

Edward Smith's Will, continued
 he was present when Edward Smith then in life and sound mind executed & published said writing as his last will & testament. That said Smith signed the same in the presence of deponent Thomas McHargue & James S. Browder who at the instance & request of said testator signed their names thereto as witnesses in his presence and the presence of each other.

Deponent further says that at the time of executing said instrument said Smith was of sound disposing mind and memory and that he did it of his own free will without any undue influence or compulsion.

Sworn to & subscribed before me this
 14th March 1868 Jno Johnson Ordinary

Jos E. Wheeler

Georgia Muscogee County

Court of Ordinary April Term 1868

The foregoing instrument admitted to record as the last will of Edward Smith dec'd - see minutes page 310 - April 7th 1868
 Jno Johnson Ordinary

Georgia Muscogee County

I Enock Willett do solemnly swear that this paper contains the true last will of Edward Smith deceased so far as I know or believe and that I will well & truly execute the same in accordance with the laws of this State
 So help me God Enock Willett

Sworn to & subscribed before me April 8th 1868 Jno Johnson Ordinary

Susan M. Nagle's Will

State of Georgia County of Muscogee

In the name of God Amen

I Susan Harriet Nagle of said State & County being of advanced age and in feeble health though sound in mind and discretion and feeling sensible that I must shortly depart this life deem it right and proper both as respects those who are near and dear to me and to myself that I should make a disposition of some of the property with which a kind Providence has blessed me and having first obtained license and authority from my lawful husband do therefore make this my last will and testament hereby revoking all others heretofore made by me.

I desire and direct that my body be buried in a decent and Christianlike manner suitable to my circumstances and condition in life my soul I trust shall return to God who gave it as I hope for eternal salvation through the merit and atonement of our Lord and Saviour Jesus Christ.

I desire and direct that all my just debts (if any) be paid without delay as I am unwilling that any should be delayed in their right especially as there is no necessity for delay.

Whereas by a Deed made to me on the third day of October in the year One thousand eight hundred & forty eight by Adolphus Rutherford Sheriff of said County I came into and now hold by the consent of my husband

1. Item

2. Item

3. Item

Susan H Nagle's Will & Probate *Continued*
 possession of a lot or parcel of land in the City of Columbus being at the South East corner of Front & Dillingham Streets having a front on Front Street of thirty five (35) feet & a front on Dillingham Street of One hundred and forty Seven feet ten inches (147 10 in) Known as having once been the property of one John Affleck I do hereby give bequeath and devise the above described lot or parcel of land to my beloved Husband Jacob Nagle to be used and enjoyed by him and not at all subject to his debts or to be sold by him for and during the term of his natural life- and at his death to be held and enjoyed by my beloved grand children hereinafter named to be held by them in joint tenancy The grand children herein alluded to are Gottlieb Anschacker Samuel Anschacker and Louis Anschacker- And in the event of the death of all the said Children before the death of my said Husband then the above described property to be his forever in fee simple And in the event of the death of either of the said Children then the property to the survivors or the survivor and in the event of the death of all of said Children and my said Husband then the before described property to go to the Heirs of said Children

Signed Sealed declared & published by Susan Harriet Nagle as her last will and testament in the presence of us the subscribers who subscribed our names hereto in the presence of the said testator (and at her special instance and request)

J. H. ^{her} ~~mate~~ Nagle

J. Andersen
J. Hoffman

Alex. W. Morton Jus. Clk. Court

Georgia Muscogee County — To the Ordinary of said County
 The Petition of Gottlieb Anschacker sheweth that Susan Harriet Nagle departed this life on or about the day of July 1850 that at the time of her death she was a resident of said County that she died testate that no Executor is appointed by the Will The legacies named in said will are your petitioner and Samuel Anschacker & Louis Anschacker who are also heirs at law of said deceased being his grandchildren and are all the heirs at law to the estate of said deceased known to your petitioner he further shews that he is a citizen of the United States residing in the State of Georgia The aforementioned persons are the legacies named in said Will and are the only heirs at law of said deceased The Estate consists of real estate situated in the City of Columbus Ga supposed to be worth in the aggregate about two thousand dollars

Your Petitioner therefore prays that you cause the notice required by law to be given to be given to all of said legacies and heirs at law to be and appear on a day by you to be named to witness the Solemn Probate of said Will and that letters of Administration cum testamento annexo may be granted to him

And your Petitioner well &c

G. Anschacker

In the Matter of propounding the will of Susan H Nagle in the Court of Ordinary of Muscogee County

And now at the November Term of said Court 1866 comes Gottlieb Anschacker the petitioner for probate of said will and presents the paper accompanying said petition as the Last Will of the said

Susan H. Nagle's Will & Probate
 Susan H. Nagle deceased & says that it is her last will & testament and
 he therefore prays that the same may be established in solemn form and
 admitted to probate & record as her last Will & Testament
 Alexander S. Morton &
 Henry S. Penning
 Attys for propounder

And now also comes Mary A. Lavenex widow in behalf of herself and
 children and also the Columbus Iron works Company and object
 to the proof and recording of said will in solemn form and file their obje-
 tion in writing
 Wiley Williams Atty
 for Caveators

Wherefore it is ordered (by the consent of parties) that said cause
 be transferred to the Superior Court of said County to be tried on appeal
 this 6th Nov 1866
 Geo Johnson Ordinary

Caveat No 1

In re of the probate in solemn form of the will of Mrs Susan Harriet Nagle
 Court of Ordinary November Term 1866

