

Martha Ann Cotton's Will

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

I, Martha Ann Cotton, (wife of W. G. Cotton,) of said State and County, being of sound mind and memory and being desirous of settling my worldly affairs, do hereby make, publish and declare this my last will & testament, revoking & making void all former wills by me at any time heretofore made.

Item First: I desire that my body be decently interred, and that my funeral be conducted in a manner corresponding with my situation in life,

Item Second: I desire that all my just debts be paid, in the manner & by the means herein after mentioned and pointed out.

Item Third: I desire that my Executor, herein after named, shall proceed to sell, as soon as a fair price can be obtained, then for, a certain tract of land, belonging to me in Tallapoosa County Alabama, said tract being situated about sixteen miles west of the town of Lafayette, in the State of Alabama, adjoining the lands of my husband, W. G. Cotton, and containing forty acres, more or less, and that from the proceeds of the sale of said land, he shall pay such of my debts as may be unpaid at that time, and that he apply the balance, if any, to the support and maintenance & education of my two children Thomas Ley Cotton & Willie Farnelle Cotton, I hereby authorize and empower my Executor to sell said land either publicly or privately at his discretion & without obtaining any order of Court, therefor, & to make good and sufficient title, thereto, to the purchaser.

Item Fourth: The property on which I now live, being lot No 14, Block 4, in the North Common of the City of Columbus, is held by me, under bond for title, from the Commissioners of Common of the City of Columbus, & a part of the purchase money is still due thereon, and I owe besides, some small amounts for materials used in building the house thereon; I desire that after my death, this house & lot shall be placed by my Executor in the hands of Long & Grimes, real estate agents, and by them rented to the best advantage, and the rents thereof applied to the payment of the debts due for materials, & to the payment of my note, to the Commissioners of Common for the purchase money thereof, and to the payment of such other debts as I may leave unpaid, and which shall not have been previously paid by my Executor under the third item of my will, provided that the taxes, insurance & other necessary expenses for the preservation of said property, be first paid.

Item Fifth: As soon as the debts mentioned in the fourth item of my will, shall have been fully paid off & discharged, then it is my will & desire, & I hereby direct, that said last mentioned property shall be taken charge of by my Executor, & by him rented for the benefit of my said two children, Thomas Ley & Willie Farnelle, until the oldest of them shall arrive at the age of twenty one years, or until one of them shall marry, and that my said Executor shall apply the rents & profits of said property, to the support, maintenance & education of my said two children, until that time, and in the event either of them should die before said time, then to the support, maintenance & education of the survivor.

Item Sixth: I give and bequeath said property, Lot 14, Block 4, in the North Common of the City of Columbus, with the improvements thereon, subject to the charges & conditions, mentioned in the fourth & fifth items of my will, to my said two children Thomas Ley & Willie Farnelle, share & share alike, but I do not desire that said property shall be sold or divided, until the oldest of them shall arrive at the age of twenty one years or until one of them shall marry, at which time it may be divided between

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them, and in the event that either of my said children should die before reaching the age of twenty one year, leaving no wife or child or children, then I give and bequeath the whole of said property, to the survivor of my said two children, and in the event that both of my said children should die before arriving at the age of twenty one year, leaving no wife or child or children, then I give & bequeath the whole of said property, to my husband, W. G. Cotton.

As soon as my notes for the purchase money of said last mentioned property shall have been fully paid off & discharged, as hereinbefore directed, I desire that the Commissioners of Commoners of the City of Columbus, shall make a deed thereto directly to my said two children, Thomas Ley & Willie Farnelle, if they should both be living at that time, if either of them should die before that time leaving no wife or child or children, then I desire that the deed be made to the survivor, and if both of them should die before that time, leaving no wife or child or children, then I desire that the deed shall be made directly to my husband, W. G. Cotton.

I give & bequeath to my son Thomas Ley Cotton my large illustrated Bible, my bed cover with a stone in it, two scrap quilts & one Corrallic.

I give & bequeath to my son Willie Farnelle Cotton my Cuff Buttons, my Canning Book for the use of Bibles, & my watch chain.

I give and bequeath all the balance of my property of whatever description not hereinbefore mentioned to my said two children Thomas Ley Cotton & Willie Farnelle Cotton share & share alike, which said property may be used by them under the direction of my Executor, but is not to be divided between them until the oldest shall have arrived at the age of twenty one year; or until one of them shall marry, & in the event that either of my said children should die before arriving at the age of twenty one year, & without leaving a wife or child or children, then I give & bequeath all the property hereinbefore bequeathed to such deceased child under either item of this will to my surviving child, and in the event that both of my said children should die before arriving at the age of twenty one year, leaving no wife or child or children surviving them, then I give and bequeath all the property herein bequeathed to them to my husband, W. G. Cotton.

I hereby nominate and appoint my husband, W. G. Cotton, Executor of this my last will & testament, and I hereby relieve him from giving any bond as such Executor, and I do not desire, that he shall be required to make any returns or report of his actings as such Executor, to any Court, whatever, Nor to make out or to return to any Court, any Inventory or Appraisement of my said property. I simply desire that he shall use his best efforts to carry out the objects & intentions of this my will.

In Witness Whereof I have hereunto set my hand and seal this 14th day of February A.D. 1882.

Martha Ann Cotton (S)

signed, sealed, published and declared, by Martha Ann Cotton as her last will and testament, in the presence of us the undersigned, who subscribed our names hereto as witnesses, in the presence of the Testatrix, at her special instance and request, and in the presence of each other, this the Fourteenth day of February

Martha Ann Cottons Will Continued

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in the year One Thousand Eight Hundred and Eighty Two

Henry Owen
Taylor Gann
Jas. M. McKill

State of Georgia Muscogee County

Before me, Francis M. Brooks, Ordinary in and for said County, personally came James M. McKill, who upon being duly sworn, depose and swear that he saw Martha Ann Cotton, then in life, sign, seal, publish and declare the within instrument of writing to be her last will and testament on the day and year the same bears date. That at the special instance and request of the said testatrix he affixed his name thereto as a subscribing witness, in the presence of said testatrix, and of each other.

Deposent further says that he likewise saw Henry Owen & Taylor Gann sign the said will as subscribing witnesses, at the request of the said testatrix and in her presence and all in the presence of each other. Deposent further says that at the time of publishing and declaring said will, said testatrix was of sound and disposing mind and memory, and so far as witness knows or believes, she did it fully and voluntarily, and without any undue influence or compulsion.

Sworn to & Subscribed before me
this 3^d day of April 1882
F. M. Brooks, Ordinary

James M. McKill

Georgia Muscogee County

I, William G. Cotton do solemnly swear, that this writing contains the true last will and testament of the therein named Martha Ann Cotton so far as I know or believe, and that I will faithfully execute the same in accordance with the laws of Georgia. So help me God

Sworn to & Subscribed before me
this 3^d day of April 1882
F. M. Brooks, Ordinary

W. G. Cotton

Muscogee Court of Ordinary
April Term 1882

The foregoing instrument of writing, Probed in Common Form upon the affidavit of James M. McKill one of the subscribing witnesses, and ordered to be admitted to record as the last will and testament of the therein named Martha Ann Cotton

F. M. Brooks
Ordinary