

of himself Thomas Doucher and John Stider the undersigned
Witnesses and that they signed the same in the presence of each
other and further this deponent saith that the testator at the
time of his signing and sealing the same was of sound and
disposing mind and memory (Signed) Geo. Phillips.

Sworn to in open Court

This 12th day June 1826

Recorded 12 June 1826

William D. C. R.

State of Alabama, I Thomas B. Rutherford of the County
Dallas County, I afore being at the present moment of sound
mind and recollection, calling to mind the certainty of
death do make and ordain this my last will and testament
hereby revoking all other wills Devises or Testaments by me
heretofore made confirming this as my true and last will
and testament. - Premises. I Give and bequeath
to my son William Rutherford his heirs and assigns the
negroes, Stock and household furniture long since put into
his possession, the right whereof to him is hereby confirmed
together with twenty five dollars hereafter to be paid him.
I consider his proportionable part of my Estate, as such I
do hereby discharge my worldly goods from any other
claim on his part his heirs or assigns. - Secondly
I give and bequeath to my ungratefull son Frank R.
Rutherford his heirs and assigns the negroes Stock and house-
hold furniture long since placed in his possession, the right
whereof to him is hereby confirmed together with twenty five
dollars hereafter to be paid to him and further he is
hereby discharged from any and all monies which was
my own and by him used heretofore, this is considered
by me to be his proportionable part of my worldly
goods, as such I do hereby discharge my Estate real
and personal from any other claim on his part his
heirs or assigns for ever. Third I do hereby devise &
dispose of the following negroes in the following manner (to
wit) I give and bequeath to my Daughter Elizabeth my in-
gro Girl Suval, to my Wife the negro girl Eddy, to my
Daughter Dorothy Brooks the negro Girl Jane to my Daugh-
ter Louisiana the negro girl Quincy, to my son Maxi-
milian the negro boy Ted to my son Phoebe the in-
gro boy Henry and to my Daughter Nancy & Malone
the negro girl Viccy to them and each of them and
their heirs forever which said negroes are to be left out
of the distribution of my Estate hereafter intended to be
made, and in case either of the negroes named in this
clause of my Will shall die before the following day

...and in stead thereof to fulfill the intention of
this clause of my devise. Fourth I dispose of all
the remaining part of my Estate in the following man-
ner (to wit) I devise that five persons not concerned
in my Estate may be appointed by my wife my
Daughter Elizabeth my Daughter Dorothy Brooks and
my son William Rutherford or a majority of
them which persons when appointed shall be sworn
to divide my Estate into as many equal parts as I
have legatees, (not to include William or Franklin who
are provided for in the fore part of this my will) my
wife being considered as the first, in one of which
Shares or parts are to be included my negro woman
Charlotte and her children my negro man Anthony
and my negro boy George which said lot or share
shall be considered as my Wifes without lot, tho it
is to be made of equal value with other lots, after which
I devise that a distribution of the other shares shall
be by lot Commencing drawing by the oldest legatee then
in life entitled to one of these shares, and so on or in
such other manner as may be deemed just and right by
my Executors at which said lottery and distribution
a special care is to be kept on the interest of Mary
at Charlotte so as to place her in possession of an equal
part with the rest of my daughters taking special
care to bring into vein the property which I have already
given her and placed in her possession. Fifth.
I desire that a due regard shall be had by my exe-
cutors to the education of my son Theodore, that they
shall at all times provide means to give him liberal edu-
cation whilst he is in study, so that he may be able
to procure a liberal education, and all other parts
of this my Will is to give way to effect this ob-
ject and further I devise that he may not be plac-
ed in possession of any part or share of this my
estate (or his Estate) until he arrives to the age of twen-
ty one years, except the negro boy Henry.

Signed Tho B Rutherford

Sixth I further desire that an application be made
to Legislature for the passage of a law to permit my
executors to carry into effect the intentions of this
my Will without being compelled to give security ac-
cording to the existing laws of this State. Seventh
and lastly, I do hereby constitute and appoint
my wife and Daughter Elizabeth Executors and
William Rutherford Executor to this my last
will and testament.

I have set my name to each sheet of this my will and
affixed my seal hereto in presence of the subscribing witnesses
who hath subscribed the same in my presence in presence
of each other and by my request this 22nd day of July 1825

Rebecca Travers
Daniel Cumberland
J. S. Turner

(Signed) Tho B Rutherford

The State of Alabama Dallas County
Personally appeared before me James Saffold Judge
of the County Court of the County aforesaid Daniel
Cumberland who being duly sworn said that he saw
the testator sign and seal and deliver the foregoing will
and that he the said Daniel Cumberland signed ^{the same} in the
presence of the other subscribing witnesses and in the
presence of each other as a witness thereto at the
request of him the said testator and that he
saw Jesse Turner and Rebecca Travers sign the
same as witnesses thereto at the request aforesaid
12th Jan'y 1825 (Signed) Daniel Cumberland
(Signed) William Boswell Clk

Recorded 15 June 1826
K. M. A. D. C.

In the name of God Amen. I William Jones of Dallas
County and State of Alabama being poorly in body but
of sound mind and memory do appoint this my last
Will and Testament hereby revoking all others. I first
I give my body to the earth to be buried and my soul to
God who gave it secondly after my just debts are paid
I give and bequeath to my beloved Wife Elizabeth all
my goods and Chattels Lands and Tenements and what
soever I may be possessed of to have and to hold
in her proper right during her natural life Time or
Widow hood and at her death or marriage then
said goods and Chattels Lands and Tenements
to be equally divided between my Children that may
then be living or their legal heirs and I further order
and appoint Elizabeth Jones my beloved wife and
John D Jones and Susan Jones to be Executors of
this my last will and testament

(Signed) William Jones