

The presence of Doctor C. B. Bush, one of the other subscribing witnesses. He further deposes that she was at the time of same & disposing mind, and that she died on the same morning following execution of said will. He further testifies that he saw no effort made by any one to influence her to make said will, and did not hear of any such thing made Joseph Moore. And Doctor C. B. Bush testifies and says that he was present on the said 31st day of October 1857 and at the request of the said testator who was his daughter-in-law got the instrument propounded and delivered it to her that she signed the same in his presence and requested him to sign it as a witness & that he did sign it in her presence. He further says that she was of a sane and disposing mind as he ever saw her. He further says that she had before that conferred with him upon the subject of the disposition of her property, and said she wished her property all to go to her husband, that he told her if such was her wish and intention she would have to make will, as it must be done in writing. He further says that she told him that the her husband had no knowledge of the instrument or that she had prepared such an one until the day before its execution. He further says her infant son is in the care of Allen & Water wife, and has been in their care since the death of Mr Bush. C. B. Bush

In the Matter of Probate Court Marengo County. Held the 1st of the 25th day of December A. D. 1858 - Mary E. Bush dec'd For this case it is ordered by the Court that William E. Clarke Esq^r be appointed guardian ad litem for Richard C. Bush a minor child of said Mary E. Bush to defend against the probate of the instrument propounded as the last will of said Mary E. Bush, and the said William E. Clarke comes and accepts said appointment and denies that said instrument is the last will and testament of said Mary E. Bush and now this day comes the said David B. Bush the proponent and the Probate of said instrument being read it appears to the satisfaction of the Court from the testimony of Doctor Lewis B. Bush and Doctor Joseph R. Moore that said instrument was duly and properly executed by said Mary E. Bush as her last will and testament and that she was of sane and disposing mind at the time, the testimony of said witnesses being reduced to writing & signed by them and appended to said will. It is therefore ordered by the Court that said instrument be pronounced and admitted to Record as the last will and testament of said Mary E. Bush

Jas A. Young
Judge &c

1857

State of Alabama Marengo County Feb 15th 1857

will

Noted by Substant C. B. Bush I give my sole interest that I possess in my Father and Mother's estate. I will them to my son Henry Maria and Joseph, Negroes that I have in my possession at this time, to dispose of in any manner which he sees proper, Mary E. Bush dec'd C. B. Bush Joseph Moore W. Jacob Parker

Last Will

of
R. B. W. Kirksey
Deceased

Petition

To the Honorable the Judge of the Probate Court of Marengo County in the State of Alabama - The petition of Robert B. W. Kirksey a citizen of Green County in said state sheweth unto your Honor that Robert B. W. Kirksey late of a citizen of Marengo County deceased heretofore on the 8 day of February 1857, then being of sound and disposing mind and memory made published and declared his last will and testament in writing in the presence of three subscribing witnesses who attested the same as such in his presence wherein & whereby the said testator among other things appointed your petitioner sole executor thereof & the testamentary guardian of his children which said last will and testament is herewith filed and propounded for Probate in your Honorable Court - and your petitioner further sheweth unto your Honor that the said Robert B. W. Kirksey after the making of said last will & testament on the 11th day of October 1857, without having effected in any way altered the same departed this life at his residence in said county leaving a considerable estate real & personal therein and also leaving him surviving Ann Kirksey his widow - and the following named children his wife, him at law that is to say, Susan Ella Kirksey - Mary Elizabeth Kirksey - Ann Parker Kirksey & Robert Kirksey all of whom are minors under the age of fourteen years, and residing together in Marengo County, with their Mother the said Ann Kirksey. Your petitioner therefore prays your Honor to order that the same be admitted to probate and that the said children be appointed guardians of the said children as required by law, and on the final hearing of this petition that your Honor would order & decree that the said paper be admitted to probate and that the said children be appointed guardians of the said children as required by law, and on the final hearing of this petition that your Honor would make all such other and further orders & decrees as may be necessary and proper in the premises & as in better bound will ever

