

Will of John Batte.

In the name of God, Amen. - I John Batte, of the County of Lee, and State of Georgia, being of sound and disposing mind and memory, and being desirous to settle my worldly affairs, which I have thought to do, do make and publish this my Last Will and Testament; hereby revoking all wills by me at any time heretofore made, -

And First, I commend my soul to God who gave it, and my body I desire to be buried in a decent and Christianlike manner, & my worldly Estate I dispose of as follows: -

Item 1st = I desire that my just debts be paid by my Executors hereinafter appointed, -

Item 2nd I give and bequeath all my lands and stores East of Muckalee Creek to my daughter Mittie Batte, my son J. G. Batte, my daughter Lula Batte, and my daughter Willie Batte, equally divided between them at my death.

Item 3rd = I give and bequeath to my beloved wife Mary Batte, all my property west of Muckalee Creek, including my Smithville property, consisting of House and Lot, and all out Buildings, ^{Lee County Wills 1854-1891} ^{www.georgiapioneers.com} said Lot containing four acres, & store house, and the lot on which said store house stands, and my plantation known as the Possum track place, containing three hundred and seventy five acres, more or less, together with my horse and buggy, and two mules, and all my stock of Hogs and Cattle, to have and to hold during her natural life, and at her death, I will and desire that my beloved wife equally divide the property among all my

Item 4th = Children - Item 5th - I hereby constitute & appoint my beloved wife Mary Batte, my sole executrix, to settle up all my worldly affairs. - In witness whereof, I, the said John Batte, to this my will consisting of the foregoing sheets have set my hand and seal, this the 9th day of April, 1877, - John Batte. L.S.

Signed, sealed, published and declared by the above named John Batte as his Last Will and Testament, in the presence of us, who at his request in presence of each other, have subscribed our names as

{ E. D. Watson
W. B. Jennings.
Do Attest.

M. L. Watson

Will of John Batte, Continued.

Georgia: In the Ordinary of said County June Term 1878.
 Lee County: The petition of Mary Batte, respectfully sheweth that John Batte, late of said County, departed this life testate, on the 19th day of May 1878, leaving a Will, & appointing your petitioner as Executor of the same, that said Will, she truly propounds and prays that the same be proved in Common-Form of Law, & filed in the office in said Court. - June 24th 1878.

Georgia: The Court of Ordinary June Term 1878.
 Lee County: Whereas, Mary Batte, shews by her petition that John Batte, late of said County, died testate, on the 19th day of May, 1878, and appointed by Will her as Executor of his last Will and Testament, and whereas said petitioner now brings said Will, and offers the same for proof in Common-Form of Law, & having introduced W. S. Jennings, who being sworn says, that he saw ^{Lee County Wills} ¹⁸⁵⁴⁻¹⁸⁹¹ ^{www.georgiapioneers.com} said Will in the presence, and in the presence of the other witnesses, that said witnesses signed the same at his request and in the presence of the other witnesses, E. D. Nation and De Alva Whitaker, and whereas, petitioner and Testator are related to the Court of Ordinary within the fourth degree of Consanguinity, he being the son of both. It is therefore ordered that said final hearing be carried to the Superior Court of said County, to be held, in and for said County, on the 2nd Monday in November next, and in the meantime said Will, be admitted to probate in Common-Form of Law, in so far as the Law provides in such cases, and that Temporary Letters of Executorship be issue to said petitioner. Witness my hand and seal, this June 24th 1878. - J. W. Batte,

Ordinary.

Filed in Clerk's office Superior Court Lee County Ga. Novr 1st 1878, James Morgan Clerk.

By Consent of all parties to the above stated case, & by leave of the Court, this proceeding is to be treated as a motion to propound the Will of John Batte

Will of John Batts, Controversy,

State of said County, deceased, in Solemn Form of Law, due notice having been given to all the Children and Representatives of Children of said deceased, amendment allowed by virtue of the agreement made by the parties December 1st 1878, Hereto attached, -
Mary Batts, Propounder

vs. } Motion to probate Will,
J. L. Batts, W. B. Paul, } & Caveat - Appeal from
et al. Caveators. } the Court of Ordinary,

The above stated case having been brought on appeal by Consent, from the Court of Ordinary, it being a Motion to prove the Will in Common Form of Law, and due notice having been given to the heirs-at-law of the Testator; therefore, agreed by the parties, that said application shall be considered, & treated as an Application to prove said Will in Solemn form of Law, and that the March Term 1879, be considered as the Return of said case, It is further agreed that the Caveat shall be considered as filed to a probate in Solemn Form, with the right of both parties to amend the pleadings to conform to the new issue, -