And now comes Mary A. Lavenex widow of John Lavenex deceased
 in behalf of herself and children and objects to the Probate in solemn form of any
 will made by Mrs Susan Harriet Nagle dead so far as same may conflict
 with the rights and interests of herself and children and for cause of caveat she
 says

1st That in behalf of herself and children she claims the west half of the lot on
 the corner of Front and Dillingham Street which formally belonged to one John
 Offlock and which lot she has been informed the said Susan Harriet
 Nagle dead pretended to devise by her said pretended will

2nd That the said Susan Harriet Nagle at the time of the execution of the
 pretended will now propounded for Probate in solemn form was a married
 woman whose husband Jacob Nagle was living at the time of her death

3rd That the consent or license if any such was given or made by the
 said Jacob Nagle and by authority of which said pretended will was made
 was to wit on the 16th day of October 1854 revoked set aside and annulled by
 the said Jacob Nagle of which notice was given

By reason whereof the said will became of no effect null and void and should
 not be proved or admitted to record in this honorable court

Mary A. Lavenex
 Caveator

Caveat No 2

In re of the Probate in solemn form of the will of Mrs Susan Harriet
 Nagle Court of Ordinary November Term 1866

And now comes William R Brown President of the Columbus Iron
 Works Company and in behalf of said Company objects to the Probate of any
 will made by Mrs Susan Harriet Nagle dead so far as the same may
 conflict with the rights and interests of said company and for cause of caveat
 he says

1st That the said Columbus Iron works company claims all that land on the
 Southwest corner at the crossing of Front & Bridge or Dillingham Street run-
 ning from Bridge or Dillingham Street South on Front Street forty five feet and

Susan H. Nagle's Will & Probate *Continued*

westly of the same width along Bridge or Dillingham Street ^{Muscogee County Wills} ~~to the lot~~ ¹⁸⁶² and which lot Caveator has been informed the said ~~Susan H. Nagle~~ ^{www.georgiabooks.org} pretended to devise by her said pretended will

That the said Susan Harriet Nagle at the time of the execution of the pretended will now propounded for Probate in solemn form was a married woman whose husband Jacob Nagle was then living

That the Consent or license if any such was given or made by the said Jacob Nagle and by authority of which said pretended will was made was to wit on the 16th day of October 1861 revoked set aside and annulled by the said Jacob Nagle of which notice was given

By reason whereof the said will became of no effect null and void and should not be proved or admitted to record in this Honorable Court

William R. Brown President
of Columbus Ironwork Company

Verdict and Judgement

We the Jury find the issue in favor of the Propounder of the Will
Joseph Kyle Foreman

G. N. Knuchbacker Propounder of
the Will of Susan H. Nagle

Mary A. Cavenah & others
Caveators

May 29th 1867

On Appeal from the Court of
Ordinary of said County

And now after a Verdict in said Case finding the issue in favor of the Propounder It is ordered & adjudged that the said paper propounded as the last Will of said Susan H. Nagle - is her last will and further that the same paper with all the proceedings in the case including this judgement be entered of Record on the minutes of this Court & afterwards be certified by the Clerk of this Court & by him be delivered or transmitted to the Court of Ordinary of said County that said Court may cause said will to be executed as the last Will of said Susan H. Nagle and it is further considered that said propounder receive from the said Caveators the sum of

for his costs in this behalf expended

A. C. Morton &
Henry L. Benning
Atty's for Propounders

Remittitur from Supreme Court

State of Georgia

District Milledgeville Ga Friday 7th February 1868

The Honorable the Supreme Court met pursuant to adjournment
Present their Honors Hiram Warner, Dawson A. Walker Person
& Harris Judges

Mary A. Cavenah et al
Caveators

G. N. Knuchbacker Propounders &c
vs Offs in Error

This case came before the Court upon a transcript of the record from the Superior Court of Muscogee County and after argument had it is considered and adjudged by the Court that the judgement of the Court below be affirmed

Susan E. Nagle's Will & Probate continued

Bill of Costs

Muscogee County Wills

1862-1875

www.georgiapioheers.com

Copy of case to page 6th ready Apr 6th Remo 1st Diff 1st

Supreme Court of the State of Georgia

December Term 1867
taken from the Minutes and that
paid the above bill of costs -

Certify that the above is a true extract

Given under my hand & seal of Office
Charles W. De Rose Clerk

Order Superior Court

Georgia Muscogee County Superior Court of said County November Term
1867Mary A. Lavenagh et al
Caveators Plffs in ErrorIn Error to Supreme
Court

vs W. Henchbacher Propounder &c

The Remittitur in the above case containing the affirmance
of the judgement of this Court having been receivedIt is on motion of Henchbacher left in error by his counsel
Henry D. Kenning & A. B. Norton ordered That the said remittitur be entered on the
minutes & that the judgement therein stated be respected & executed as the
judgement of this CourtGeorgia Muscogee County - J. R. W. B. Munro Clerk of the
Superior Court in & for said County do certify that the annexed papers
contain all the proceedings had in the Superior Court of said County
in reference to Probate of the Will of Susan E. Nagle dead -Given under my hand and official Seal this April 10th 1868
J. R. W. B. Munro ClerkGeorgia Muscogee County - I Gottlieb W. Henchbacher
do solemnly swear that the writing hereto annexed contains the
true last Will of Susan E. Nagle 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.Sworn to & subscribed before me this 4th day of April 1868
Gottlieb W. Henchbacher
Jno Johnson OrdinaryGeorgia Muscogee County
Court of Ordinary April Term 1868The foregoing will admitted to record & administration
granted to Gottlieb Henchbacher - see minutes page 35
April 14th 1868

Jno Johnson Ordinary