pro. &c
Filed 14th Nov 1857

J. A. Young

Filed 14th Nov 1857
J. A. Young

Wm. M. Kirksey
Attorney

Citation

The State of Indiana, Probate Court December Term, 1857
Marion County
Estate of
H. B. W. Kirksey
Deed
Know all men by these presents, that I, John E. Starnes, of Marion County, Indiana, do hereby certify that the within and foregoing is a true and correct copy of the original of the deed of H. B. W. Kirksey deceased and Susan Ella Kirksey, Mary Eliza to the Kirksey, Ann Parker Starnes & Robert A. Kirksey minor children of said deceased if it be found in your County, to be and appear before the Honorable Judge of the Probate Court, at a Court to be holden in Indiana, for the County of Marion, on the 4th Monday of December 1857 and show cause if any they have why an instrument in writing purporting to be the last will and testament of said H. B. W. Kirksey deed should not be admitted to Probate. Given under my hand and seal of office this 9th day of Dec^r 1857 and in the 52 year of the Independence of the United States. Signed at day of Dec^r 1857. James A. Vance Judge &c Receiver in Sheriff's office the 11th day of Dec^r 1857. Executed Dec^r 18th 1857 by Ann Kirksey Susan E. Starnes, Mary E. Starnes, Ann P. Kirksey, Robert A. Kirksey. C. S. Mattington Atty. by C. H. Tilton J. C.

Citation

The State of Alabama.
County of _____

State of
P. B. Miskew, Deed
Clerk of the County,
To the Honorable Justices of the
Probate Court, November Term 1857.

I, the undersigned, Clerk of the Probate Court of the State of Alabama in and for the County of _____ do hereby certify and without delay, to the Honorable Justices of the Probate Court of said deceased, Susan Elizabeth Miskew, late wife of the deceased, John Miskew, minor children of said deceased, if it be found in your Court, to be and appear before the Honorable Justices of the Probate Court, at a Court to be held in _____ for the County of _____ on the 2nd Monday of December 1857, and show cause why they have not an instrument on file in said Court purporting to be the last will and testament of P. B. Miskew deceased should not be admitted to Probate. Hereto said Justices, and have you then and there this Citation with you and present them on the 11th day of November 1857 and in the 83rd year of the Independence of the United States. Issued 14th day of Nov 1857.

Not Executed December 10th 1874 E. J. Walling for staff
 Foster M. Kirksey, Ex^{or} of the Est. of R. B. H. Kirksey dead
 By
 Susan Ella Kirksey
 Mary Elizabeth Kirksey
 Ann Parker Kirksey
 & Robert Kirksey
 Minor Heirs of said R. B. H.
 Kirksey, deceased
 To the undersigned appointed
 by your Honor to act as guardian ad litem for said
 Minors on the hearing of the Cause above entitled

Came on the petition of Foster to Shusler, accept said
 appointment and waive action and come & defend on
 the allegations contained in said petition which are
 against the interest and advantage of said miners and
 pray your Honor to hold the said petition to strict and
 legal proof of the same, and as in duty bound for the
 interest of said miners will ever pray &c. Robt. J. Hunt.
 Guardian ad litem for said mine-owners of West B^y Shusler, et

The State of Alabama Marengo County
In the matter of the ³ In the Probate Court of said
last will of ³ County at a term held the 1st day of
Robert B. W. Hartsog ³ January A D 1885
The testimony of Samuel Chapman one of the subscribing
witnesses to said will who being first duly sworn in
open court depose and says that he was present on the
6th day of February A D 1887 the day said instrument was
made and saw said Robert B. W. Hartsog sign and put
to it his name as his last will & testament, that he
& J. S. Harris, Wm. McQueen all subscribed their
names to said instrument as witnesses at the same time &
in the presence of said testator, and in the presence of each
other, he further testifies that said testator was at the time
of same and disposing mind and memory.

J. C. Chapman

This day came T. M. Stirksey the Executor nominated
in the instrument propounded as the last will of Robert
B. W. Stirksey and likewise came the Minor heirs of said
testator, by Robert H. Ward Esq of their guardian ad litem
and the Probate of said instrument being heard It appears
on the satisfaction of the Court that said will was legiti-
mely & properly Executed by said R. B. W. Stirksey on the day
the same bears date as will more fully appear by reference
to the Testimony of Counsel E. C. Chapman one of the sub-
scribing witnesses, which testimony is reduced to writing
& signed by him & appended to said will. It is therefore
ordered and decreed by the Court, that said instrument
be admitted to record as the last will & testament of said
Robert B. W. Stirksey, and that letters testamentary issue
thereon

Geo A Young
Quincy Ill

Will

The last Will & Testament
of Robert B. H. Sturkey
of Birmingham, Ala.

