wait upon her my negro man Anderson, and after her death Anderson's wife and the proceeds of sale to be an constitutive part of the rest  
sums of my Estate, hereinafter disposed of.
- 11th I will and bequeath to my daughter Delicia O. Lawrence for and during her natural life, and after her death to her children should she have any, and in the event of death leaving no child or children, then to my sons Everett & Robert  
and to my daughter-in-law Sarah H. Park and her four  
grand children making together our locator, the following negro slaves and their  
increase, to wit, Ghetty and his wife Cicely, their children, James, the infant  
Milly, Fanny, Margaret, Oliver, David, Dennis, Dennis,
- 12th I give and bequeath to my daughter-in-law Sarah H. Derby her four  
children and grand children all constituting our locator, shall have all this  
household following negro slaves their increase, to wit, Doctor & his wife Helen  
13th Children, Sarah & her child, Frank, Amanda Barnes a girl, from Boston  
Sall & her children, Eliza, Sophia, Amelia & Sarah; also Will, Ruth, Nancy,  
14th I give and bequeath to my son Everett the following negro slaves their  
increase, to wit, Harry & his wife Charlotte & their children, Mary, their child, Anna  
Marie & her children, Melly & Margaret, Hannah, Stein, Maria, See,  
Richard, Doug, & Will, and also Sam, Lucy, & Linda.
- 15th I give and bequeath to my son Robert the following negro slaves and their  
increase, to wit, Jack & his wife Emily, their children, Pitt, their children, Pitt  
John, Ely & an infant boy Pitt, their children, Pitt, Douce and Rosetta,  
Sue, their children, Frank and George, Rachel their child, Vicy, Charles, Cady  
& Peter, also Harry, Dick, Spy and Caroline.
- 16th I give and bequeath to my son Robert the horses, cows, hogs, plantations  
& ground child, already named & constituting our locator, shall have all the  
horses, cows, hogs, plantations, utensils, & supplies of all sorts together with the  
personal and perishable property & provisions which may be on the place called  
the "Thornes Place" at the time of my death.
- 17th I give and bequeath to my son Everett, the horses, cows, hogs, plantations  
utensils and supplies of all sorts together with all the personal, perishable prop-  
erty, crop, & provisions which may be on the land herein described to him at the time  
of my death.
- 18th I give and bequeath to my grand son Russell O. Derby son of Everett  
Hicky the Negro Marshall & himself the sum of the sum mentioned above.

Sent William R. Derby, Son of Everett Derby, the Negroes Eliza & Bessie, but the children are not to be separated from their mother till they are fourteen years old.

19th I give to Dr. Nathan Wright & to Dr. Holman Church, each, the sum of one hundred dollars for friendship.

20th I give and bequeath to my daughter Titilia C. Fairbanks our dark bay mare called Pege, our Cart & Cart to be selected by herself and her husband, her clothes, upon the same terms I have settled, her other property mentioned in this will.

21<sup>st</sup> I give to my son Robert in addition to what I have already done, in this will, a world mule, choice of moggins, a pair of Crows at birth, bedstead, bedclothes all to be taken from the place I reside.

22<sup>nd</sup> I give and bequeath to my grand son Russell E. Derby, my horse & buggy and my Gold Watch.

23<sup>rd</sup> I give and bequeath to my daughter Eliza Donald a scroll mare, choice Coss & Calf, a bed, bedstead, and bedclothes.

24<sup>th</sup> I hereby direct to set apart the residence where my wife has been recently buried and where I desire my mortal remains to repose till the morning of the Resurrection, not however hereby disturbing the other arrangements.

25<sup>th</sup> I give, moreover & direct all the rest and residue of my Estate real and personal, & of every kind & description, equally, to my two Sons, Everett & Robert, my two daughters Titilia C. Fairbanks and Eliza Donald, and my daughter-in-law Sarah H. Derby, and her four children and grand children constituting one legatee and thus making five equal shares of the residuum, each legatee to hold the same Estate and interest in the residuum as they do in the other property settled to them & each of them, and the share of each in the residuum to follow the same direction and go in the same way as I have directed in relation to the negro Pege, left them & each of them.

26<sup>th</sup> I give and bequeath to my Grandson William R. Derby my single band shot gun, and to my grand son William R. Derby my double barrel shotgun and my will is that those guns do not form any part of the residuum of my Estate.

27<sup>th</sup> I deem it proper to add to this will, that I have made some difference among my children & that I have not followed the rule of equality, fixing it, now my right to do so, and I do it freely and conscientiously, in view of the fact that some of the children have much larger families than others that my daughter Titilia C. has no child, and my daughter Eliza, but one & for whom I have made such provisions as seemed to me proper and I wish my Property Right in my own family due to follow my own blood and not to go to strangers.

28<sup>th</sup> I nominate & appoint my Sons Everett & Robert Executors of this my last will & Testament, thereby revoking all other wills and Testaments heretofore made by me.

In witness whereof I have caused to set my hand & seal this fourteenth day of March 1861

Signed, Sealed & Published as the  
last Will & Testament of Russell  
Derby, in our presence and attested that  
said in his & each other's presence,  
he signing his name by marking  
his mark not only at the end  
of this will, but upon each  
of the four sheets upon which I

it is written and in doing so  
I witness

John E. Wilson

J. G. Gray

Dr. C. Hale

Wm. S. Mitchell

W. S. Okey

Summitt <sup>his</sup> Party Ball  
mark

Georgia Court of Ordinary Regular Term 3<sup>rd</sup> June 1862  
Clark County

Personally appeared in open Court John E. Wilson, Jeremiah G. Gray, William S. Mitchell and William S. Okey four of the subscribers  
to the within and preceding Will of Summitt Hale late of said County  
Deceased who in each say that they have said Testate signature of said  
Instrument and heard him acknowledge the same to be his last Will & Testame  
nt, that at the time of his signing he was of sound and disposing mind and  
memory that they each subscribe the same as witnesses in the presence of each other  
and of the Testator that he being and also in presence of each other  
as a witness in the presence of the Testator at his request.

Signed and Subscribed in J. John E. Wilson

Open Court J. G. Gray

At the Office of the Ordinary Wm. S. Mitchell

W. S. Okey

Whereupon it is ordered by the Court that said Will and probate be  
Recorded in terms of the Law Regular Term June 3<sup>rd</sup> 1862.

At the Office of the Ordinary

Recorded June 3<sup>rd</sup> 1862