

May Term 1845 Personally appeared in Open Court James C. Russell
one of the Subscribing Witnesses to the foregoing Will
who being first duly sworn deposes and says that he saw
John W. Wain sign seal and execute the same as and for his last
Will and Testament that he the said testator was of sound mind
and disposing memory at the time of executing the same, that
he did observe & Learned Dr. McWain signed the same as witness
in the presence of and at the request of said testator, in the presence
of such other on the day and year there in named
Subscribed before me in 2 Wm. C. Russell
Open Court this 15. May 1846 Satisfied Wm. C. Russell
33 Recorded this 28 day of August 1844 Satisfied Wm. C. Russell

Jonathan Avery's Will

In the Name of God Amen I Jonathan Avery of the County of
Dallas and State of Alabama being at this time in a low state
of health but being sound in mind and memory and knowing
that it is appointed unto all to die and as I wish to leave
directions for the management and distribution of my Estate
after my decease I do make this my last Will and Testament
in the form and manner following. As soon after my decease
as the nature of the case will admit, I desire that all my just
debts be paid out of the proceeds of the Estate on hand at the
time of my decease if sufficient but if not sufficient out
of the sale of such property as my heirs after named Executors
may think can best be spared by my family and to sell it
at private or public sale for cash or on a credit as they or a
majority of them may think best and without any other authority
than this my last Will and Testament. And I do desire that
my Executors and I do hereby authorize them to execute to
John Purnell a legal right and title to a Strip of land twenty
Nels wide on the South side of the North West quarter of Section
Twenty three in Township Seventeen (17) of Range Sixteen (16) at any
time when applied for by John Purnell or his legal representative
And I do wish my three sons to wit James H. Avery, Jonathan
A. Avery and Thomas A. Avery to be ~~Excluded~~ Excluded out of
proceeds of my estate or that a sufficient be allowed to each of
them for their expenses before any division of my estate takes place.
And I do also give and bequeath to each of them one horse, bridle
and saddle, pack of Carriage, Valise, and one good feather Bed
Wedget and Furniture, one Cow and calf and one Sow and piggs
to each one of them when they arrive to the age of twenty one years.
And I do leave to my beloved Wife Esther Avery every part and
parcel of the remaining part of my estate both Real and Personal to
have and to hold the same during her natural life or widowhood
and I do authorize my heirs after named Executors to sell

For dispose of the Crops made in the Plantations as they in their Judgment may think best and should the proceeds of the Crops be more than repay for the use of the Family I do hereby authorize my Executors or a Majority of them to purchase such property as they in their Judgment may think will be most advantageous to the King of my Estate and the Property by them purchased shall be managed in every respect as the property of my Estate that I have at the time of my decease. And at the death or marriage of my aforesaid Wife Esther Avery I wish all my land to be equally divided between my four youngest Children namely Emily, Richard, James H. Avery, Nathaniel H. Avery and Thomas H. Avery to be divided by lot or sale their choice. And all my Negroes Stock of all kinds house hold and Kitchen furniture not otherwise disposed of in this my last Will and Testament I wish to be valued by three disinterested Men of the neighborhood to be appointed by my Executors after named Executors and I do give to my daughter Joseph S. Parnall and to the heirs of his lawful body one seventh part of the property valued and all the remaining part of my Estate I do give and bequeath to my four other Children to wit Emily P. Kirkland John H. Avery Nathaniel H. Avery and Thomas H. Avery to be equally divided amongst them for their proper use and benefit And I do constitute ordain and appoint my Trusty friends Henry Avery John P. Kirkland and Nathaniel H. Avery my Executors to this my last Will and Testament making all others by me made - In the City of New York the 3rd day of June 1844 The Words Enrich will make out and Nathaniel H. Avery witnessed before aforesaid Nathaniel Avery and John P. Kirkland and Joseph S. Parnall Witnesses Thomas H. Avery

The State of, Hofamae Dallas County New-Orleans Court
30th September A.D. 1844 Personally appeared in open Court
Charles R. Walker one of the Subscribing Witnesses to the foregoing
Will Also being first duly sworn depose that the
said Testator brought the Testator before him & presented
said Will as & for his last Will & Testament that said
Testator was of sound mind & disposing memory at the time of
executing the same & that he the deponent signed the same as one
of the Witnesses thereto in the presence of & at the instance &
request of said Testator & that he saw the other Subscribing
Witnesses to said Will sign the same before & at the request
of said Testator & in his presence Charles R. Walker
known to be Subscribed before me in open Court this 30th
day of September A.D. 1844 Sanford Blann Clerk
Witnessed this 30 day of Sept. A.D. 1844
Sanford Blann Clerk