

# Will of Elizabeth Rea

Dooly County Will Bk 1847-1901  
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Georgia } To the Court of Ordinary of said County  
Dooly County } At the December Term 1858

The petition of Newben J. Player sheweth that Elizabeth Rea late of said County on the ninth (9<sup>th</sup>) day of October 1840 made her last Will and Testament a Copy of which is hereto presented to this Court - That soon after the making and executing said last Will and Testament the said Elizabeth Rea departed this life leaving said Will unattested and unrecorded, and your petitioner further sheweth that soon after the death of the said Elizabeth Rea the said Will was duly proven before Allen Waters and Sumner P. Bond Justices of the Inferior Court of said County in Vacation & on the 18<sup>th</sup> November 1840 - and on the first Monday in January 1841 the said Will was duly admitted to record by the Inferior Court of said County when sitting as a Court of Ordinary and a Copy of which probate of said Will & the order admitting the same to record is herewith presented and your petitioner further sheweth that the said Will & the said probate of it as also the order of the Court admitting it to record have all been destroyed by fire in the burning of the Court House, and your petitioner being interested in the provisions of said Will having married Elizabeth Plummer a Legatee in said Will prays this Court by its order to have the said Copy Will probate & order recording the Will here presented established in lieu of said destroyed originals and your petitioner will ever pray &c

Warren & Humphries  
Attys. for Petitioner

State of Georgia } Court of Ordinary December Term 1858  
Dooly County } Whereas it has been shown to the Court that the last Will & Testament of Elizabeth Rea deceased late of said County was duly and legally proven by oaths of two of the subscribing Witnesses to wit Sumner P. Bond and John

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recorded in this Court at the January Term 1841 of this Court and that the said original Will probate and record were destroyed by fire in the burning of the Court House in said County on the day of 1841 Copies of said original Will Probate and record are hereto annexed and whereas a motion has been made to establish the said Copy Will probate and record thereof and admit the same to record in this Court in lieu of said destroyed original Will probate and record. It is therefore ordered by the Court that William S. Hardy of Houston County Administrator of Nathan G. Lewis deceased the former husband of Elizabeth Plummer show cause if any he has in or before the next term of this Court why said motion should not be granted and said Copy Will probate and record be established & recorded in lieu of said destroyed originals and that a Copy of this be served on said William S. Hardy before the next term of this Court.

## Copy Will Probate & Order Georgia Dooly County

In the name of God, Amen

I Elizabeth Rea of said County & State being of sound mind and disposing memory do declare this my last Will & Testament

First It is my Will and desire that my Executors hereinafter named do after my death dispose of all my perishable property and convert the same into money and pay all my just debts.

Second. I do hereby bequeath unto Charles Powell and Arthur Morgan in trust and for the benefit use and behoof of my niece Elizabeth Plummer the following slaves viz. Douglas a man, Anna a woman & Jane a woman and her two children Ann Eliza & Ann Maria.

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Trustees to hold and have the said named property for the benefit and use aforesaid for the lifetime of the Niece Elizabeth Plummer but upon her death without issue then said property to be turned over by the said Trustees to my legal heirs, otherwise if she have issue in such event then to her children

Third, I hereby do nominate and appoint Charles Perce and Arthur A. Morgan Executors to this my last Will & Testament Signed sealed and published this 9<sup>th</sup> Oct. 1840

Witnesses

Elizabeth Rea (S)

J. F. Morgan

Martin Jenkins

James G. Oliver Junr

Georgia Dooly County

Personally appeared before us Allen Waters & Samuel P. Bond Justices of the Inferior Court of said County Jas. G. Oliver and Tomlinson F. Morgan who being duly sworn depose and say that they saw Elizabeth Rea acknowledge sign seal publish and declare this the foregoing writing her last Will & Testament and that they signed the same as Witnesses and that she at the time of sound mind and disposing memory,

Sworn to and subscribed before us this the

18<sup>th</sup> Nov. 1840

James G. Oliver Jr.

Samuel P. Bond J. J. C.

J. F. Morgan

Allen Waters J. J. C.

State of Georgia Dooly County

Court of Ordinary January Term 1841

Whereas The last Will & Testament of Elizabeth Rea has been proven legally to the satisfaction of the Court by the oaths of James G. Oliver & Tomlinson F. Morgan two of the subscribing Witnesses to said - It is therefore ordered and adjudged by the Court that the said last Will & Testament

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enter the same upon the record of this Court.  
Recorded 5<sup>th</sup> January 1841

Georgia.

Dooly County

Reuben N. Payer

vs.

William S. Hardy  
Objector

December Term 1858

Motion to establish the Will of  
Elizabeth Rea

In Dooly Court of Ordinary.

And now comes William S. Hardy the Objector by his Attorneys at law Mungen & Delagrèffenois and says that the Will sought to be set up as the last Will and Testament of the said Elizabeth Rea is not the last Will and Testament of the said Elizabeth Rea neither did she at any time while in life make an original of which the one now before the Court purports to be a Copy Will, neither was any original of the Copy Will now in Court ever brought into the Inferior Court while sitting as a Court of Ordinary for probate and record neither was said original Will ever admitted to record before the Inferior Court of Dooly County while sitting as a Court of Ordinary, neither has there ever been any Judgment of Court admitting any original paper as the last Will & Testament of the said Elizabeth Rea (alias Elizabeth Rea) neither was any such paper ever made by the said Elizabeth and attested by J. F. Mergen, Martin Jenkins and James G. Oliver Senior, and of this the said Objector prays the judgment of this Court.

Mungen & Delagrèffenois  
Objectors Attys.

And the Jury find that the within Copy Will is a true Copy of the last Will and Testament of Elizabeth Rea and the original of which has been burnt and which Original Will has been proven and admitted to record in the Court of Ordinary of Dooly County since which it has been burnt.

William S. Hardy

# Will of Elizabeth Nea.

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Reuben Plager Trustee &c.  
vs.

Wm. S. Hardy Adm'r de bono non  
of Nathan G. Lewis dec'd.

Georgia Deedy County  
Motion to establish Copy of the  
last Will & Testament of  
Elizabeth Nea in lieu of  
the original which has been burnt

Appeal from the Court of Ordinary of Deedy County

By the Court.

OCT. Term of the Supr. Court of Deedy County 1860  
The Special Jury who have at this term of this Court  
heard this case having so found. It is ordered adjud-  
ged and decreed by this Court that this Copy Will of the  
last Will & Testament of Elizabeth Nea late of Deedy County  
deceased together with this Probate and this order admitting  
said Will to record all hereto attached be and the same  
are all hereby established in lieu of the original last  
Will and Testament of the said Elizabeth Nea deceased  
which has been burnt since its probate in & order  
admitting to record by the Court of Ordinary of Deedy County  
& that the Copy probate and order admitting said Will to  
record in said Court be also established in lieu of the  
lost originals which have also been burnt in the burning of  
the Court House of said County. And it is further ordered  
by this Court that the proceedings in this Court be placed in  
the minutes of this Court and the proceedings in this Court  
in relation to this case & all the papers in this case be  
transmitted by the Clerk of this Court to the Ordinary of this  
County to be recorded by the said Ordinary in the office of  
said Ordinary the said Copy Will in lieu of said original  
Will & the said probate and order admitting said Will to  
record be recorded as the original Applicant of probate  
& as the original order of the Court of Ordinary of Deedy  
County admitting said Will to record. And that the said William  
S. Hardy Adm'r de bono non of Nathan G. Lewis pay the cost  
in the premises & that the Clerk of this Court