

In the name of God, Amen. I John Scott of the
County of Montgomery, State of Alabama, being of
sound mind and memory, but of feeble health, and
knowing the uncertainty of human life, do make
ordain and publish this my last will and testament.
In the first place, I give and bequeath to my daughter
Clementina R. James, the house and lot on which I
now reside in the town of Montgomery, together
with all the household and kitchen furniture
therein and contents belonging, to her and her heirs
forever. In the second place, I give and bequeath to
my son, Robert Lindsey Scott and William Gibb Scott
my plantation lying on the waters of Pinthal Creek,
and situated in the Counties of Laurens and Montgomery,
together with all my negroes and all the stock and
implements of every kind and description on said plan-
tation. I also give and bequeath to my said son
Robert Lindsey Scott and Wm Gibb Scott, my portion,
being the one ninth part of the west point property,
lying in the County of Travis, State of Georgia.

And it is my will and desire, that all the property
herein devised to my said son Robert Lindsey Scott
and Wm Gibb Scott, shall be kept together and man-
aged by my executors hereinafter named, for the ben-
efit of my said sons until Robert Lindsey shall
become of age, when the property shall be equally
divided, and the one half shall be delivered over to
my said son Robert Lindsey, my said executor con-
tinuing their control and management of my said
son William Gibb's portion until he shall become
of age, when his portion shall also be delivered to
up to him. And it is my will and desire and I
hereby fully authorize and empower my said executor
if at any time they shall deem it for the interests
of my said sons Robert and William so to do, to make
sale of the tract of land heretofore devised to them
or any portion thereof and to make sale at such
time and in such manner as they shall deem best
for the benefit of my said sons, of the whole or any portion of

and ~~my~~ ^{my} ~~estate~~ ^{estate} property. In the third place, I give and bequeath and devise unto Charles T. Pollard, Robert Lindsey Scott and Wm. Bibb Scott, all my town lots situated west of Court Street on the now incorporated limits of the town of Maitzgamery, being twenty five in number, together with all the wharf and water privileges thereto belonging to be equally divided between them, and I hereby authorize and empower the said Charles T. Pollard to sell all or any part of said lots, dividing the money equally between himself and my said sons Robert and William share and share alike. But as my sons become of age, the power hereby conveyed, to said Pollard to sell their shares or interest in said lots shall cease - that is when Robert Lindsey shall become of age, the power hereby conveyed to sell his undivided interest in said town lots shall cease, but the power to sell the interest of William Bibb, shall remain in said Pollard until he, the said William Bibb Scott shall become of age, and then cease. Believing now with the bequests and devices hereinbefore made, all my children will have received an equal portion or share of my estate which it has been my desire and intention to give them.

In the fourth place, I charge all ~~the~~ residue of my estate of every kind and description, with the payment of all my debts, it being my plain intention and meaning that all the foregoing bequests and devices shall be entirely free claims of all creditors, and after the full payment and satisfaction of all my just debts out of the said residue, then it is my will and desire, and I hereby bequeath and devise all the rest and residue of my estate of every kind and description to all my children, to wit: Thomas B. Scott, Alfred V. Scott, John Scott Jr., James E. Scott, Eliza A. W. James, Clementine B. James, Emily Virginia Pollard, Robert L. Scott and William B. Scott, to be equally divided between them share and share alike. In the last place, I appoint Alfred V. Scott, James E. Scott and Charles T. Pollard,

whereif I have herunto set my hand and seal, this the twenty first day of June 1838.

J. Scott. (Seal)

Signed and sealed in presence of

James E. Pelser
D. J. Graham
Jas. A. Graham

State of Alabama } D. J. Graham, came personally
Lauderdale County } into Court, and after being duly
sworn upon the Holy Gospel of God, depose and saith
that he was present and saw John Scott, decd, in his
lifetime, sign, seal and publish the within instrument
in writing purporting to be his last will and testament
for the purposes in the same expressed, and that he
was at the time of sound disposing mind and memory,
and that this deponent did, with James E. Pelser, and
Jas. A. Graham, sign the said instrument in writing
aforesaid as witnesses in the presence of the said
John Scott in his lifetime ^{and} at the time of his signing
the same and also in the presence of each other.
Sworn to in open Court, this the 18th January 1840.

3 D. J. Graham

Jas. Vanover, Clerk.

The State of Alabama } Regular Ophane
Lauderdale County } Court, 6th January 1840.

Present his Honor Peter Williams, Judge.
Now at this Court, Alfred V. Scott, James E. Scott and
Charles T. Colford, came into Court, applied for and
obtained leave to prove the last will and testament of
John Scott, deceased, and thereupon introduced D. J.
Graham, one of the subscribing witnesses to the same,
who being duly sworn, established and proved the
same as the law directs.

Court adjourned sine die.

Peter Williams J. C. C. F. C.

State of Alabama (Regular Sessions Court.
Lauderdale County) 56th January 1880.