Ordered accordingly,

C. F. Crisip.

J. S. C. S. M. C.

H. H. Pope,

W. A. Hawkins,

attys. for Caveators,

Jas. Dodson,

G. W. Hamrick,

attys. for Propounder

State of
Georgia
County of Lee

To S. E. Haynes, formerly S. E. Batts, Mary M. Haynes, formerly Mary M. Batts, Amanda Paul, formerly Amanda Batts, A. W. M. Haynes, formerly A. W. Batts, Joseph L. Batts, J. Waller Batts, Oriska Pearson, formerly Oriska Batts, John Batts, Mittie Batts, Linda Batts, and Willie Batts, Children, and Sarah E. John L. - North H. & Leah J. Paul, Grand-Children of John Batts deceased: - You are hereby notified, that I have offered the Last Will and Testament of John Batts, late of said County, deceased, for Probate in Solemn Form of Law in the office of the Ordinary of said County, that said Ordinary being related to the Testator, the case will be heard by appeal in the Superior Court of said County.

Will of John Batts, Controversy.

at the March Term 1879.

Mary Batts, Executrix, vs. Jas. Dodson, L. M. Warwick, Attys. for proponent.

We acknowledge service of the within notice, and waive all irregularity as to the form of the proceeding. Feb'y. 13th 1879. (Signed) De Alva Main, J. L. Batts, Orisca Revocch, J. H. Watson, attys. for J. L. Batts, J. M. Batts, Amanda Paul, Mary M. Graves, Sarah E. Haynes, formerly Sarah E. Batts.

I hereby certify that I served Willie B. Batts, Tallahassee Batts Willie J. Batts personally with a copy of the within notice, Feb'y. 12th 1879, and also served Sarah Colver, formerly Sarah Paul, Nora Paul, Ella Paul, & John Paul, personally with a copy of the within notice.

Feb'y. 18th 1879. J. L. Batts.

In the matter of Mary Batts,

Proponent of Lee County Wills

1854-1891

Testament of John Batts, deceased.

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Ex parte &c. -

Dec. Sup. Court, Nov. Term 1878.

Appeal from Court of Ordinary.

And now comes at this the first Term of said Court, W. B. Paul, as next friend for & natural Guardian of his Children, who are Grand-Children of said Batts, to-wit: Sarah E., John L., Nora A., - Lulah J. Paul, and J. L. Batts, who object to the probate of said Will, & the entering the same on Record, & for cause of said objections, say: - 1st: That the Will offered for probate is not the Last Will & Testament of said John Batts, - 2nd: That said John Batts was at the time of the execution of said Will offered for probate, not of sound & disposing mind, but his mind was so far gone & so unsound as to render him incapable of executing any Will, or of disposing of his property legally. Wherefore they say that said will should not be probated and admitted to Record, and of this they put themselves upon the Country, -

J. H. Watson, Hawkins & Hawkins, D. H. Pope, Objectors Attorneys

(over)

Will of John Batto, Continued.

State of Georgia, Before W.B. Paul, do swear that the facts stated in the foregoing caveat are true, to the best of your knowledge and belief, So help you God, Given to & subscribed before me

November 12th 1878. - W.B. Paul,

James Morgan, Clerk S. C. Lee Co. Ga.

Filed in Office November 12th 1878.

James Morgan, Clerk S. C.,
The Jury find in favor of the Will against
the Caveat. - E.B. Powell, Foreman,

Mary Batto, Propounder, appeal from the Court of
Ordinary, Lee Superior
W.B. Paul, Caveator, Court Nov. Term 1881.

Verdict in favor of the Will.

Whereupon it is ordered & adjudged by the Court, that the paper
propounded as the last Will & Testament of John Batto, late of said County,
deceased, be & the same is hereby set up & established as the last
Will & Testament of said deceased, in solemn form of Law, & the

Clerk of this Court is hereby ordered to transmit the same to
the ordinary of said County, that the same may be recorded in said
office, in terms of the Law, & that propounder recover of caveator
the costs in said case. - Judgement signed Nov.
12th 1881. G. W. Harwick, Jas. Dodson, attys for Propounder,

Mary Batto, Propounder, Lee Court of Ordinary
vs. Jany, Term 1882, on appeal, in
W.B. Paul, Caveator, The Superior Court of said County.

Ordered by the Court, that the Judgment of the Superior Court of
said County admitting the will to Record, be made the Judgment
of this Court, & the Clerk of this Court is hereby ordered to Record
the Judgment in said case, on the Record of this Court,
and that he Record the Will in the "Book of Wills".
And he it further ordered that Letters of Executorship
issue at once to Mary Batto, the person named in
said last Will & Testament of John Batto, deceased. -
January 16th 1882. - J. A. C. Edwards,

Ordinary,
Recorded in Ordinary's Office Lee County, Ga.
January 18th 1882.

James Morgan,
Clerk Ordinary.