Item 1st

2nd

3rd

4th

I Robert B. H. Sturkey being of sound mind and disposing memory, do make, ordain, publish and declare this my last will & testament in manner and form following, that is to say:

1st I do direct my Executor hereinafter named to pay my just debts and funeral expenses out of the first monies that may come to his hands out of my estate. My will and desire is, that my estate real & personal shall be kept together - that my slave be employed in the cultivation of my plantation consisting of about twenty four hundred acres of land, under the control and management of my Executor that he raise crops and dispose of the same, and in all things conduct the business of the estate in the same manner as I myself would do were I living; that my wife & children be properly supported as well then as now as those that may hereafter be born either before or after my death, and they all well educated out of the proceeds of my estate my first object being to provide liberally for my family, and that my said estate shall be kept together until the happening of some one of the contingencies hereinafter provided for. Provided however that it shall be wholly discretionary with my Executor as to manage & conduct my estate as to promote the best interests both of my family and estate.

2nd Should my wife Ann Sturkey at any time desire it done, it is hereby made the duty of my Executor to set off & set apart to her one equal child's part of my estate real and personal, or should she at any time marry, it shall be his duty to do so without her request; the balance of my estate shall continue under the management of my Executor as above provided for the support, maintenance and education of my children.

3rd Whosoever any of my children shall arrive at the age of twenty one years, or marry, then my Executor shall set off and set apart to it, him or her equal part of my estate real & personal, which part or share, shall then rest in such child - and so continue to do so, my children shall arrive of the age of twenty one, or marry, and I hereby declare it to be my will and intention that the support of my wife, so long as she remains unmarried and does not require her share of my estate to be allotted of to her, and the maintenance and education of my children shall be a common charge upon my estate and no separate accounts kept against any of them therefor, and that each one shall have an equal share of my estate, estimating each share at the time it shall be allotted off as above provided: provided that if either one of my children shall die before its share is allotted off to it, then the share of the

Item 5th

one as dying shall go to my other children, and the share of my wife be then increased in dominion thereby. as long as my estate be kept together under the foregoing provisions and no division thereof made, and as soon as it shall be divided off, it shall be the duty of my Executor to provide a suitable house for the residence of my wife and children either on the plantation or elsewhere as my wife shall desire the same to be furnished and provided with servants and all things else in a manner suitable and proper to their condition in life, having reference to the size of my estate the expense thereof to be paid out of the income and profits of my estate, as above provided in reference to their support and maintenance.

6th I authorize and direct my executor to loan out the surplus of the proceeds and profits of my estate after carrying into effect the foregoing provisions in reference to the support and education of my family as well as my other funds that may come into his hands under the provision of this will.

7th I authorize and empower my executor to sell and convey at his discretion any real estate of which I may die seized & disposed other than the plantation which I now cultivate on such terms as he may think proper - also to sell and dispose of any slave, if from it he can make or other cause he should think the interest of my estate required it.

8th At any time it should be necessary, in the opinion of my executor, for the profitable employment of my slaves in agriculture to have more lands than my present plantation, he is hereby fully authorized and empowered to purchase the same either in Maryland or other country in Alabama and pay for the same out of any funds in his hands arising from my estate.

9th If all my children should die, leaving no child or children or their heirs, then my Executor at the time of their death - then it is my will and desire that their portions or shares of my estate shall be divided between my wife and my brother and sister my wife taking two shares and each brother & sister then living a share, and the descendants of any brother or sister that may then be dead taking among them the share of their ancestor.

10th It is my will and desire that my nephew C. J. Sturkey shall be allowed the sum of seven hundred dollars out of the proceeds of my estate to be paid him by my Executor in two equal annual instalments for the purpose of completing his education. I should nominate and appoint my brother, Hester M. Sturkey of this my last will and testament and bequeath to my guardian of my children, Mr. Timothy Smith all other debts by me made.

R. B. H. Sturkey (Real)

Witness, signed, published and declared as his last will and testament by Robert B. H. Sturkey in our presence this 5th day of February A. D. 1867. The words "executors" were interlined in the last line of the foregoing page before signing.

