

official acts as Clerk of said Court and that his foregoing  
attestation is in due form. Given under my hand and private  
seal (there being no seal of my office) at Manassas in the County  
of Loudoun this 21<sup>st</sup> day of November A.D. 1860 and of American  
Independence the 65<sup>th</sup> year. Rich<sup>d</sup> H. Long Esq<sup>r</sup> J. D. C. S. C.  
Recorder this 31<sup>st</sup> day of March 1866 Sanford Wilson Clerk.

## Gilbert Shearer's Will

I Gilbert Shearer of the County of Dallas and State of Texas  
and though feeble of body of sound and disposing mind and  
memory hereby make publish and declare this my last will  
and testament in relation to my worldly affairs

In the first place I desire that all my just debts  
shall be paid as soon as practicable.

The following mentioned property I will and bequeath to  
my wife Martha Ann with the Conditions hereinafter ex-  
pressly stated that is to say my County residence and  
the large adjoining about seven acres (purchased by me  
of Thomas Gilbert also a certain lot or parcel of land in  
the Town of Selma purchased by me of Elias Parkman  
being part of the tract formerly owned by him called Fremont  
and subdivided into Sunday Small lots as specified in a  
map of the said Fremont tract in possession of the said  
Parkman and recorded in the Office of the Clerk of the County  
Court of Dallas County the said hereby bequeathed to my  
wife is subdivided into seven lots numbered Nine Ten  
Eleven and Twelve according to the map of the said Fremont  
tract recorded as aforesaid.

I also will and bequeath to my said wife the following  
mentioned Slaves that is to say Ben Hays Nelly Arber  
Patience Eliza Lucy Isaac Alfred Ann & Isaac. Also  
Elizabeth Nelson Fanny (daughter of Anna) and her child  
Nadall Aaron Clarine Caroline Catharine Lewis Sam  
Susan Gertrude and Edgar. The above mentioned property  
Real and Personal in lieu of dower I give and bequeath  
to my said wife during her life and at her death to be  
divided as near as practicable equally in value among  
all my Children then living and the lawful issue of each  
of my Children as may not be living and I hereby give to  
my said wife full power and authority to declare either by  
deed or will in writing in what manner the property aforesaid  
shall be divided among my Children or their lawful  
issue (provided that in point of value the division shall be  
equal as nearly as practicable and provided also that the  
lawful issue of my Children who may have departed this life

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shall be subject to such proportion of the property and no  
more as their shares of living would be subject to  
It is further provided that by the will and ex post  
assent of my wife my executors may sell any portion of  
the property above mentioned and must the proceeds in  
such other property real or personal as may be thought  
best and my wife may desire provided that all property  
so purchased shall be subject to precisely the same  
provisions appertaining in relation to the property above  
specified as bequeathed to my wife The increase of the  
Slaves above mentioned from that time forward  
I also give to my wife on the same Conditions and  
Subject to the same Conditions or provisions as the prop-  
erty above specifically named. My Carriage and  
Carriage House, house hold and Kitchen furniture I  
give to my wife absolutely to be disposed of in such  
manner as she may think proper No part of the prop-  
erty will be to my wife as aforesaid shall be used or disposed  
off for the payment of my debts until all other property shall  
have been exhausted without her ex post assent Just attained  
and if any portion of the property will be to her should be  
taken or disposed of for my debts my Executors shall if my  
wife desires it furnish her Out of the rest of my ~~property~~ estate  
with other property of equal value to that which may be so  
taken or disposed of which shall be subject in all respects  
to the same provisions appertaining to the property hereinafter  
above mentioned The balance of my ~~estate~~ estate of every  
description after the payment of my debts I will and bequeath  
to all of my Children or to their lawful issue in equal prop-  
ortion Subject to the provisions hereinafter mentioned the  
lawful issue to take the portion which the deceased parent  
would be intitled to should any of my Children die leaving  
lawful issue provided that any property I may have given  
or may hereafter give to any of my Children shall be taken  
into account in the division of my estate among them and  
the said value thereof at the time of the gift shall be deducted  
from that portion of the Estate to which those to whom  
gifts may have been or may be made would otherwise be  
intitled or those to whom gifts may have been or may be  
made if they prefer it may Surrender the property given  
to my executors to be divided with the rest of my estate and  
there so Surrendering property given will not be charged with  
the value My executors hereafter to be named shall have  
full power to keep my estate together to be managed as they  
may think proper but for the interest of my Children after  
the Space of Five years after receiving Letters Testamentary

