

James Kirlin's Will

Muscogee County, Georgia Wills, Book C, 1875-1891

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In the name of God

I James Kirlin of the City of Columbus State of Georgia being of sound and disposing mind and memory, do make and publish this my last will and testament.

- Item 1st I give and bequeath all my estate of every kind and description to my wife Maria Louisa; to have and to hold to her and for her use, during her natural life, but with no power to sell the same, except as is hereafter mentioned.
- Item 2^d I appoint my wife Maria Louisa to be Executrix, and my friend Benjamin F. Coleman of Columbus Georgia to be Executor of my Will.
- Item 3^d I will and direct that my Executor and Executrix shall upon being qualified as such at once give possession of all my estate to my said wife, to possess, control and enjoy the same, and I do exonerate my said Executor from the duty and responsibility of caring for, and managing my estate, expecting and desiring that he shall give to my wife such assistance and advice as she may require.
- Item 4th In case it shall become necessary or proper in the judgment of my said Executrix and Executor, or of the one acting if only one should qualify or survive, to sell any portion of my estate, to raise money for the preservation or repair of any part of the same, or it shall be for the best interest of my wife or children to sell any portion of the same, then I give to my said Executrix and Executor, or to the one acting if only one, power and authority to sell and convey any part of my estate at public or private sale, as they, or the one acting may deem best, and after using such part of the proceeds as they are hereby authorized to do in such repairs, or for such preservation I direct the balance to be invested in other property.
- Item 5th At the death of my wife I give and bequeath all the remainder of my estate unto my children to be equally divided between them.
- In witness whereof I the said James Kirlin have set my hands and seal this 18th day of April A.D. 1873.

James Kirlin (L.S.)

Signed, sealed, declared and published by the above named James Kirlin as his last will and testament in presence of us, who at his request in presence of each other have subscribed our names as witnesses hereto.

John Peabody of Columbus Ga
Thomas S. Fuggle " " "
Montague W. Moon " " "

Georgia Muscogee County

Before me F.W. Brooks Ordinary in and for said County personally saw Montague W. Moon who upon being duly sworn depose and swear, that he saw James Kirlin sign, publish and declare as his last will and testament the writing now produced in Court; that deponent signed the same as a subscribing witness, at the request of said testator and in his presence, and deponent further swears that John Peabody and Thomas S. Fuggle likewise signed the same as subscribing witnesses, at the like

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request of the said testator, and all in the presence of each other. And deponent further swears that at the time of executing said Will, the said testator was of sound and disposing mind and memory, and so far as witness knows or believes he did it freely and voluntarily and without any undue influence or compulsion.

Sworn to & Subscribed before me }
this October 7th 1848 } Montague W. Moore
F. W. Brooks Ordinary }

Codicil

State of Georgia Muscogee County

Thomas J. James Kivlin did on the 18th day of April 1843, sign and declare and seal and publish my last will and testament in the presence of John Peabody, Thomas S. Fuggle and W. W. Moore, who signed the said Will and testament as witnesses. And whereas I am desirous of revoking the appointment of Benjamin F. Coleman as one of the Executors of said Will as made in the second item thereof, and of appointing John S. Cargill as Executor in the place of said B. F. Coleman, I therefore make and publish this Codicil to my said Will and testament.

First I revoke and annul so much of the second item of said Will as appoints Benjamin F. Coleman of Columbus Georgia to be Executor of said Will.

Second I nominate and appoint my son in law John S. Cargill now of Macon Georgia to be Executor of my said Will.
This July 19th 1844.

James Kivlin. (S)

Signed, sealed, declared and published by James Kivlin as a Codicil to his Will and testament of the 18th day of April 1843, in the presence of the undersigned, who subscribed our names hereto in the presence of the said testator, and at his special instance and request and in the presence of each other This July 19th 1844

John Peabody
Michael McCaskey
Montague W. Moore

Georgia Muscogee County

Before me F. W. Brooks Ordinary in and for said County personally came Montague W. Moore, who upon being duly sworn, depose and say that he saw James Kivlin sign, publish and declare the within Codicil to his last Will and testament, on the day and year the same bears date; that deponent signed the same as a subscribing witness at the request of the said James Kivlin and in his presence. And deponent further says that John Peabody and Michael McCaskey likewise signed the same as subscribing witnesses, at the like request of the said James Kivlin and in his presence, and all in the presence of each other. And deponent further swears that at the time of executing said Codicil the said James Kivlin was of sound and disposing

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mind and memory, and as far as he knows or believes he
did it fully and voluntarily and without any undue influence or compulsion
Sworn to & Subscribed before me {
this October 7th 1878 { Montague W. Moore
F. W. Brooks Ordinary }

Georgia { J. Maria L. Kirolin do solemnly swear that this writing
Muscogee County { contains the true last will and testament and Codicil
of James Kirolin late of said County deceased, so far as I know or
believe, and that I will will and truly execute the same according
to the laws of this State. So help me God.
Sworn to & Subscribed before me {
this October 7th 1878 { Maria Louisa Kirolin
F. W. Brooks Ordinary }

Muscogee Court of Ordinary
October Term 1878

The foregoing instrument of writing having been sworn in common
form by Montague W. Moore one of the subscribing witnesses to will
and Codicil, to be the true last will of the therein named James
Kirolin, Ordered that the same be admitted to record

F. W. Brooks

Ordinary