Wm. McGuffee.
Samuel C. Chapman
J. G. Harris

Petition

Let of } The state of Alabama } Probate
 Nancy Beasley } Morgan County } Court
 and }

Be the Honorable James A. Young Judge of the Probate Court of said County and State —

Now petitioner would represent unto your Honor that Nancy Beasley late of said County departed this life in said County on or about the 20th day of September leaving a paper, which is heretofore attached, purporting to be her last will and testament, that the said Nancy Beasley left no husband or children surviving her but left the following persons as her next of kin, who are her brother and sister, of half blood and who are as follows: viz. Sarah Cuckson wife of Eliza Cuckson over 21 years of age and a widow in Covington County State of Alabama — Betty Norton wife of your petitioner James Norton who is over the age of 21 years and a widow in Morgan County aforesaid — Letticy Beasley who is over 21 years of age and a widow in Morgan County aforesaid — Grant Beasley who is over 21 years and a widow in Morehouse parish in the State of Louisiana — and Martha Beasley and Edith Malaga Beasley who are both over the age of 21 years and a widow in Covington County in said state of Alabama. And your petitioner would further represent that James M. Bragg and Joseph M. Bell are subscribing witnesses to said will and they reside in said Morgan County State of Alabama — And your petitioner now here proffounds the said paper, as the said last will of Nancy Beasley is in duty bound he he will even pray he

James Norton
 by Lyon & Jones
 atty

Filed Oct 13/56

The State of Alabama

To any sheriff of the state of Alabama — Greeting
 You are hereby commanded to summon Jasper M. Bell & James M. Bragg to be and appear before the Honorable Judge of our Probate Court at the Court to be holden for the County of Morgan, at the Court House thereof in Linden, on the second Monday of November 1857, on the 1st day of said term, as also to be and appear from term to term, and from day to day of each term of said Court, to testify and give evidence in a certain cause pending in said Court between Jas. Haughton Plaintiff and Carter wife & al defendants on the part and behalf of the said plaintiff and have you then and there this writ, with your endorsement thereon before J. A. Young Judge of said Court at office, this 12 day of Oct. A.D. one thousand eight hundred and fifty seven and 22 year of the Independence of the United States, passed 12 day of Oct 1857. J. A. Young Judge &c

Received in office: The 13 day of Oct 1857. Executed Oct 20th 1857 on Jas. Haughton and Jasper M. Bell & J. M. Wellington Sheriff by St. 21st day Oct

The State of Alabama

To any sheriff of the state of Alabama — Greeting
 You are hereby commanded to summon Jasper M. Bell & James M. Bragg to be and appear before the Honorable Judge of our Probate Court, at the Court to be holden for the County of Morgan, at the Court House thereof in Linden, on the second Monday of November 1857 on the first day of said term as also to be and appear from term to term, and from day to day of each term of said Court, to testify and give evidence in a certain cause pending in said Court, in the matter of the probate of the will of Nancy Beasley, and have you then and there this writ, with your endorsement thereon before James A. Young Judge of said Court at office, this 12th day of October A.D. one thousand eight hundred and fifty seven and 21 year of the Independence of the United States, passed 12th day Oct 1857. J. A. Young Judge &c

Executed on Jasper M. Bell Oct 20th 1857.

Citation

The state of Alabama
 Morgan County

State of
 Nancy Beasley

Probate Court Sept Term 1857

To any sheriff of the state of Alabama — Greeting
 You are hereby commanded, without delay, to cite Letticy Beasley & Edith Alabrook his wife and Letticy Carter and Martha Carter his wife, if to be found in your County, to be and appear before the Honorable Judge of the Probate Court, at a Court to be holden in Linden, for the County of Morgan, on the 2nd Monday of October 1857 and show cause if any thing be shown why an instrument purporting to be the last will of Nancy Beasley dec^d should not be admitted to probate. Herein fail not, and have you then and there this citation, with your endorsement thereon before J. A. Young Judge of said Court, at office, this 22nd day of Sept. 1857 and in the 22 year of the Independence of the United States, passed 22nd day of Sept 1857. J. A. Young Judge &c

Received in court office the 26th day of Sept. 1857. Executed Sept 29th 1857 on Letticy Carter and wife Martha Carter.

