

Will of Sherwood C. Lindsay

Muscogee County, Georgia Wills, Book C, 1875-1891
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In the name of God Amen:

I Sherwood C. Lindsay, of Muscogee County in the State of Georgia being advanced in years but of sound mind and disposing memory, do make and ordain this my last will and Testament:

First I owe no debts now, if however it shall be so that I shall be owing any at the time of my death, it is my desire and direction that they shall be promptly paid.

Secondly It is my will and desire that all my personal effects of every kind which I may leave at the time of my death shall be divided into nine equal parts, whereof I give and bequeath one part to my daughter Ann Jane Howard, widow of Augustus Howard one part to my daughter Virginia, the wife of George Woodruff, one part to my daughter Julia, wife of Francis Jeter, one part to my daughter Frances Lindsay Bellamy, the wife of William J. Bellamy, one part to my daughter Miss Catharine, the wife of Robert M. Howard, one part to my daughter Rebecca Elizabeth, the wife of George H. Keise, one part to my daughter in law Helen the widow of my son John B. Lindsay, and my grand daughter Johnnie Lindsay the child of the said Helen and my said deceased son John B. Lindsay, one part to my son Sherwood Cooper Lindsay and one part to my son Richard Everett Lindsay.

The one ninth part of my personal estate above given to my daughter Miss Catharine I give and bequeath to her for life only and after her death to her husband Robert M. Howard for life and then to revert to my heirs general, except in the improbable event of my said daughter Miss Catharine having and leaving issue, in which case such her ninth part of my personal estate is to go to such her issue after her death and that of her above named husband.

I also particularly declare and direct that the one ninth of my personal estate above bequeathed to my son John B. Lindsay's widow Helen and their daughter Johnnie shall be equally divided between them, share and share alike. In case however, my said grand daughter Johnnie Lindsay should die before attaining to twenty one

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years of age or his day of marriage, then and in that case it is my will and desire that two thirds of the ninth part of my personal estate as above bequeathed shall go to and be divided among my heirs and distributees.

My personal estate herein above bequeathed, I hereby declare to embrace all the money I may have behind me at my death, all debts bonds & stocks and other choses in action which may then be belonging to me and all my personal chattels of any and every description. In order to make sure and easier the equal division of my whole personal estate above directed, I hereby instruct my Executor, as soon as may be after my death, to have an inventory and appraisement thereof made in the manner prescribed by law and to proceed to sell the personal chattels and to collect and realize the debts and choses in action of every description in order to distribution as herein above willed and bequeathed. If, however, there should be any of my personalty which any of my above named legatees shall be disposed to have and accept in kind towards the payment of his her or their above bequeathed part of my personalty, I hereby give my executor a discretion on the subject and the option of paying any legatee who may desire it, partly or wholly, in kind at the appraised price or prices. — In regard to my Real Estate which is large and intrinsically much more valuable than what it could be sold for now or can probably be at any early period, and consists of property situate in Georgia, Alabama, and North Carolina (that which lies in the last named State consisting of an interest in two valuable gold mines) I give and bequeath the whole equally to and among the above named nine sets of Legates, one ninth part to each set as above directed in the case of personalty, with the special direction, however, that my Executor shall have the discretion & Authority to keep the whole or any part of the same for the space of five years undivided and unsold in his hands and under his management, under the obligation to rent, lease and make profit of the same as far as practicable for the benefit of the above named Legates thereof.

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The one ninth part of my Real Estate herein above given to my daughter Miss Catharine Howard, I give and bequeath to her for life only and after her death to her husband Robert M. Howard for life and then to revert to my heirs general. In the improbable event, however, of my said daughter Miss Catharine having and leaving issue, then and in such case, such her ninth part of my Real Estate is to go to such her issue after her death and that of her above named husband.

In regard also to the one ninth of all my Realty herein bequeathed to my son John T. Lindsay's widow, Helen and their daughter Johnnie Lindsay, it is my will and desire that, like the personalty, it shall go to and be equally divided between them, the mother & daughter, share & share alike. In case however the said Johnnie Lindsay should die before attaining to twenty one years of age or her day of marriage, then and in that case, it is my will and desire that her half of the one ninth part of my Real Estate as above bequeathed, shall go to and be divided among my lawful heirs and distributees. And it is also my will and desire, that my said daughter in law Helen, the widow of my son John T. Lindsay, shall have only a life estate in her half interest of the one ninth part of my Real Estate above given to her, with remainder in fee simple thereof to her daughter the said Johnnie Lindsay.

In regard to my interest in the two good mines in North Carolina, I give my Executor authority to keep and work them as long as he shall deem best for the benefit of my above named Legatee, dividing the net profits among them in the proportions herein before directed in regard to my personalty. But he is, nevertheless, to have authority to sell my said interest when ever and in such parts as he shall deem best dividing the proceeds of such sales among my Legatee as part of my Real Estate in such manner as is above directed in regard to my Real Estate.

