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Will of John H. Gray dec'd Recorded in 1857

Elbert County, Georgia Wills 1836 to 1860

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I John H. Gray of the County of Winston and State of Mississippi being of Sound mind Memory and understanding do make and publish this my last Will and Testament hereby revoking and making Void all former Wills by me at any time heretofore made First I Give devise and bequeath to my Wife Mildred W. Gray all and singular that property and Estate real and personal to gether with the Increase thereof which belonged to her and of which she was possessed at the time of our Marriage The said

Estate herein and hereby devised and bequeathed being a certain plantation situated on Beaver dam Creek Near the Savannah River in Elbert County in the State of Georgia to gether with all and singular the negro Slaves and their increase and the Stock and ~~the~~ other property and effects to the said plantation appertaining and belonging and I hereby will and declare that the devise and bequeath hereby and herein made as aforesaid to my said wife Mildred W. Gray are by me meant and intended to be in lieu bar and satisfaction of all and every Claim and demand of Debtor or other Claims and demand whatsoever on my Estate real or personal which she could or by law might have at the time of my decease of in or to my said Estate real or personal or any part thereof

Second I give devise and bequeath unto my son William Henry Gray and my Daughter Nancy Elvira Hudson Narcissa Eliza Potts and Martha S. Hudson all and singular my other real and personal Estate and effects whatsoever and where so ever of which I am now possessed and to what which I may have any right Claim or demand at law or in Equity at the time of my decease to be divided Equally between and amongst my said son and Daughters share and share alike lastly I do hereby Make Nominate and appoint My son William Henry Gray and my Son in law Robert S. Hudson Executors of this my last Will and Testament in Witness Whereof I the said John H. Gray have to this my last Will and Testament set my hand and seal this the Twentieth

day of September in the year of our Lord one thousand eight
hundred and fifty

Elbert County, Georgia Wills 1836 to 1860

Signed and sealed and attested in

J. H. Gray Seal

presence of us who in the presence of the
said John H. Gray and the presence
of each other have hereunto set and
subscribed our names as witnesses
hereunto the day and date above written

J. B. Grosley
Jno H Hardy
James M Bowen

Codicil

I John H. Gray of the County of Winston and State of
Mississippi do make and publish the following Codicil to
my Will in manner and form following that is to say
Whereas I have in the Second Item of my Will devised the
residue of my Estate real and personal to be Equally divided
between all my Children Now it is my Will and desire
that if any of my Children should die without any legal
Male descendants there it is herein provided that the property
to which they may be entitled under the said Second Item
of my Will shall go to and distribute amongst my then surviving
Children share and share alike and it is further my Will
and desire if any of my Children should die leaving issue then
that such issue or descendants shall take the parts of my
Estate their Father or Mother as the case may be would have
taken had he or she survived it is further my Will that if
the Executors named in the last Item of my Will should die before
the Execution thereof and in that case I appoint my Senior
Law Dr H. S. Potts & Edward M. Tilden my Executors of
Tuladaga County Alabama of this my last Will and Testa
ment in Witness Whereof I have hereunto set my hand and
seal to this my Codicil written with my own hand
May 7th 1832

J. H. Gray Seal

Agreement

The State of Mississippi ^{County, Georgia Wills 1836 to 1860} by These presents
 Winston County ^{www.georgiapioneers.com} that for Mildred W Gray widow
 of John H Gray late of said County & said State deceased
 Robert S Hudson and Nancy Eliza Hudson Edward M
 Hudson and Martha S Hudson Hugh S Potts & Narcissa
 E Potts & William H Gray heirs distributives & Devisers
 of John H Gray deceased do hereby to avoid delay
 Trouble and Expense mutually and firmly covenant and
 agree that a certain Instrument of Writing bearing
 date September 13th 1850 signed by John H Gray and
 purporting to be witnessed by Joseph P Bosley John H Hardy
 & James M Cowen and to be the last Will and Testament
 of said John H Gray and also a certain Instrument
 of Writing attached thereto in the hand writing of the
 said John H Gray dated May the 7th 1852 and purporting
 to be a Codicil to said Will may be fully Established
 & admitted to record in the Probate Court of said County
 upon proof of the Execution of the said original Will
 by the two Witnesses John H Hardy and James M Cowen
 and the said Joseph P Bosley residing and being in
 the State of Louisiana and being unable to get his
 probate of said Will without delay Trouble Expense
 and danger of losing said Will we do severally and jointly
 agree that his Testamentary and probate of said Will may
 be and shall be disposed with entirely that the probate
 of said Will by the other two Witnesses shall be taken
 & held for valid and effectual as much as if proven
 by all three of the witnesses thereto and that we admit
 that said Gray signed and published said Instrument
 as his last Will and Testament that he did so at the
 date thereof that he was then of sound mind and
 disposing Mind & Memory that he did so without Fraud
 or undue influence and that it is truly his last will
 & Testament and should be so held declared and
 recognized and we desire & pray The Probate Court of Winston
 County to Establish the Same June 13th 1858

