

Georgia
Mitchell County

3 The last will testament of Malinda Ryals in the name of God
3 Amen I give and bequeath my land (that is fifty acres of land
off of the south east corner of lot of land number three
hundred and thirty three in the eleventh district of said
County) to William Smith (that is) I have devised to give
William Smith my fifty acres of land after my death
Acknowledged and delivered by Malinda Ryals as her will
Witnessed by us at request and they signed by us in the presence
of each other This 15th day of September 1876

James M^W Scarborough
Sarah C^W Cumbe
Martha L^W Ashley
Elyse J^W Dodson

Georgia Mitchell 3 In person came James M^W Scarborough
County 3 Sarah Cumbe Martha Ashley and
Elyse Dodson and on oath said that
this writing contains the last request and verbal disposition
of the real estate of Malinda Ryals deceased and is just
and true in all of its parts and we were present at the
speaking thereof and this speaking was during her last illness
I swore to and subscribed before me This the 13th day of December, 1876

James L^W Stewart Orly James M^W Scarborough
Sarah C^W Cumbe
Martha L^W Ashley
Elyse J^W Dodson

Orin Howard 3
Isaac Howard 3 Application to the Court of Ordinary & Probate
vs 3 nun Ex parte will of Malinda Ryals Dec
Smith 3 Term 1876 and
Circuit

And now at this term the will of Malinda Ryals being brought
before the Court for probate Orin Howard & Isaac Howard
being heirs at law of said Malinda Ryals come & unless their
Caveat against the probate thereof upon the following grounds
to wit: 1st For that said Malinda Ryals at the time of the
said pretended promulgation of said will did not file the
person present - ~~on day of~~ or any of them bear witness that
was her will in testimony of said Bonds 1870 to 1916
2^d For that the said will as set forth in said will that
she had intended to give said property to said Smith is not a

non Capitation will as it does not declare a gift or bequest, as the statute require

3^d That the said Malinda Ryals at the time of making said pretended Will was not of sound and disposing mind or memory

4th For that said Will has not within thirty days of the death of the said estate been reduced to writing as required by Law

5th For that, the witnesses of said will are not set forth neither have they sworn as required by law

6 For that, the said Malinda Ryals did not execute said ~~Will~~ pretended will fully and voluntarily but by undue influence and persuasion

7th For that also the mind and memory of said Malinda Ryals at the time of the promulgation of said pretended will was exceedingly imbecile and weak and does fraudulently practices were employed by interested person to induce her to make the same and willed disposition of her estate as contained in said pretended will

And all this the Carators are ready to prove wherefore they the Judgement of the Court &c

H Morgan City for Clerk

Ordinary Court Dec Term 1876

Owing to the necessity of the personal attendance of the Superior Court now in Session by ~~the~~ the proctoring the non Capitation will of Malinda Ryals of said County is continued until next week

Dec 13th 1876

Dec 4th 1876

Filed in office

Dec 4th 1876

J L Stewart

for J Bradford

City for non Court

Gas H Spence

Car City

Records in office
Jan 23rd 1877