

The Last Will and Testament of
Therophilus Flowers

I George }
Frustrantly } knowing the infirmity of
} mine and the great certan-
ty of death being desirous before that
event occurs to dispose of my worldly
possessions do make order and declare
this to be my last will and testament
abrogating all former ones - namely
It is my desire after the payment of
my just debt and a full administration
of my Estate to this effect, that the
remainder of my property should be
divided as follows-

Firstly I give unto my beloved wife the
Sum of fifty dollars for her own
proper use and benefit forever-

Secondly- That my executor hereafter
named shall appropriate of the effects
of my property a Sum sufficient for
her support, clothing & maintenance
annually during her natural life or
widowhood which duty I likewise
enjoin on my son Henry P. after he
becomes of age should my wife be
living and unmarried.

Secondly I give and bequeath to my
son Henry P. two thirds of my Estate
on his becoming of age.

Thirdly- I give and bequeath to
my Brother James M. Flowers one
third of my Estate in trust for my
daughter Mary Jane and the heirs
of her body.

Fourthly- I constitute and appoint
my brother James M. Flowers Executor

children for my two children above named
Henry P. and Mary Jane both of
their persons and property, requiring
that they be instructed & trained in
Sound Religious Morals.

Tristly - To carry out this my will
I appoint my Brother James M. Flowers
my Executor and hereby authorize him
to make such sale & disposition of my
property as he may think proper and
right for the interest of my children
and wife, and in all things to act and
do either in Selling Exchanging or
disposing of my Estate either publicly
or privately as he may prefer -
Signed Sealed published & declared
to be his last will and testament in
presence of us this the 7th day of
March 1844

Troup County Wills 1818-1848
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Witness

Joel D. Benson
A. Thomas Benson
Algernon Goavin

his
Theophilus Flowers
mark

Inferior Court of Troup County sitting
for Ordinary purposes November
Term 1844

James M. Flowers

propounder of a paper
writing purporting to be
the Last will & Testament
of Theophilus Flowers dec^d

vs
Louisa Flowers Carcatrix } Carcatrix

And now
at this term of the Court. Comes Louisa
Flowers widow and one of the heirs at
Law of the said Theophilus Flowers
dec^d by her attorney and enters this

her caveat, to the paper writing presented as the last will and testament of the said Theophilus Flowers dec'd. says that the said paper writing ought not to be admitted to Record as the last will and testament of the said Theophilus Flowers dec'd.

1st Because the said Theophilus Flowers at the time of making & publishing the said paper writing was not of sound disposing mind & memory.

2nd Because the said Theophilus Flowers at the time of signing the said paper writing being in great weakness of body and mind and not comprehending the contents of the said paper writing was induced to sign the same by the exercise of undue ^{improper} influence and illegal influence over the mind of the said Theophilus.

For these and other causes, the said Louisa Flowers says that the said paper writing ought not to be admitted to Record as the last will & testament of the said Theophilus Flowers dec'd.

Orrville A. Pile

Alford & Alford

attor for Caveatrix

Georgia Superior Court of Troup County sitting for Ordinary purposes, March adjourned Term 1845 Monday 17th March 1845,
Presents their Honors

John Greer

John Douglass

Albert E. Cox Justice

Upon the hearing of the within last will and testament of Theophilus Flowers late of this County dec'd together with the caveat thereto attached and also of the

testimony adduced thereon It is ordered
and adjudged by the court, that the
objections to the proof of said will are
insufficient, and that the said will
was duly and legally executed, proven
this day in open court, and that
the same be admitted to Record this
being a regular term of said court,
By order of the court
Wiley Wilson ccy

James M Flowers
propounder of a paper
writing purporting to
be the last will and
testament of Theophilus
Flowers dec'd
vs
Louisa Flowers Caveat

Caveat &c
In the Court
of ordinary
of Troup
County

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Georgia } Before me Jesse M. Sunden
Troup County } a justice of the Peace
for said County personally came Louisa
Flowers the defendant in the above
named cause who being duly sworn
saith that she is advised & believes that
she has a good cause of appeal from
the decision of the said court in
said cause and that owing to her
poverty she is unable to pay the costs
and give security on said appeal
sworn to & subscribed
before me this the 20th
day of March 1848
Jesse M. Sunden J.P. } Louisa C. Flowers

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Georgia In the Superior Court of said
County of Group telling for and under
purposes March adjourned Term 1843.

James M. Flowers, Propounder
of a paper writing, his petition
to be the last will & testament
of Theophilus Flowers dec^d

or
Louisa Flowers Curatrix
In this case the Curatrix Louisa Flowers
being dissatisfied with the judgement of
the Court rendered thereon came into office
this day and prayed an appeal and
having filed in office an affidavit sta-
ting that she is unable to pay the costs,
and give security in said case as required
by the Statute of the Legislature of this
State passed in the year 1842 & approved
the 27th day of December of that year
said appeal was granted from said de-
cision of the Court - and the said Louisa
Flowers doth hereby bind herself her heirs
Executors & administrators unto Wiley
Wilcox Clerk of the Court of Ordinary &
to his Successors in office for the costs
in said case and for such further costs
as may accrue by reason of such appeal.
Witness my hand and Seal this 20th
day of March 1845

Louisa C. Flowers L & J

Georgia I Wiley Wilcox Clerk of the
Court of Ordinary in & for the County of Group
and State aforesaid do hereby certify that,
the paper writing hereto attached is the
original last will and testament, of
Theophilus Flowers dec^d which was submitted
to said Court, for probate - and also that

Curatrix & Curator of the
Estate of the said
James M. Flowers
the said

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The caveat, thereto attached is the same
filed by Lewis Flowers. I do further
certify that the decision written out
upon said last will and testament
is the one made in said case by said
court, and that the within is a
true copy of the appeal bond of
said Caveat to said will as taken
from the minutes of said court
Given from under my hand this
20th day of March 1845
Wiley Wilson cco

Georgia In Group Superior Court
James M. Flowers
propounder of the
last will testament
of Theophilus Flowers
Respondent

Troup County Wills 1818-1848
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vs } Caveat,
Lewis Flowers Caveat }
appellant } July 7th 1845
The appeal in this case is this day
dismissed by order of the appellant &
her attorney. Moses Lee clk

Georgia I Moses Lee Clerk of the
Superior Court in & for the County of
Troup & State aforesaid do hereby
certify that the above is a true copy
of the Entry made in the above stated
case

Given under my hand at office
this 7th day of July 1845
Moses Lee clk

Georgia Superior Court of Troup County
Sitting for ordinary purposes
1845 Monday Feb 7th 1845
To which has been

Jarney M. Flowers proponent
of the last will & testament,
of Stephen Flowers dec.
Respondent.

Louisa Flowers executrix
appellant.

It appearing by the certificate of
the Clerk of the said Superior Court,
that the appeal entered in the above
case has been dismissed by said executrix
and the Order of said Court passed by
this Court granting probate of said
will being in full force and no longer
suspended It is therefore further
ordered that said will be admitted
to Record in pursuance to the order
heretofore granted of from which said
appeal was taken and that letters do
now issue to the Executor nominated in
said will he having been duly &
lawfully qualified at the March
Term 1845 of this Court.

A true copy from the Minutes of said
Court

Recorded 10th Feb. 1845
W. Wilson, Secy