

Dr. John L. Cheney's Will

Muscogee County, Georgia Wills, Book C, 1875-1891
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State of Georgia
Upson County

In the name of God, Amen, I resign my body to the dust
and my spirit to God, who gave it
As I am a going to take a trip to the Western Country, and in
my fortieth year, and now of sound and disposing mind, and wish to leave a Will for
the mutual benefit for my beloved Wife and little Children, I now consider it the appropriate
time to make it

First - I wish my Town property sold, my Farm sold, and all my Notes and Accounts
Collected, and all of my just debts paid, which will not exceed 700 dollars, except the
law suit now pending for my boy George, which I trust my Attys and Executors
will see my wife and Children righted, After selling my Town property, and Farm and
Collecting my dues, and the just debts paid, I want my wife to pick out her a Farm
in any County she may desire, to contain some 2 or 300 acres of land, I want it paid
for out of the general fund, and if there be any left, I wish her, and my other Executor
to buy such hands as they think best

I want my wife to keep all my Children together, and educate, clothe, and raise them all
out of the Common fund, and as they marry off, I wish them to have a good horse
and 100 dollars laid out by the Executors in furniture, such as Chairs, bedsteads,
Crockery &c. - I wish my beloved wife to keep all of my other property with
her until my youngest child comes of age, except she marries her second husband, if
so, I give to her a Childs part of all my property her natural life, and at her
death it to go back to my children then living, and at her marriage I want all my
property to be taken into the hands of my Executor, and as my children become of age
or marry I want the whole to be valued and for he or she, as the case may be, to draw
out their equal share, the residue to remain in Common until the next arrives as before

I appoint my dear Wife, and my dear brother Isaac Cheney
of Talbot County my lawful Executors to take charge of my property without bond
or security, or any Administration or any sales, only as they both may think best. If
my beloved Wife marries I dismiss her from the Executorship only over her own part
and that only for her natural life, and desire my named brother to manage for
my Orphan Children to the best advantage, but if my beloved wife never marries
I want her to hold all my property except the dower at the marriage of my
Children, as long as she may live or until the youngest child becomes of age, she may
then give off to each one as much as she may think best for them, and to hold the
rest in reserve for her own use her natural life, but in every instance it is to be
given off in equal proportions to all of my children then living, if any of my children
should die without bodily issue their property and its increase to come back to the
rest of my children then living - My son William I have done a great deal for
and I hope you will become steady, and take care of your mother and your little brothers
and sisters - May God bless my Wife and little Children, and protect them through
this sinful world, - My request is if I die in the nest, let me remain there - When
this you see, remember me, - When greedy worms my body eats, here then you can
read my name complete. - (Farewell)

E. H. Oliver
Washington Hartford
W. W. Hartford

John L. Cheney

Dr. John E. Cheney's Will
 Georgia Muscogee County
 In re - Epsy B. Cheney
 Application for probate in Common form - of the Will of John E. Cheney,
 late of said County deceased

In Court of Ordinary of said County
 Interrogatories to be exhibited to Washington & Cartfield, a Witness material in
 above stated case, for Petitioner. The said witness being a resident of the
 County of Upson in said State

Inty 1st Did you know John E. Cheney in his life time

Inty 2^d - Please look upon the Original paper attached to these Intgs which is the
 paper offered for probate, and state whether or not you saw said John E.
 Cheney sign the same, also say whether the same was done voluntarily or not -
 whether there was or not any fraud or undue influence brought to bear on said
 Cheney to induce him to sign the same

Inty 3^d - Please state who signed said paper as subscribing and attesting Witness. - Where
 are those witnesses, did you see them sign those paper, - Please state whether or
 not the testator signed said paper in the presence of the witnesses whose names
 are subscribed thereto. And state whether or not the subscribing witnesses thereto signed
 the same in the presence of the testator and of each other. - if so - at whose request
 did the said witnesses sign and attest said paper

W. A. Little

Atty for Peter

In re Epsy B. Cheney
 Application for Probate in Common form
 of the Will of John E. Cheney
 Georgia Upson County
 Court Ordinary
 Muscogee County, Georgia
 By virtue of a Commission from the Honorable Court
 of Ordinary of Muscogee County Georgia to us directed, we have caused
 Washington & Cartfield the person in said Commission named to come before us
 and being duly sworn true answers to make to certain interrogatories to the said
 Commission annexed deponent and answer as follows

To the 1st Interrogatory he answers. I knew John E. Cheney
 in his life time

To the 2nd Interrogatory he answers I have examined the original paper
 attached to the interrogatories, it is the Will of Dr. John E. Cheney to the best of
 my recollection I saw him sign the same, he did it voluntarily without being
 unduly influenced to do so. There was no fraud practiced within my knowledge

To the 3^d Interrogatory he answers, Franklin W. Olive, Wm. W.
 Cartfield and myself signed the paper as subscribing and attesting witnesses
 To the best of my recollection I saw them sign the paper. We all signed it at the
 same time. The testator told us it was his will. when he brought it to us for our
 signatures. To the best of my recollection he signed it in our presence. The
 subscribing witnesses thereto signed the same in the presence of the testator and
 in the presence of each other. - The witnesses thereto subscribed the same at the

request of the testator

Answered, sworn to, and Subscribed before us
near Thomaston Upson County Georgia

July 12th 1877

J. S. Stamp. Com.

ES

W. H. Sandrick. Com.

ES

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Wash. Hartfield

Georgia Muscookee County

I, Epsy B. Cheney do solemnly swear that the within writing contains
the true last Will and testament of the therein named John E. Cheney deceased
so far as I know or believe, and that I will well and truly execute the same in
accordance with the laws of the State, so help me God

Sworn to and subscribed before me

this 6th August 1877

E. B. Cheney

Ordinary

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E. B. Cheney

Muscookee Court of Ordinary

August Term 1877

The foregoing writing admitted to probate and record in common form upon
the testimony of Washington Hartfield one of the subscribing witnesses thereto as
the last Will and testament of John E. Cheney deceased

August 6th 1877

E. M. Brooks

Ordinary