

Know all Men by these presents that I Silas J. Perry of the County of Jones and State of North Carolina being of feeble Health but sound in mind and memory do make this my last will and testament hereby revoking all former and Codicils of every kind soever.

First I give and bequeath to each of the children of my Sister Susan Rhem deceased being four One Slave and four Hundred dollars.

Second I give and bequeath to my Brother George W. Perry all the balance of my property of every kind soever after paying the legacies above specified to my sister children my just debts and funeral expences

Third I hereby make and constitute my Brother George W. Perry my Executor to carry into effect this my last will and testament

In witness whereof I have hereunto set my hand and seal at Norville in the State of Alabama this sixteenth day of December A.D. 1845

the above instrument was subscribed by Silas J. Perry the testator in the presence of each of us and was at the same time declared by him to be his last will & testament and we at his request signed our names hereto as attesting witnesses

Silas J. Perry *his* mark

C. Lockwood
A. A. Winston
J. Torrey

State of North Carolina

To Isaac Bryan Esqr of the City of Mobile and State of Alabama Greeting

Whereas we are informed by the Petition of George W. Perry of the County of Jones and State of North Carolina that Silas J. Perry late of said County of Jones and is dead and hath made a last will and testament in writing and thereof appointed said George W. Perry Executor and that the said Silas J. Perry at the time of his death had his usual and fixed residence in the said County of Jones by reason whereof the probate of the said last will belongs of right to the County Court of Pleas and Quarter Sessions for said County and whereas we are further informed by the said George W. Perry that the said last will is attested by C. Lockwood A. A. Winston and J. Torrey who are inhabitants of the State of Alabama resident therein by reason whereof their personal attendance

183

in the said County Court for the purpose of proving this said last will cannot be had. Now know ye that we reposing special confidence in your fidelity and prudence have appointed you and by these presents do give unto you full power and authority to cause the said E Lockwood A. A. Winston and S. Dorcy or any two of them to come before you at such time and place as you shall appoint and them or any two of them examine upon oath which oath you are hereby empowered to administer touching the due execution of the said last will of the said Elias J. Perry and the state and situation of his mind at the time of executing the same and such examination together with this writ closed up and under your seal to the Justices of this County Court of Pleas and Quarter Sessions for the County of Jones at a Court to be held at Tomontown within and for said County on the second Monday of June next.

Witness John H. Hammona Esq. Clerk of said Court at Tomontown the second Monday of March Anno Domini one thousand eight hundred and forty six and in the sixty ninth year of American Independence.

John H. Hammona

State of Alabama

City and County of }
Mobile

Personally appeared before me Isaac Bryan named in the annexed Commission Oliver Lockwood Augustus A. Winston and Susan Dorcy subscribing witnesses of the last will and Testament of Elias J. Perry deceased which last will and Testament is here unto annexed and being duly sworn by me on the Holy Evangelist of Almighty God I depose and swear that they saw the said Elias J. Perry sign & publish and pronounce the said annexed instrument to be his last will and Testament that the same was done in presence of the said Oliver Lockwood Augustus A. Winston and Susan Dorcy who together subscribed their names as witnesses thereto in the presence of the Testator that said Elias J. Perry and at his request that at the time of the execution of the said will the said Elias J. Perry was of sound and disposing mind and memory further the deponents said not.

Sworn and subscribed

this the 6th day of May
in the year of our Lord
one thousand eight hundred
and forty six

} Oliver Lockwood
} Augustus A. Winston
} Susan Dorcy

Isaac Bryan Commissioner

State of Alabama 1846

City & County of Mobile 34

To the Justices of the County Court of Pleas and Quarter Sessions in and for the County of Jones in the State of North Carolina I Isaac Bryan to whom the Annexed Commission is directed do Certify that pursuant to the directions given to me in and by the said Commission I did cause to come before me on the 6th day of May in the year of our Lord one thousand eight hundred and forty six Edwin Lockwood Augustus A. Winston and Susan Dorcy who first being duly sworn on the Holy Evangelists did depose and say as in and by the Annexed Deposition subscribed by them with their Names is set forth and depose - and I do hereunto annex the Original Last Will and Testament of the within mentioned Elias J. Perry which is referred to in the said depositions - all which I certify to the said Justices under my Seal as by the foregoing Commission I am Commanded to do -

Done at Mobile in the State of Alabama the 6th day of May in the year of our Lord one thousand eight hundred and forty six

Isaac Bryan (sgl)
Commissioner

I John D. Hammona Clerk of the Court of Pleas and Quarter Sessions for the County of Jones Certify that the above contains a true Copy of the Last will and Testament of Elias J. Perry as proven in the County and City of Mobile State of Alabama and received and ordered to be Recorded at the Town Term of said AD. 1846

John D. Hammona Cee