Executed Oct 7th 1857 on Letticy Alabrook and wife Edith Alabrook. E. J. Wellington Sheriff by St. 21st day Oct

Citation

The State of Alabama
 Morgan County

State of
 Nancy Beasley dec^d

To any sheriff of the state of Alabama

Greeting
 You are hereby commanded, without delay, to cite Letticy Beasley, if to be found in your County to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in Linden, for the County of Morgan, on the 2nd Monday of November 1856 and show cause if any be shown why an instrument on file in said Court purporting to be the last will & Testament of Nancy Beasley late of said County and State should not be admitted to probate. Herein fail not, and have you then and there this citation, with your endorsement thereon

Witness J. A. Young, Judge of said Court, at office, this 31st day of October 1856 and in the 41 year of the Independence of the United States James 31st day of October 1856 J. A. Young Judge &c Receiver in Sheriff's office 31st day of Oct 1856. Executed November 1st 1856. E. J. Washington Sheriff.

Order on the testimony of Jasper M. Bell. And the said Jasper M. Bell being first duly sworn says that he Elman Nancy Beasley in her life time - that he also her sign the foregoing or within paper as her last will and testament and he also saw James M. Bragg the other subscribing witness sign the same that this deponent signed the said will as a subscribing witness & that he & said Bragg signed the same as such witnesses in the presence of said Nancy Beasley and at her request that it was done at the date mentioned in said will and that said Nancy was of sound mind - that this witness read over the said will to said Nancy & she seemed to understand it fully &c - Jasper M. Bell Subscribed before me Jas A. Young Judge of Probate Probate Court Marengo County November Term A.D. 1857. Let the foregoing instrument be admitted to Probate & recorded as the last will of Nancy Beasley. J. A. Young Judge &c

Last Will
of Nancy Beasley

I Nancy Beasley of Marengo County in the State of Alabama being of sound and disposing mind and memory do hereby make this my last will and testament.
My will and desire is that all of my just debts be paid and that any property I may have at my death may be sold and applied to this purpose. All my land lying on the Tombigbee River in said Marengo County known as the "Beasley land" and described as the South west quarter of Section thirty (30) Township eighteen (18) Range two (2) East containing eight three 2/10 acres more or less, and fractional section twenty five (25) of Township eighteen (18) Range one East containing two & half acres, I bequeath and desire to my brother in law James Horton, to have and to hold the same for and during his life, exercising such control and ownership over it as he pleases - with power to sell the same if he shall see fit, and to make a good, perfect & complete title thereto to the purchaser. I desire that he may sell the above described land at public auction or at private sale as to him may seem best - provided he see proper to sell it at all. If he the said James Horton shall sell the said land I desire that he shall have full power and authority to use the proceeds of such sale as he pleases, to reinvest them in other property if he so desires, and to have and to exercise the same authority and control over such other property as is hereinafter conferred upon him in respect to the above described and devised tract of land.

If the said Horton shall die and bequeath of the same described and devised land I desire that the same shall go to his daughter Mary Elizabeth Lyon Horton to be owned and possessed by her in fee simple. If however he shall have sold the said land before his death I desire the proceeds of such sale or as much as may remain of the same at his death to go to his said daughter Mary Elizabeth Lyon Horton, or if he shall have invested such proceeds in other property I will and bequeath such other property or what remains of the same at the time of his death to his said daughter Mary Elizabeth Lyon Horton 3 I hereby nominate, appoint and constitute the said James Horton my sole and executor of this my last will and testament, and I desire that he may exercise all the powers and perform all the duties of his office without being required to give bond. Nancy Beasley signed and published in our presence
J. M. Bragg
Jasper M. Bell

Let the will of
William C. Lipscomb

petition

of the honorable James A. Young Judge of Probate of Marengo County State of Alabama

- The petition of Joel C. Lipscomb shows to your Honor that Wm. C. Lipscomb late of said County departed this life on the 14th day of December 1857 at his residence in said County, that previous to his death and on the 25th day of June 1857 said Wm. C. Lipscomb executed his last will and testament (which is hereto annexed) in the presence of John Kistler, J. B. Smith and John A. Smith who attested the same as witnesses and appointed your petitioner executor of his said last will. Your petitioner further shows that said William C. died leaving a widow Elizabeth Lipscomb who resided in said County & was of the age of twenty one year and the following names children by 1. Miles D. Lipscomb who is over twenty one year of age and resides in Montgomery County Texas 2. Abner E. Lipscomb who is over twenty one year & resides in Washington County Texas 3. Mary E. Westbroth who is over twenty one year of age & resides in Marengo County afore said. 4. Jane A. D. Broadfield wife of Milton Broadfield both over the age of twenty one year, and residing in the County of Green in the State of Alabama. 5. James L. Lipscomb who is over twenty one year of age & resides in Houston County Texas 6. Rebecca C. Lipscomb who is about 16 years of age & resides in Marengo County afore said 7. And your petitioner who is over 21 year of age & resides in said County of Marengo. Your petitioner therefore pray your Honor to set a day for the probate of said will now here pronounced and to issue citation to the next of kin

