

Noncupative Will of Benjamin B. Fontaine
 State of Georgia Muscogee County, Georgia Wills 1862-1875
 Muscogee County I Mr. Henry D. Miigs, James H. Shorter, and Peter H. Alexander
 were present on the evening of the fifteenth day of November, in the year of Our Lord One Thousand Eight hundred and seventy, at the residence of Benjamin B. Fontaine married man at and before the time of his death the same being in the City of Columbus in said County and state. About five hours before his death in perfect possession of his mental faculties as appears to us, said Benjamin B. Fontaine in the presence of the undersigned, called upon his brothers hereinafter named and upon James H. Shorter and Peter H. Alexander to take notice of what he was about to say; when he declared it to be his will.

1. That his brother Theophilus B. Fontaine Francis Fontaine and George W. Fontaine, should act as his Executors, and that all his just debts should be paid;

2. That his property in plantations should be sold as soon as the same could be done advantageously, if possible within six months. If however this could not be done during the present year, then the property might be rented for one year, at the expiration of which, should the property still remain unsold, he wished the stock, provisions &c disposed of and the lands rented for a stipulated sum. But should it be found not possible to rent such property on advantageous terms, unprovided with stock, provisions &c, then he authorized his Executors to retain the same until in their best judgment it would be wise to sell it;

3- That as soon as his landed estate was sold, the proceeds of the same should be invested in bonds and other good securities - that he would not object to the investment of a portion of said proceeds in a store house and dwelling - and that the interest and income arising from all sources should be paid over to his wife Mary E. Fontaine, for the support of herself and his two children, And further..

4. That it was his will that his said wife and children should have all his property of whatsoever kind, and that the same should be divided among them when the youngest child became twenty years of age.

In two hours after which the said Benjamin B. Fontaine became unconscious, and in three hours thereafter he died - all of which occurred at his residence and during his last illness.

This December 10. 1870

Henry D. Miigs
 Francis A. Stanford
 James H. Shorter
 Peter H. Alexander -

Georgia } Court of Ordinary in and for
 Muscogee County } said County January Term 1871-
 In the matter of ^{Muscogee County Georgia Wills 1862-1875} ^{www.georgiapioneers.com} the Noncupative Will of Benjamin B. Fontaine deceased, late of said County, Theophilus S. Fontaine one of the Executors named in said Will, having petitioned said Court to admit said Will to Probate and record, and it appearing that the said Benjamin B. Fontaine died leaving a Widow, Mary E. Fontaine and two children to wit: Mary E. and Bennie B. Fontaine which said children are minors, and the words said to have been spoken by said deceased having been reduced to writing and signed by four Witnesses to wit: Henry V. Meigs Francis A. Stanford James H. Shorter, and Peter W. Alexander and the said Witness being duly sworn, do upon their oaths declare and say as follows:

Francis A. Stanford sworn, says that he resides in the city of Columbus the County of Muscogee & state of Georgia and is forty four years old. was well acquainted Benjamin B. Fontaine deceased, late of said County, that he is a practicing physician, that he attended him during the last of his illness, that he died at three oclock in the morning of the 16th of November 1870, in the City of Columbus and State of Georgia, and at his own residence in said city that he has been well acquainted with said deceased for twenty years, On the evening before the death of Mr. Fontaine he stated that his desire was that his property and real estate should be sold and disposed of as soon as it could be done without too great a sacrifice, and the proceeds to be invested in good bonds, or good city property would not be objectionable; this for the benefit of his wife and children, if however this could not be sold advantageously, the property might be rented for one year, his desire was that the property should be held in common until his youngest child should arrive at the age of twenty years; That he was called upon by the testator and Henry V. Meigs James H. Shorter and Peter W. Alexander and in the presence of these witnesses to bear witness that such was his last Will and Testament, that at the time of making such statements his mind was perfectly clear that he spoke them freely without any undue influence or compulsion whatever.