Edw M Hudson
 Mary H Gray
 Robt S Hudson
 Mildred W Gray

(Seal)
(Seal)
(Seal)
(Seal)

Elvira A Hudson
 Martha S Hudson
 H S Potts
 Narcissa S Potts

(Seal)
(Seal)
(Seal)
(Seal)

The State of Mississippi } Personally appeared before me William G
Winston County } of the Probate Court of said
County the within Edw M Hudson and
his wife Martha S Hudson Robert S Hudson and his wife Elvira
N Hudson Mildred M Gray William H Gray Hugh S Potts and
his wife Narcissa E Potts who severally acknowledge that they signed
sealed and delivered the within and foregoing instrument of writing
on the day and year within mentioned as their act and deed and the
said Martha S Hudson and Narcissa E Potts and Elvira S Hudson
on a private examination by me separate and apart from their
Husbands acknowledging they signed sealed and delivered said
instrument of writing as their voluntary act and deed freely
without any fear threats or compulsion from their said
husbands or otherwise Given under my hand and seal of office
at Louisville this 10th day of June A.D. 1858

William G Hudson Clerk

The State of Mississippi } I William G Hudson Clerk
Winston County } of the Probate Court of said
County do hereby Certify that this last foregoing instrument
of writing was duly recorded on the 6th day of July
A.D. 1859

William G Hudson, Clerk.

The State of Mississippi } In the Probate Court of said
Winston County } County at the June Term A.D.
1858 in the Matter of a certain Instrument of Writing
purporting to be the last Will and Testament of John
H Gray deceased he it remembered that at a Term of
the Probate Court of the County of Winston in the State
aforesaid begun and held at the Court House in and
for said County on the second Monday in June in the
year of our Lord one Thousand Eight hundred and
fifty Eight personally appeared in open Court John
H Hardy and John M Cowan two of the subscribing
Witnesses to a certain Instrument of Writing purporting
to be the last Will and Testament of John H Gray late
of said County dec^d bearing date the 13th day of September
A.D. 1850 who having been ^{first} duly sworn deposed and said
that John H Gray signed sealed published and declared
said instrument as his last Will and Testament

182) in the presence of these deponents on the day of the date thereof that ^{Elbert County, Georgia Wills 1836 to 1860} ~~the~~ ^{www.georgiapioneer.com} Mind and memory were then twenty one years of age and that these deponents subscribed said instrument as witnesses thereto at the instance and request and in the presence of the testator and also in the presence of each other on the day and year aforesaid
Sworn to and subscribed in open } Jno H Hardy
Court this 16th day of June A D 1858 } J M Cowan
William G Hudson CLK

The State of Mississippi } John H Hardy & James M
Winston County } Cowan this day make and
that they are well acquainted with the hand writing of John H Gray late of said County deceased and that a certain instrument bearing date ~~the~~ May 7th 1852 attached to the original Will of said John H Gray dated September 13th 1850 and purporting to be a codicil to said last Will and to be signed by said John H Gray is in the hand writing of said John H Gray and that the signature thereto is in his hand writing and seems to us to be his genuine signature
Sworn to and subscribed before me } Jno H Hardy
in open Court June 16 1858 } J M Cowan
William G Hudson, CLK

In the Matter of a certain Instrument } Probate Court
of Writing purporting to be the last will } June Term
and Testament of John H Gray deceased } A D 1858
Upon reading and filing the petition duly verified of Robert S Hudson and William H Gray for Probate of a certain instrument of writing heretofore and alleged to be the last will and Testament of John H Gray deceased late resident of Winston County and for letters Testamentary thereupon and on taking and recording this testimony of John H Hardy and James M Cowan two subscribing witnesses thereto the Court after hearing all and singular the proofs and allegations adduced pro and con and submitted and maturely considering the same being now satisfied that said instrument is fully and legally established as the true and original last will and Testament of the said John H Gray deceased and that