existing in the State of Alabama as aforesaid, and to make publication for the non residents out of him to appear if they think proper & such other & further orders as shall seem meet to be, & your petitioners will ever pray to J. C. Lipscomb & propounded for Probate Decr 14th 1857

etiam

The State of Alabama - Marengo County

Last Will of William C. Lipscomb 3 Probate Court Decr Term 1857

To any Sheriff of the State of Alabama - Greeting:

You are hereby commanded, without delay, to cite Elizabeth Lipscomb widow of William C. Lipscomb and also Mary C. Westbrook & Rebecca C. Lipscomb children & next of kin of said deceased, if to be found in your County, to be and appear before the Honorable Judge of the Probate Court, at a Court to be holden in Linden, for the County of Marengo, on the 2 Monday of January, 1858, and show cause why you if any they have why an instrument bearing date 28th June 1857 purporting to be the last will of said William C. Lipscomb, propounded by your S. Lipscomb, should not be admitted to Probate as such. Return fail not and have you then & then this Citation with your endorsement thereon. Witness James A. Young Judge of said Court at office, this 16th day Decr 1857, and in the 82 year of the Independence of the United States. Passed 16th day of Decr 1857 J. A. Young, Executor 23rd Decr 1857 in full E. C. Nottingham Clerk B. J. G. S.

etiam

The State of Alabama - Marengo County

Last Will of William C. Lipscomb 3 Probate Court Decr Term 1857

To any Sheriff of the State of Alabama - Greeting:

You are hereby commanded without delay, to cite James A. Brasfield & Milton Brasfield her husband if to be found in your County, to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in Linden, for the County of Marengo, on the 2 Monday of January 1858 & show cause if any they have why an instrument bearing date the 25th June 1857 and purporting to be the last will of said William C. Lipscomb and propounded by your S. Lipscomb should not be admitted to Probate as such last will. Return fail not and have you then & then this Citation with your endorsement thereon. Witness J. A. Young Judge of said Court at office, this 16th day of Decr 1857, and in the 82 year of the Independence of the United States. Passed 16th day Decr 1857 J. A. Young, Received in Sheriff's office 19th day Decr 1857 Executed 23rd of Decr 1857 for R. Henderson Sh. B. J. G. S.

Probate Court The testimony of John Bestider on January Term 1858 of the Probate Court in the foregoing will, who being previously sworn deposes in open Court that he was present on the day said instrument bears date & saw William C. Lipscomb execute said instrument as his last will & testament that he and J. B. Smith and John H. Smith the other subscribing witnesses sign the same as witnesses at the request of said testator & in his presence and in the presence of each other, he further deposes that said William C. Lipscomb was of sound & disposing mind & memory at the time. John Bestider.

Order on Probate of Will

Probate Court Marengo County

January Term A. D. 1858

This day came on for Probate the within instrument heretofore propounded as the last will of said William C. Lipscomb, and it appearing to the satisfaction of the Court that the next of kin of said deceased resident within the State of Alabama have had legal notice of the time place of filing said probate & that publication has also been made for three successive weeks in the Linden Georgian newspaper published in Marengo County, for the non residents here to appear & contest said probate if they think proper, and it further appearing from the testimony of John Bestider one of the subscribing witnesses to said will, that the same was duly & properly executed & published by said testator, as will more fully appear by reference to said testimony reduced to writing & signed by said witness and annexed to said will. It is therefore ordered by the Court that said instrument be received and recorded as the last will & testament of said William C. Lipscomb, and that letters testamentary be granted thereon. Jas. A. Young Judge &c.

