

The Last Will and Testament of
Andrew Hale 1847

In the name of God Amen
The Nation Hale of Lumpkin County, State of
Georgia being of sound mind and memory
although infirm, under great bodily
affliction doth make execute and publish
this to be my last will and testament
revoking all others

Item the 1st My will and desire is that
all my debts be first paid -

Item 2nd I give and bequeath to my beloved
and affectionate wife Martha Hale during
her natural life the following property to wit
one Negro woman by the name of Estlin about
twenty one year of age and her increase, one
bedstead, one bed and clothing, one trunk,
one dressing table and one horse to be
valued at fifty dollars and at her death
the above named property to be sold by my
Executor and to be equally distributed among
my children or their legal heirs as herein after
mentioned -

Item 3rd The more fully to provide for the
Education of my three youngest children I
desire and set apart the sum of four hundred
dollars to be appropriated by my Executors as
follows to my daughter Nancy the sum of
one hundred dollars and to my daughter Mary
and to my son Thomas each the sum of
one hundred and fifty dollars -

Item 4th My will and desire is that all of my
Estate real personal and perishable of whatever
it may consist shall be sold except that
portion set apart for my wife during her
natural life mentioned and provided for in
the second item -

(Forward)

Item 5th I will and desire that after the payment of all of my debt, & providing the sum of Four hundred dollars mentioned in the third item that the balance of my Estate be equally divided as follows - To my three Sons William W. - James R. - & Thomas each one ninth share - To my affectionate daughter Elizabeth Poore & her heirs one ninth parts but which portion is to be paid over by my Executors to a trustee hereafter appointed for her and their use and not to be applicable to the payment of any debt or demand, of whatever character of her husband John E. Poore - To my affectionate daughters Amanda and heirs, Martha Ann and her heirs, Fernelia Jane and her heirs Nancy L. and her heirs and Mary C. their heirs each one ninth parts to be paid over by my Executors to the Trustee hereafter appointed for their use.

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Item 6th After the death of my wife and the sale of the property by my Executor the net proceeds are to be distributed agreeable to the provisions of the fifth item.

Item 7th I hereby nominate & appoint my friend Oliver P. Fears of this County to be the trustee for my daughters to wit Amanda, Elizabeth Poore, Martha Ann Fernelia Jane, Nancy L. and Mary C. to receive from and to receipt to my Executors for the distributive share due to each of my daughters and to be put by him in such property as in his judgment may be most conducive to their comfort and interest and to have the title to such investment made to him as trustee for their use and benefit.

Item 8th, A. Shorty, nominate and appoint
Thomas, J. Cone, and Abel Pace to be our
Executors,

In testimony whereof I have hereunto set
my hand and affixed my seal this the
third day of July eighteen hundred and
forty seven

Signed sealed and
published before us and
in the presence of each of the said
other the day & year
above written
John M. Porter,
James J. Hendon
A. Gallate

Georgia Inferior Court of Troup County sitting
for Ordinary purposes and pursuant to adjourn-
ment on Monday the 10th of September 1847

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Present their Honors

John Douglas }
Joseph Henderson } Justice
Aug. J. Brannen }

The Last Will and testament of Andrew Hobbs
late of this county deceased was this day pre-
sented in open court, by Abel Pace one of the
Executors therein nominated for Probate when
the following caveat was filed to-wit:

Abel Pace proponent
of a paper writing pur-
porting to be the Last
Will & testament of
Andrew Hobbs dec'd

Martha Hobbs, Caveator
And now at
this term of the
court comes Martha Hobbs widow & executrix
of Andrew Hobbs deceased and one of the heirs

and distribute of said deceased by her
attorneys at Law Haralson Stokes, and enter
her caveat, to the paper writing, propounded
as the last will and testament of Andrew
Hale dec'd. and says that said paper writing
ought not to be admitted to record as the
last will and testament of the said Andrew
Hale dec'd. 1st Because the said Andrew
Hale at the time of signing, & publishing,
said paper writing, as aforesaid was weak
and enfeebled in mind and body and not
so disposing in mind & memory as to be
capable of making and executing a will.

2nd That said Andrew Hale for several
days previous to making, and signing said
paper writing, purporting to be his last
will and testament was of unsound mind
and deficient in memory.

3rd That said Andrew Hale at the time
aforesaid and for several days and weeks
previous thereto was under the influence and
control of his daughter Amanda Hale
who fraudulently procured said Andrew
Hale to make and sign said paper writ-
ing purporting to be his last will and
testament.

For these and other good causes the
said Martha Hale says that said
paper writing ought not to be admitted
to Record as the last will & testament
of Andrew Hale dec'd.

Haralson Stokes
attys for Caveatrix

Accl Pace propounder of
the Last will & testament
of Andrew Hale dec'd.