The Said John H Gray was on the day of the date of said will that is to say on the 13th day of September in the year of our Lord one thousand eight hundred and fifty of lawful age to devise and of sound disposing mind and memory and understanding and of right and in law entitled to make said will it is thereupon ordered adjudged and decreed that the said instrument of writing be admitted to probate and record as the true and original last Will and Testament of the said John H Gray and it is further considered and ordered and decreed

on Motion of the said Robert S Hudson and William H Gray that letters Testamentary of said last Will and Testament be granted to them the said Robert S Hudson and William H Gray on their taking the Oath prescribed by the Statute and entering into Bond in the sum of Two ~~Thousand~~ ^{Thousand} Dollars with Hugh Potts & Edward M Hudson as their securities and it is further ordered that John H Hardy James M Cowan and John Cantor be appointed appraisers to Value and appraise the Goods Chattels and personal Estate of said Testator which is in the County of Winston and it is further ordered by the Court that E A Erwin Harston and D Lade be appointed appraisers to Value and appraise the Good Chattels and personal Estate of said Testator which are in the County of Lincoln and that Warrants Issue in this behalf according to the Statute

The State of Mississippi } Probate Court September
Winston County } Term 1859
To the Honorable Probate Court of said County & State
The Petition of Mildred M Gray
Widow of the late deceased John H Gray pray you Honor
to allow and amend the form of the proof of the will
of John H Gray deceased so as to make it read where
The witnesses John H Hardy and James M Cowan
Testify that they signed and subscribed said instrument
as witnesses thereto (viz) and that these deponents together
with Joseph P. Crosby subscribed said instrument as
witnesses thereto at the instance and request and in the
presence of said Testator and also in the presence of each other

183 on the day and year aforesaid
Swereto and Subscribed in open
Court this 12th day of September
A.D. 1859
E.D. Hyde Clerk

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www.gutenberg.org/ebooks/1836

Mildred W Gray
J. H. Yarborough

The State of Mississippi }
Winston County } In the probate Court of said County
at the September Term thereof 1859 In the matter of a
Certain Instrument of Writing purporting to be the last
Will and Testament of John L. Gray deceased Be it
remembered that at a Term of the Probate Court of
Winston County and State aforesaid on the Second
Monday in September A.D. 1859 personally appeared in
Open Court John H. Hardy and James McLowan
Two of the Subscribing Witnesses to a Certain Instrument
of Writing purporting to be the last Will and Testament
of John L. Gray late of said County deceased bearing
date the 13th day of September 1858 Who having been
first duly sworn depose that on oath and faith that
said John L. Gray signed sealed published and
declared said Instrument as his last Will and Testament
in the presence of these deponents and in the presence of
Joseph P. Crosby the other Subscribing Witness
on the day of the date thereof that said Testator was then
of sound disposing mind and memory and was then
Twenty one year of age and that these deponents to
gether with Joseph P. Crosby subscribed said Instrument
as witnesses thereto at the instance and request and in
the presence of said Testator and in the presence of each
other on the day and year aforesaid
Swereto and Subscribed before me in }
Open Court this 13th day of Sept. A.D. 1859 }
E.D. Hyde Clerk } Jno. H. Hardy
J. H. Lowan

The State of Mississippi }
Winston County } In the probate Court of said
County at the September
Term thereof 1859
Be it remembered that at a Term of the probate Court
of the County of Winston and State aforesaid begun
and held at the Court House in and for said County on the
Second Monday in September in the year of our Lord

one Thousand Eight hundred and fifty nine among other
orders and decrees then and there made was one in the following
words and figures to wit, in the matter of the petition
of Mildred M Gray per J M Garbrough for amendment of
the records of the probate court of said county in the matter
of the probate of the will of John H Gray deceased and to
have shown John W Hardy and James L Cowan two of the
subscribing witnesses to said last will and Testament of John
H Gray deceased have this day in open court testified that
Joseph P Crosby the other subscribing witness to said
Instrument signed the same in the presence of these deponents
and in the presence of the Testator as a witness there to on the
day of the date thereof It is thereupon ordered and decreed
and his honor the Judge of Probate doth order and decree
that said Instrument as prayed for in said petition
be made and that said petition and proof together with
this order become a part of the record in this behalf
ordered adjudged and decreed this 13th day of September
A D 1859

The State of Mississippi } I E D Hyde Clerk of the
Winston County } Probate Court of said County
do here by certify that the foregoing three pages contain a
true and perfect Transcript of the original proceedings
had in the above stated case as full and complete as the
same remains of record on file in my office given
under my hand and Seal of office at Louisville
Miss the 16th day of September A D 1859

E D Hyde Clerk

The State of Mississippi } I Nathan Taylor Judge
Winston County } of the Probate Court
of said County do and presiding the same being a court
of record do here by certify that E D Hyde whose official
signature appears to the foregoing Certificate is and was at
the date thereof Clerk of said Court duly elected Commissioner
and qualified and as such all his acts and ought to be
entitled to full faith and credit in Judication and Testament
Given under my hand and Seal this 16th day of
September A D 1859 Nathan Taylor Judge

Recorded the 8th Nov 1859 Judge of Probates
W H Edwards ordinary