Now at this Court, Alfred V Scott, James E Scott,
and Charles T Pollard, came into court, applied for
and obtained leave to prove the last will and testament
of John Scott, deceased, and thereupon introduced D D
Graham, one of the subscribing witnesses to the same,
who being duly sworn, established and proved the same
as the law directs, Alfred V Scott, James E Scott, and
Charles T Pollard, the persons named in and appointed
by the last will and testament of John Scott, dead,
having proven his said will as the law directs, came
now into Court and made application for letters
testamentary to be granted to them in accordance with
the said will. Whereupon it is ordered by the Court
that letters testamentary issue in conformity with
the said last will and testament of the decedent
upon their entering into bond with approved security
and taking the oath prescribed by law.

Alfred V Scott and Charles T Pollard, named as
of the executors of the last will and testament of
John Scott, deceased, having entered into bond with
approved security and taken the oath prescribed
by law. It is therefore ordered by the Court, that the
Court issue to the said Alfred V Scott and Charles T
Pollard, instantly their letters testamentary upon
the last will and testament of John Scott, deceased.

Court adjourned sine die.

Peter Williams, J. C. C. L. C.

State of Alabama (Now all men by their presents.
Lauderdale County) That we Alfred V Scott, Charles T
Pollard, Thomas B Scott and John A Scott, of the
County and State aforesaid are held and firmly bound
unto Peter Williams, Judge of the County Court for
said county, and his successors in office in the
penal sum of one hundred thousand dollars, for
which payment we and truly, to be made and
paid, we bind ourselves, our heirs, executors or admin-
istrators.

instrument jointly and severally signed by them, and
sealed with our seals and dated the 1st day of Jan'y
A.D. and one thousand eight hundred and forty.
The condition of the above obligation is such, that when
the above named Alfred V Scott, and Charles T Pollard,
have been appointed executors of the estate of John
Scott, sen. deceased; now if the said Alfred V Scott and
Charles T Pollard, shall well and truly perform
all the duties which are or may be by law required
of them as such executors, then the above obligation
to be void; otherwise to remain in full force.

Attest
John Varner, Clerk } Alfred V Scott (seal)
18th January 1840. This } Charles T Pollard (seal)
bond was then presented and } Thomas D Scott (seal)
approved by me } John L Scott (seal)
Peter Williams J.C.C.I.C.

The State of Alabama } Probate Court.
Lauderdale County, } In the matter of the estate of
John Scott, decd. To the Hon. A. O. Coffey Judge
of the Probate Court, Lauderdale County: The petition
of the undersigned, Henry C Temple, respectfully
represents that in the last will and testament of
John Scott, decd., which will and testament has
been duly probated and admitted to record in
this Court, Alfred V Scott, Charles T Pollard and James
C Scott, were named as executors, that the two first
qualified in the year 1840, but are since dead, and
the last resides in Texas and declines now to qualify,
that the said testator died seized and possessed of
certain real and personal estate, consisting chiefly
of lands and negroes in Alabama, nearly all of
which have been administered by the executors,
who qualified, all of which real and personal est
unadministered being estimated to be worth about
fifteen hundred dollars, and lying chiefly in la
in Georgia. That a petition is presented
by a large majority of the heirs at law

...said estate, that he is an inhabitant
of the State above the age of twenty one years, and in
fact disqualified under the law from serving as
administrator with the will annexed of said estate,
to the end that the said property may be collected
and preserved for those who shall appear to have a
legal right or interest therein and the said will executed
according to the requests of the said testator; Your petitioner
prays that your Honor will grant letters administration
ad Bonum non with the will annexed on said estate,
upon his entering into bond in such sum as is required
by the statute and with such security or securities as
shall be approved by your Honor.

Henry O Temple.

The State of Alabama }
Montgomery County } Henry O Temple, being duly
sworn, deposes and says that the facts averred in
the above petition are true according to the best of
his knowledge, information and belief. Nov 23rd 1891.

Henry O Temple.

Sworn to and subscribed before }
me, this 23rd day Nov 1891. } Endorsed, Filed in the office
C R Hastings, N.C. } of the Judge of Probate Court.
in and for said County. } prayer granted on proof
of death of A. V. Scott and C. O.
Collard, and ordered recor-
ded this 26th day of November 1891.

A E Coffee.

Judge Probate Court
Lawrence County.

The State of Alabama } Estate of John Scott, dead.
Lawrence County } Probate Court.

Know all men, that we Henry O Temple,
Robert Holstonwhite and Saint B Marks, Jr. of Montgom-
ery County Ala. are here and firmly bound unto A E
Coffee Judge of the Probate Court for said County, in the
sum of five hundred and no part of the said thousand dollars for the

swornly as witnesses our hands and seals this 26th day of November 1891. The condition of the above obligation is such, that whereas the said Henry C Temple has been appointed by said Court, administrator of the estate of John Scott, deceased, late of said County, unadministered by the late executor now dead, with the will annexed of said John Scott, upon executing this bond; Now if said Henry C Temple, shall well and truly perform all the duties which are or may be by law required of him as such administrator, then this obligation to be void: otherwise to remain in full force and virtue.

