

Francis W Dillard's will

The State of Georgia Muscogee County

Muscogee County, Georgia Wills

I Francis W Dillard being in feeble health but of sound mind and memory do hereby make public and declare the following as my last will and testament hereby revoking all wills heretofore made by me

1862-1878
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Item 1

It is my will and I hereby direct that any Executrix herein after named shall settle up my outstanding business as soon as the same can be done without injury to my estate and my said Executrix shall pay off all my liabilities justly existing against me as soon as the interest and conditions of my estate will justify it

Item 2

I hereby give to my Brother George C Dillard ten thousand dollars in six per cent Confederate Treasury Certificates to be held by him in trust for the benefit of my Brother Lee Dillard And the said George C Dillard is hereby directed to apply the interest accruing on said certificates to the support and benefit of the said Lee Dillard during his life and at his death the said fund shall go to and be equally divided between the children born and to be born of my said Brother George C Dillard to have and to hold to them their heirs and assigns forever

Item 3

I hereby give to my Brother Henry Dillard ten thousand dollars in six per cent Confederate Treasury Certificates to be held by him in trust for my Brother Columbus Dillard and shall apply the interest accruing upon the same to his support and benefit during his life and at his death the said fund shall go to and be equally divided between the children of the said Henry Dillard born and to be born to have and to hold to them their heirs and assigns forever

Item 4

I hereby give to Mrs Lenora Malone five thousand dollars in six per cent Confederate Treasury Certificates to be held by her for her sole use and benefit or her sole and separate estate free from the debts or contracts of her present or any future husband and in no way or manner to be made liable for the same And it is my will and I hereby direct that she shall have full power and authority to manage control dispose of or sell said fund and reinvest the same in any way or manner she may think proper

Item 5

I hereby give devise and bequeath to my beloved wife and our four children all the balance of our estate real personal and mixed of every kind and character to have and to hold to them share and share alike And it is my will and I hereby direct that my said wife shall have the management and control of our said estate for and during the term of her widow hood for the benefit of herself and our said four children And she shall have full power and authority to sell and dispose of any part of our said estate which in her judgement her interest and the interests of our said children may require And she shall make good and valid titles to the same And my said wife shall have power to purchase property for the use and benefit of said estate and invest any money which may belong to or arise from said estate in property real or personal taking titles for the same to her as executrix for the use and benefit of my said wife and children

Item 6

I declare that my said wife should never again it is my will

Francis W. Dillard's will contin^d

and I hereby direct that my said estate shall be divided between her and my said children an equal share to each. And that the ^{trust} of my said wife shall be set apart and delivered to her as early as possible and as the conditions of said estate will admit.

Item 7

It is my will and I hereby direct that any one of my children becoming of legal age during the widowhood of my said wife then my said wife shall come to be set apart one equal share in said estate and shall deliver the same to said child as soon thereafter as the conditions of said estate will justify and permit the same to be done.

Item 8

I hereby constitute and appoint my wife Mary H. Dillard the executrix of this my last will and testament empowering her to raise and educate my said children according to their means and wishes in life that she shall make no charge against any child for education or maintenance but the same shall be paid out of my estate that she shall have full power and authority to carry out and execute the provisions of this will without being required to give bond and security in any State or Jurisdiction whatever.

In testimony whereof I have hereunto set my hand and seal on this the 16th February 1865.

F. W. Dillard

Five whose names are hereunto subscribed do hereby certify that Francis W. Dillard signed sealed published and declared the foregoing to be his last will and testament that at his request we have hereunto subscribed our names as witnesses to said will in the presence of said Testator and in the presence of each other this February 16th 1865.

Mary H. Scott
Mary R. Anderson
Wiley Williams

Georgia Muscogee County

At this regular Term of the Court of Ordinary of said County in which court comes Wiley Williams one of the subscribing witnesses to the within writing who being sworn in oath says that he was present when Francis W. Dillard executed the said instrument that at the time of its execution said Dillard was of sound and disposing mind and memory that so far as deponent knows or believes he did it truly of his own accord without any undue influence that he published it as his last will and that at the time of its execution & publishing said deponent Mary H. Scott & Mary R. Anderson subscribed their names as witnesses thereto in the presence of the testator & of each other said testator having first subscribed his name in presence of all said witnesses.

Sworn to & subscribed before me March 7th 1865 Wiley Williams
Geo. Johnson

Ordinary

Georgia Muscogee County

I do solemnly swear that this writing contains the true last will of the therein named Francis W. Dillard deceased so far as I know or believe and that I will well and truly execute the same in accordance with the laws of this State. So help me God.

Sworn to & subscribed before me this 7th March 1865 Geo. Johnson Ordinary

Mary H. Dillard

Georgia Muscogee County — Court of Ordinary March Term 1865
The foregoing writing proved in common form of law and admitted to record as the last will of Francis W. Dillard dead See minutes pages 109-110 March 7th 1865
Geo. Johnson Ordinary