As it would be difficult if not impossible for a perfectly equal and satisfactory division of my Real Estate to be made in kind among the several heirs of Legatee thereof, I particularly will & direct that no attempt of that sort shall be made, but the same shall be all sold by my Executor whenever situated,

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whether in Georgia, Alabama or North Carolina, and the net proceeds of the sale from time to time made by him of the different parts thereof shall be annuallly equallly divided among the above specified nine sets of Legates. Also it is my will & intention that the discretionary authority above given to my Executor to withhold the said Real Estate, in whole or in part, from said for five years shall not be construed to debar him from selling any part or parts thereof sooner, when ever in his judgment cases occur in which it can be done advantageously for the Legates.

It is my will and desire that the ninth part of the proceeds of the sale of my real & personal estate to which my daughter Miss Catharine and her husband Robert, M. Howard shall become entitled under the above bequests, shall be invested for their benefit in land and a home for them as a life estate, or otherwise safely invested as a life estate so as to produce them or the survivor of them an annual income.

I hereby appoint my son Richard Ervitt Lindsay testamentary Guardian of my grand child Johnnie Lindsay the above named daughter of my deceased son John B. Lindsay and it is my direction that he shall invest the moneys that may be coming to her under this will in such a manner that the same shall be safe and produce her an annual income and that he shall also invest or put at interest whatever surplus of such income there may annuallly be over & above the expenses of her support & education - I hereby nominate and appoint my son Richard Ervitt Lindsay Executor of this my last will and testament and it is my will and direction that he shall not be required to give security as such Executor.

In witness whereof I hereunto set my hand this the 17th day of July 1876

Sherwood C. Lindsay Sr.
Signed sealed published and declared by the said Sherwood C. Lindsay in presence of the said witnesses as undersigned as his last will & testament and attested by said witnesses in the presence of said testator.

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& in the presence of each other at Chambers
on this the 17th of July 1876

Witness

Jas Johnson
H. H. Chappell
Porter Ingram

Georgia Muscogee County

Before me, Francis M. Brooks Ordinary in and
for the County of Muscogee and State of Georgia
at Chambers for the purpose of proving the last
will and testament of Sherwood C. Lindsay deceased, late of said County of Muscogee personally
came James Johnson and Porter Ingram two of the
witnesses to said will, and the will having been
before that time, brought before me, for probate, by
the Executor Richard E. Lindsay, who has filed a
petition for probate of the same, they the said wit-
nesses depose and say that they saw said Sherwood
C. Lindsay, sign, seal, publish and declare the said
instrument of writing as his last will and testa-
ment on the day and year the same bears date,
that they witnessed the same, at his request, in his
presence and in presence of each other and Deponents
further say that they likewise saw Absolam H. Chappell
subscribe his name to said will, at the request of the
said testator, in his presence and all in the presence
of each other

Deponents further say that at the time of executing
said will, the said testator was of sound and
disposing mind and memory - and so far as
witnesses know or believe, he did it freely and
voluntarily and without any undue influence
or compulsion.

Signed to & Subscribed before
me this 23^d of September 1879

F. M. Brooks

Ordinary

Porter Ingram
Jas. Johnson.

Georgia Muscogee County

I Richard E. Lindsay do solemnly swear that this
writing contains the true last will and testament
of the therein named Sherwood C. Lindsay so far
as I know or believe - and that I will faithfully
execute the same according to the laws of this
State. So help me God.

R E Lindsay

Will of Sherwood. C. Lindsey Continued

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Sworn to & subscribed before me the October 6th 1879
F. W. Brooks
Ordinary

Georgia Muscogee County

Muscogee Court of Ordinary
October Term 1879

The foregoing instrument of writing having been satisfactorily proven in Common form, upon the oath of James Johnson and Porter Ingram two of the subscribing witnesses, Ordered that the same be admitted to record as the last will and testament of the therein named Sherwood. C. Lindsey - and that Letters testamentary do issue to Richard. C. Lindsey the Executor named and appointed in said Will.

F. W. Brooks
Ordinary -

Will of Asa Lynch

State of Georgia Muscogee County

In the name of God Amen.

I Asa Lynch of said State and County being of advanced age and must shortly depart this life deem it right and proper both as respects my family and myself that I should make a disposition of my property - Do therefore make this my last will and testament, hereby revoking all others heretofore made by me

- First I desire and direct that my body be buried in a decent and Christian like manner, suitable to my circumstances and condition in life
- Second I desire and direct that all my just debts be paid without delay by my executors hereinafter appointed
- Third I give bequeath and devise to my beloved wife Eliza J. Lynch all my real and personal property including my household and kitchen furniture for and during her natural life and to receive all the benefits arising therefrom - at her death said Estate to be equally divided between her brothers and sisters and my Brothers & Sisters - Should either die their children