Sworn to in open Court before Francis A. Stanford
 on this 2^d day of January 1871
 John W. Dyer
 Ordinary

Peter H Alexander sworn says: that he resides in the City of Columbus in the County of Muscogee Georgia that he is forty eight years old was well acquainted with B B Fontaine in his life time that he had known Mr Fontaine four years, that said Fontaine departed this life in the City of Columbus in the County and State aforesaid on the 16th day of November 1870 at his own residence in said City that on the night upon which said Fontaine died and some few hours before his death this deponent, Henry W Meigs Francis A Stanford and James H Shorter were together in the room of Mr Fontaine when he was lying very ill, that Mr Fontaine made certain statements and declarations to which he desired the said persons present to take notice and remember as his last Will. That said declarations were substantially the same as those now here shown to the Court in writing. That said declarations were reduced to writing within thirty days after they were spoken as aforesaid, and signed by the aforesaid Witnesses; that at the time of making said declarations said Fontaine was of sound and disposing mind and memory that he did it freely and of his own accord without any undue influence or compulsion and that he declared the same to be his last Will.

Sworn to & subscribed in open Court before me this 2^d day of January 1871
John W. Duer Ordinary

Peter H. Alexander.

Henry W Meigs sworn says. That he resides in the City of Columbus County of Muscogee and State of Georgia, is 47 years old was well acquainted with Benjamin B. Fontaine deceased, that on the day of the death of said Benjamin B. Fontaine this deponent, James H Shorter, Francis A Stanford and Peter W. Alexander were in the room when Mr Fontaine was lying very ill, that Mr Fontaine declared in substance the words contained in the paper now here to the Court shown and desired said persons to take notice that it was his will, that subsequently to wit; in two hours after which the said Benjamin B. Fontaine became unconscious and in three hours after he died, all of which occurred at his residence and during his last illness.

Sworn to and subscribed in open Court this 2^d day of January 1871
John W. Duer

Ordinary

Henry W Meigs

James H Shorter sworn declares and says That he resides in the City of Columbus in the County of Muscogee and State of Georgia is 27 years old, was associated with Benjamin B Fontaine deceased, that on the day of the death of said Benjamin B Fontaine this deponent Henry V Meigs, Francis A. Stanford and Peter W Alexander were in the room when Mr Fontaine was lying very ill. that Mr Fontaine declared in substance the words contained in the paper now her to the Court shown, and desired said parties to take notice that it was his will that subsequently to wit: in two hours after which the said Benjamin B Fontaine became unconscious, and in three hours thereafter he died all of which occurred at his residence and during his last illness -

Sworn to and subscribed in open

Court this January the 2^d 1871

John M Duer

Ordinary

James H Shorter

State of Georgia Muscogee County.

In person appeared before me a Justice of the Peace, in and for said County, Henry V. Meigs, Francis A. Stanford, James H Shorter and Peter W Alexander who being duly sworn say that this writing contains the last requests and verbal disposition of the real and personal property of Benjamin B Fontaine deceased late of said County, and is just and true in all of its parts.

Sworn to and subscribed before

me this December 10. 1870

B. H. Crawford J P

Henry V. Meigs

Francis A. Stanford

James H Shorter

Peter W Alexander

State of Georgia Court of Ordinary

Muscogee County January Term 1871

I do solemnly swear that this writing contains the true last will of the therein named Benjamin B Fontaine deceased so far as I know or believe, and that I will well and truly execute the same according to the Laws of this State So help me God.

Sworn to and subscribed before

me this 2^d day of January 1871

John W Duer Ordinary

B. B. Fontaine

Georgia Muscogee County Court of Ordinary January Term 1871 - Whereas it appearing

to the Court that the foregoing non ceptative will of Benjamin B. Fontaine has been proven according to Law it is therefore ordered by the Court that the same be admitted to record -

John W Duer

Ordinary