provided that my executors may at any time they may  
 think proper and advisable make a distribution or they may  
 allot to any One or more of my Children describing it that portion  
 of my estate to which he she or they would be entitled without  
 making a distribution of the rest of the property. When any estate  
 shall be devised or when the portion of any One entitled to  
 distribution may be allotted the distribution or allotment may  
 be made in the following manner. A General distribution  
 to be made by Commissioners to be appointed by a Court having  
 competent jurisdiction but when an allotment is to take place  
 of any One or two that is to say when the Share of any One or two  
 of those entitled to distribution of my estate is to be set apart or  
 allotted if it is desired by those in whose favor the allotment  
 is to be made it may be done in the following manner my ex-  
 ecutors may appoint One discreet and competent person and the party  
 in whose behalf the allotment is to be made may appoint one  
 other person and the persons so appointed shall select a third  
 person who with the persons appointed as aforesaid shall be Compe-  
 tent and shall have power to set apart and allot that portion of  
 my estate to which the party assigning and applying for the allot-  
 ment may be entitled and this may be done without application to  
 Court and allotments so made shall be as good and effectual as if  
 made in the manner prescribed by law and the persons so making  
 the allotment shall Certify in writing in what manner the allot-  
 ment has been made designating the property allotted which Certi-  
 ficate signed by the persons making it and attested by my executors  
 shall be filed in the Orphans Court of the County in which the  
 party in whose favor the allotment is made may reside & a  
 Copy of the Certificate and attestation delivered to the party to  
 whom allotment is made. During the time that my estate is  
 kept together my executors need keep no separate account of  
 the expenses of my Children that is to say that portion of my  
 estate which may remain beyond the part given to my wife  
 and the proceeds of the property so remaining together after de-  
 paying the expenses of my Children who may remain together  
 and whose education is incomplete. The net proceeds of the  
 property annually shall be invested by my executor in such  
 manner as may be deemed most advantageous by them for  
 the benefit of those who may be entitled to distribution of my  
 estate. If my wife desires it that portion of my estate which  
 is given to her in manner above provided may remain with the  
 rest of my estate or with such part if it so may be undi-  
 vided and during the time it so remains she shall be entitled to  
 receive in her own right One fifthth portion of the net income  
 of the property after paying the expenses necessary for the  
 maintenance and education of my Children whose education

of my children whose education may be incomplete and of her  
family including such of my children whose education though  
complete may remain with her and who shall not have received her  
or her portion of my estate and those not remaining with her and  
unmarried and who shall not have received his or her portion of the  
estate may be allowed by my executors without account what they  
may deem reasonable and proper towards defraying his or her  
personal expenses. I hereby nominate and appoint my brother  
in law Thomas M. Corlies and my son in law Samuel B. Brown  
Price or such of them as may act my executors to carry into  
effect this my last will and testament to whom I give entire  
Confidence in them. I give full powers and discretion  
They may sell at such time and place as they may think  
proper for Cash or on time at private or public sale such  
of my property real and personal as they may think proper  
for the purpose of paying debts or of raising the proceeds  
in other property real or personal for the benefit of those entitled  
to share of my estate. They may also if they deem it advisable  
give liens or mortgages on my estate or any part for the purpose  
of preserving funds if necessary for the payment of debts  
and any debts or debts of mortgages or of other simple contracts by  
them as to such portion of my estate as may be unimpaired  
shall be as valid and effectual as if made and executed by me  
while living. I provide that they shall not sell mortgages or convey  
that portion of my estate bequeathed to my wife without her  
assent or assent in writing expressly expressed or expressed  
at the time of making the conveyance. If but one of the gen-  
tlemen named as my executors should accept or if both accep-  
ting one should afterwards be left by the death or resignation  
of the other to act alone all the powers and discretion Con-  
ferred upon both is hereby expressly conferred upon the one  
who from any cause may act singly and alone. No executor  
shall not be responsible for the acts of each other but each  
shall be responsible only for his own acts or commissions.

In testimony whereof I have hereunto Subscribed my name  
this Twenty third day of August Eighteen Nineteen and forty  
One

Subscribed in the presence of  
John A. Brewster  
John G. Jones  
Jas. J. Nassau

Gilbert Shearer

It is my will and request that  
the foregoing named negroes viz Edmund Melinda and her  
five children Betty Charles Dick Harrison and Stephen be  
and they are hereby given to my above named wife in lieu and  
exchange of Lewis Stone and his three children viz Susan Louisa  
and Edgar and I hereby request and enjoin it on my executors to

m. And the said exchange Given under my hand this 23<sup>rd</sup> March 1845  
 Gilbert Shearer

The State of Alabama Dallas County Personally appeared in Open Court John Brantley One of the subscribing witnesses to the foregoing will which being duly sworn depose and testify that he John Gilbert Shearer Esq. read and delivered execute the same as and for his last will and testament that said testator was of sound mind and disposing memory at the time of executing the same and that this deponent John B. Jones and James S. Russell signed the same as witnesses in the presence of and at the request of said testator and in the presence of each other on the day and year therein named known to & Subscribed in Open Court  
 before me 23<sup>rd</sup> October 1845 John Brantley

And the said witness John Brantley being duly sworn depose & testify that he has seen the testator Gilbert Shearer write & that upon having seen him write he is acquainted with his hand writing & that the Signature affixed to the Codicil to said will he believes to be the Signature of said testator

Given & Subscribed in Open Court before me this 23<sup>rd</sup> Oct 1845 J. C. Russell Clerk John Brantley

Recorded 5<sup>th</sup> November 1846 Thos. C. Raines Clerk

Susan Elizabeth Heskew: Will

State of Alabama Dallas County In the year of Our Lord One Thousand Eight Hundred and forty Six

I Susan Elizabeth Heskew being in my proper mind and considering the frailty of death and the uncertainty of the time in which it may happen do hereby make this my last will and testament in the manner following viz After the payment of my funeral expenses and doctors bill and all other debts now outstanding against me I give and bequeath a sufficiency of my little effects to the buying of brick tomb over the graves of my father mother and brother Robert Jackson Heskew also the paying in the same to my dear friend and spending according the same to myself

All the balance of property I now am possessed of I give and bequeath to my sister Sarah Heskew to have and to hold as her own lawful property in person or by heirs or assigns forever moreover I do hereby appoint to this my last will and testament

as executor to manage and execute after my demise etc