Taken, approved and ordered to be recorded, this 26th day of November 1891.

Henry C Temple (Seal)

Rabk Goldthwaite (Seal)

J J Marks (Seal)

A E Coffee, Judge Probate Court, Leonides County.

The State of Alabama } In the Probate Court,
Leonides County } November 26th 1891.

Present, the Hon A E Coffee, Judge.

In the matter of the estate of John Scott, died.

And now on this day comes Henry C Temple, and presents to the Court his petition in writing under oath praying that letters of administration de bonis non with the will annexed on the estate of John Scott, deceased, issue to him the said Henry C Temple, which petition is examined by the Court, and ordered to be filed and recorded: And it appearing to the Court, from the allegations contained in said petition, and from the duly authenticated records of this Court, that the said John Scott, died an inhabitant of this County and State, leaving a last will and testament which was duly admitted to probate and recorded in this Court in the year 1840, and in said will, Alfred V Scott, James E Scott, and Charles T Pollard, were named as executors and further that Alfred V Scott and Charles T Pollard, are qualified and said trust, and it is

allegations of said petition and other good and sufficient evidence that the said Alfred V Scott and Charles T Ballard are long since dead, and that the said James E Scott, resides in the State of Texas, and declines now to qualify, and that there remains in-administered, real and personal property of said estate, estimated to be worth about fifteen hundred dollars, and it further appearing to the satisfaction of the Court, that the said petitioner Henry C Temple, is requested by a large majority of the heirs at law, to administer on said estate, is over twenty one years of age, an inhabitant of this State, and a fit person under the law, and in the estimation of this Court to serve as administrator - And no person having appeared to oppose the granting of letters of administration to the said Henry C Temple, or to show cause why the prayer of said petitioner should not be granted: it is ordered that the same be granted, provided that the said Henry C Temple, first file in this Court his bond in the penal sum of three thousand dollars, conditioned and payable according to the Statute in such cases made and provided with such security or securities as may be approved by the Court. It is further ordered that the said petition be recorded. And now again appear the said Henry C Temple, and presents to the Court for his approved bond in form as by this Court heretofore required with Robert Goldsmith and J J Manke Jr, as securities thereon, and the Court being now sufficiently advised concerning said bond and said security, it is ordered and adjudged by the Court, that the said bond be taken, approved and recorded. It is further ordered, adjudged and decreed by the Court that letters of administration de bonis non with the will annexed, on the estate of said deceased, be granted to the said Henry C Temple, and that he be and hereby is authorized to administer said estate. It is further ordered that the said Henry C Temple, give and

immediately to collect and take into his possession all the property of said estate, and make due return under oath, to this Court, of a full inventory thereof, within sixty days. It is further ordered that

he and they are hereby appointed appraisers of the personal property of said estate and that a warrant of appraisement be issued to them, notifying them of their appointment, and that they make due return to this Court under oath of their proceedings within sixty days.

A. E. Coffee.

Judge Probate Court
Lauderdale County, Ala.

The State of Alabama

Lauderdale County Court of Probate.
Letters of administration, de bonis non, with the will annexed on the estate of John Scott, late of said County and State, dead, are hereby granted to Henry C. Temple, who has duly qualified and given bond as such and is authorized to administer said estate. Dated this 26th day of November 1891.

A. E. Coffee.

Judge of Probate, Lauderdale Co.

State of Alabama

Lauderdale County Court of Probate of Lauderdale Co. Ala.

I, A. E. Coffee, Judge of Probate of said County, and sole Judge of said Court, hereby certify that the foregoing pages from one (1) to twelve (12) inclusive, contain and embrace a full, true, and complete transcript of the record and proceedings of the said Court in the matter of the Probate of the will of John Scott, late of said County deceased, and the qualification of the late Charles T. Pollard and Alfred T. Scott, as executors thereof, with a copy of said will - also of the petition of Henry C. Temple to be appointed administrator of the assets of said estate of John Scott, left in administration by said executors with the will annexed, with the action of the Court on said petition, and also a copy of the said will filed in said Court.

Simple, and the action of the Judge of Probate approving the same, and ordering it to be filed with a copy of the letter testamentary issued to said Simple in his filing said bond. I further certify that said Court is a Court of record having a seal for the authentication of its records, but that it has no clerk except the Judge of Probate, who is himself the keeper of its records and of said seal - I also certify that this certificate of the proceedings of the said Court is in the form of law.

Witness my hand as Judge of said Court and the seal of said Court, this the 26th day of November 1891.

A. E. Coffey

Judge of Probate.

Recorded January 22 1892
R. J. Harper. Ordinary