

... of us, at his request, and in the presence of each other
have subscribed our names as witnesses hereto.
Registered, August 27, 1866. { See Minute Book
Brooks Campbell. Aray. A. page 53. El
N. B. Warden
S. B. Warden
R. B. Appleton

John Kirk's Will.

In the name of God - Amen. I, John Kirk, senior, of the
county of Cobb and State of Georgia, being of sound mind and memo-
ry, and considering the uncertainty of this frail and transitory life,
therefore make, ordain, publish and declare this my last Will and
Testament - that is to say: First, after all my lawful debts are paid and
discharged, the residue of my estate, real and personal, I give and bequeath
and dispose of as follows: To wit:-

To my beloved wife, Emily, forty acres of land and premises, to in-
clude my present residence, houses, &c. being part of Lot number two hundred
and ninety-two, in the twentieth (20th) section of the second (2^d) section of origi-
nally Cherokee, but now Cobb county - the same to be surveyed so as for the
dwelling house to be in or near the centre of said land - the same to be her
property during her natural life or widowhood, and in the event of her
death or marriage the same (to) belong to my minor children. Also, my
my negro man Anthony given in like manner as the said forty acres of
land.

To my son Thomas, I give and bequeath the sum of one dol-
lar; and to my sons Robert and John each same amount of one dollar.
To my three daughters, Eliza, Susan and Malissa, each one dollar. Also, to
my son Andrew Jackson, the sum of one dollar. To my sons Jasper, James
and Francis, I give and bequeath eighty acres of land each, and to each
of them a horse and saddle. To my four daughters, Malinda, Lucina,
Marine, I give and bequeath

To my beloved wife, Emily, forty acres of land and premises to include my present residence, house, ^{and} ~~being~~ ^{being} part of Lot number two hundred and ninety-two, in the twentieth (20th) district of the second (3^d) section of said township, Cherokee, but now Cobb county - the same to be surveyed so as for the dwelling house to be in or near the centre of said lands - the same to be surveyed so as for the property during her natural life or widowhood, and in the event of (her) death or marriage the same (to) belong to my minor children. Also, my negro man Anthony given in like manner as the said forty acres of land.

To my son Thomas, I give and bequeath the sum of one dollar. To my sons Robert and John each same amount of one dollar. To my three daughters, Eliza, Susan and Malissa, each one dollar. Also, to my son Andrew Jackson, the sum of one dollar. To my sons Jasper, James and Francis, I give and bequeath eighty acres of land each, and to each a horse, bridle and saddle. To my four daughters, Malinda, Lucinda, Julian, Martha and Samantha Catharine, I give and bequeath jointly, a household and kitchen furniture, to wit: one feather bed and bedding, and bed clothes, table, chairs, and common cooking utensils each, as well as a horse, bridle and saddle to each. If there should at my death be more property than herein specified, I direct that it be sold, and an equal distribution be made among all my lawful heirs.

I also request and direct that my daughter, Mary, remain on the premises, and be treated kindly by my wife Emily, and not to want for food, clothing or kind attention during her natural life.

In witness whereof, I have herunto subscribed my name and affixed my seal, the first day of March, 1854.

John Kirks (Jr.)

The above written instrument was subscribed by the said John Kirks, Senior,

in my presence, and acknowledged by him to each of us, and
 the same have published and declared the above instrument
 subscribed to be the last Will, and that intent, and we as Justices
 of Peace, and in his presence have signed our names as witnesses
 thereto.
 In public Session at
 Court Campbell County

J. H. Miller of Court
 J. H. Rogers
 Geo. Smith

State of Georgia? In the Court of Ordinary of said County
 County of Cobb

Whereas there is presented to the Court of Ordinary
 for said County, for probate, in common form, a paper purporting
 to be the last Will and Testament of John Kirk, late of said
 County deceased, and whereas J. H. Rogers is a material witness
 in favor of said Will, and cannot attend our Court
 in person, without manifest inconvenience. And whereas
 that we, referring special trust and confidence in your probity
 and fidelity, have appointed you, and you, or any two or more
 of you are duly authorized and required to cause the said
 Rogers personally to come before you, and after being duly sworn
 to depose him concerning the execution of the said Will, copy and
 to the witnesses hereinunto annexed, and the answers to the same
 being plainly and distinctly written, you are to send the same, enclosed
 up, under your hands and seals, to our said Ordinary, on or before
 first Monday in August next, together with this writ.

Witness my hand as Ordinary, this 33^d day of July
 Geo. Campbell, Ordinary

State of Georgia? In the Court of Ordinary of said County
 County of Cobb

Ex parte - W. H. Hammett, Admr with Will annexed
 of John Kirk, dec - Application to have Will probated

Intenoy atones to be pronounced and exhibited to J. H. Rogers
 one of the attesting witnesses to the paper propounded as the last Will
 Testament of John Kirk, deceased, late of said County of Cobb, and

Witness my hand as Ordinary, this 23^d day of July 1866.
M^{rs}. Campbell. Clerk.

State of Georgia } In the Court of Ordinary of said county,
County of Cobb } Ex parte - W. M. Kammeth. Admr with Will
of John Ricks, dec - Application to have Will probated.

Interrogatories to be propounded and exhibited to J. S. Kammeth,
one of the attesting witnesses to the paper propounded as the last-
Testament of John Ricks, deceased, late of said county of Cobb, and
resides in Columbia county, State of Georgia:

Interrogatory first - Please look upon the paper hereto
need, purporting to be the last Will and Testament of John Ricks, de-
ced, late of said county of Cobb, and state all you know about the
execution thereof. Is or is not your signature thereto genuine? Did
or not sign it in the presence of and at the request of John Ricks,
Testator? Did he or not sign the same in your presence as your
his last Will and Testament? Was he or was he not at that
of sound and disposing mind and memory? Were you or not
timately acquainted with him? How long had you known him?

Interrogatory 2^d - Did you or not see E. R. Mills and
Craw, the other two witnesses, sign said paper as witnesses thereto?
If yes, did they or not also sign said paper in the presence of the
Testator, and at his request in like manner with yourself?

Interrogatory 3^d - Where do the said E. R. Mills and
Craw now reside, and where did they reside when you last
saw or heard from them?

July 23 1866.

Georgia

Wilkes County

Ex parte. No. 16. 16 ammitt. Admr. with Will annexed of John Firk, deceased. Application to have Will probated and recorded. - In Court of Ordinary, Wilkes County, a commission to us directed from the Court of said County named, we have caused J. N. Keggie, the witness in said commission annexed, to come before us, and said witness, to make, to certain interrogatories, depositions and answereth as follows:

To the first-direct-interrogatory, he answers: I saw John Firk sign the instrument of writing in presence of E. R. Kells and Asa Crow, and that my signature is genuine. I signed in the presence of John Firk at his request. John Firk did sign the instrument of writing in my presence as his last Will and Testament. He was of sound mind and disposing mind and memory. I have known him about ten years anterior to the signing of the Will.

He answers to second interrogatory: - I saw E. R. Kells and Asa Crow sign said paper in presence of the Testator, and at his request. The witnesses signed in the presence of the Testator and in presence of each other.

He answers to third interrogatory - I do not know where E. R. Kells and Asa Crow now lives. - the last time I heard from E. R. Kells he resided in Mobile, Ala. and the last time I heard from Asa Crow he resided in the State of Tennessee.

Inwitnessed, subscribed and sworn to before us,
this August 7, 1866 - Benj. P. O'Neal }
Lucius A. Luke } Comrs

J. N. Keggie (S)

John R. Linton's Will