Martha Hale Caveatrix

Caveat
The paper
form

writing purporting, to be the last will and testament of Andrew Hale dec^d propounded by Abel Pace one of the Executors therein named having been duly proven to John M. Gorley and James J. Gordon two of the subscribing witnesses thereto. It is ordered that the same be admitted to record as the last will and testament of the said Andrew Hale dec^d. It is further ordered that Robert Brown, John M. Gorley, Gillen Scrim, John H. Paine & James Bonnell and they are hereby appointed to appraise the Estate of said testator.

And thereupon the said Abel Pace one of the Executors nominated in the said will was duly qualified as such by taking the oath prescribed by law in open court and letters testamentary was accordingly granted to him.

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Abel Pace propounder
of a paper writing purporting
to be the last will testament
of Andrew Hale dec^d.

Martha Hale Executrix

Carries and
Judgements of
the Courts in favor
of the propounder &
admitting the will to
Record.

In this case the Executrix Martha Hale being dissatisfied with the judgement of the Courts rendered therein came into office by her attorneys at Law Haralson & Stokes and prayed an appeal therefrom and having paid all costs heretofore accrued in said case doth hereby bind herself and Thomas Jennings doth hereby bind himself and their heirs Executors administrators jointly

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and Severally to Wiley Wilson Clerk of the
Courts of Ordinary in for said County and to
his Successors in office for all future costs
that may occur in said case - Witness
our hands and seals this 24th day of
September 1847

Martha Hale *LB*
by her attorney at Law
Haralson Stokes
T. Jennings *LB*

Georgia - I Wiley Wilson Clerk of the
Courts of Ordinary in for the County of
Troup and State aforesaid do hereby
Certify that the foregoing Caveat, Judge-
ments of the Courts and appeal bond are
truly copied from the Minutes of said
Courts and that the papers hereto atta-
ched are the original papers propounded
by the said Adol Pace as the last
will and testament of the aforesaid
Andrew Hale dec^d and the original
Caveat filed by Martha Hale.
Given under my hand this 6th
day of October 1847

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Wiley Wilson c^o

Georgia Troup Superior Court, October adjourned
Term 1847

Adol Pace propounder of a paper
writing purporting to be the last
will and testament of Andrew
Hale dec^d Respondants

vs
Martha Hale Caveatrix
appellant

Caveat
Special
Jury
forward

for the judgment of Superior Court in the year 1848

- | | |
|---------------------|----------------------|
| 1 Joseph Poythres | 7 Jesse H. Goff |
| 2 Hamilton H. Green | 8 Charles G. Gullatt |
| 3 Ezekiah T. Cornin | 9 J. H. G. G. G. G. |
| 4 John W. McGee | 10 Thomas G. G. G. |
| 5 Eli Harris | 11 John F. G. G. |
| 6 John Davidson | 12 John F. G. G. |
- We the Jury find the paper propounded to be the will of Andrew Hale dec'd
John F. G. G., Sonman #

Georgia Superior Court, of Troup County
Sitting for ordinary purposes
January Term 1848
Present, their Honors
John Douglass
Jesse McGowan
Nathan Kendrick
Levi Gier

Justices

Noel Pace Executor of the last will testamentary of Andrew Hale dec'd
vs Martha Hale Caveat

It appearing that an appeal was entered in the above cause returnable to the October Term of the Superior Court of Troup County 1847 and that upon the trial of the said caveat on the appeal the jury empannelled to try said appeal found by their verdict that the said paper writing propounded was the will of the said Andrew Hale dec'd - And it further appearing, that the said Superior Court thereupon ordered that the said will be admitted to record and that the letters testamentary of the said Noel Pace Executor as aforesaid be of full force and effect. It is ordered by this Court that forward

The said will be recorded together with a copy of the said verdict & order of the said Superior Court.

The above order granted.

J. S. McLean, Clerk.

Troup Superior Court, October adjourned term 1847.

John Pace propounder

of a paper writing purporting to be the last will & testament of Andrew Hale dec'd

vs
Martha Hale Caveatrix

Case in Troup Superior Court on appeal trial and verdict for the propounder of said will

Whereupon it is considered ordered and adjudged by the court that the judgment of the Court below be affirmed to wit the Superior Court of Troup County Georgia sitting for Ordinary purposes and that the said testamentary granted to John Pace executor of said will & the propounder of said will be of full force effect and that John Pace the propounder of said will do recover from Martha Hale Caveatrix the sum of

dollars and cents for his costs in this behalf by said John Pace laid out and expended and the said Martha Hale Caveatrix as aforesaid be in mercy

Full & Perill &

William F. Pryor

Att'y for John Pace propounder

Recorded 26th January 1848

- W. Wilson & Co.