Will

Last Will of William C. Lipscomb

Decr

Marengo County June 25th 1857

State of Alabama Know all Men by these presents that I Wm. C. Lipscomb of the County aforesaid do make this my last will & testament, being in good health and sound mind. Item 1st It is my will and desire that my wife Elizabeth keep possession of the tract of land whereon I now live as long as she may live and at her death the land to be sold and a dividend be taken all of my children. It is further my will that my wife shall have my carriage & buggy one wagon two yoke of oxen six horses or mules as many of the plantation tools as she may need to gather with all the household and kitchen furniture and one year provisions. It is further my will that I give unto my wife ten dollars and I have given to some of my children the following amounts of money or property to that amount, to wit, to my son John

I Epescomb the sum of fifteen hundred dollars, to my son Abner C. Epescomb twelve hundred dollars, to my daughter Mary E. Westbrooke twelve hundred dollars, to my daughter Jane A. D. Brasfield eighteen hundred dollars, to my son Joel E. Epescomb fifteen hundred dollars, to James E. Epescomb my son, I have given fifteen hundred dollars, to my daughter Rebecca E. Epescomb I have given my Kianna a negro girl Matilee a negro boy named Henry all of which I value at one thousand dollars, It is my will and desire that all of my children shall be made equal and then all my remaining property not heretofore given away to my wife and children, be equally divided between my children namely Albert C. Epescomb, Abner C. Epescomb, Mary E. Westbrooke, Jane D. - Brasfield, Joel E. Epescomb, James E. Epescomb and Rebecca E. Epescomb. It is further my will that my son Joel E. Epescomb act as executor to this my last will and testament, in witness whereof I have hereunto set my hand and seal

Test
John Benteau
J. R. Smith
John T. Smith

Wm. C. Epescomb Seal

State of North Carolina

Be it remembered that at a court of Pleas and Quarter Sessions begun and held for the County of Randolph and State aforesaid, at the Court House in the Town of Asheboro, on the first Monday, the 3rd of August 1857

Ed Holt
of
E. H. Hogan
Seal

Present
Rebecca E. Hogan
Micaiah Cox
Samuel M. Martin

The following record is made to wit. A paper writing purporting to be the last will and testament of Elizabeth Hogan was produced in open court by Mr William B. Holt one of the Executors therein named and offered it for probate, and upon the Examination of Lemmy Brown and John Coraeth the two subscribing witnesses thereof, and of James B. Alford by whom it appears that the name of said testatrix was signed in her presence and by her direction the Court doth adjudge and declare that the said paper writing is duly executed to pass both real and personal estate, and that she did truly and lawfully make it is therefore ordered that said will be recorded in the office of the Clerk of this County and that the Executor therein named be admitted to take the oath of office for the qualification of Executors. Whereupon William B. Holt one of the Executors named in said will appeared in open Court and took the oath prescribed by law and entered upon

the discharge of his duties of an Executor, which will is in the words and figures following to wit.
I Elizabeth Hogan of the County of Randolph and State of North Carolina, being of sound and disposing mind, memory and understanding, but of feeble health, have now determined to direct what disposition shall be made of my property after my decease, and do make and publish this my last will and testament, setting and annulling all other wills heretofore made, 1st I will and desire a decent burial and a suitable memorial, and I will that all my just debts be paid 2^d I will and desire that one hundred dollars be given by my executor to each of my living daughters Elizabeth J. Davis, Louisa A. Holt and Eugenia A. Minnie each and separately to be applied by them to the purchase of a remembrance gift, And I further will and desire that my executor place in the houses of my daughter Elizabeth J. Davis and Louisa A. Holt a sum sufficient in their judgment to purchase a suitable memorial for each of my young children, as follow, viz. William H. Holt, Nathaniel John Julia A. Holt, William H. Holt, James H. Holt, Frank A. Holt, Claudia C. Holt, Eugenia P. Holt, Charles A. Holt, Amelia L. S. Holt, Louisa Hogan Holt, children of my daughter Louisa A. Holt, William A. Thompson and Robert A. Minnie children of my daughter Eugenia A. Minnie, William H. Hogan and Jesse H. Hogan children of my deceased son Alexander W. Hogan, my other grand children being heretofore provided for. 3rd I will and desire that all portions of my estate that may come into the possession of my son Pleasant, Hogan or which I have already placed in his possession be placed in the hands of a trustee to be appointed by the Judge of the County Circuit in which he now lives, and the said proceeds and profits be applied yearly to the support of his family and the education of his children during his life and during the widowhood of his wife. And after their deaths to be equally divided among their living children. 4th This is the disposition I wish made of the household and kitchen furniture he now has in his possession and also of that which I have directed to be distributed herein by my daughter Elizabeth J. Davis and Louisa A. Holt, 5th I will and desire that my two best looking, and most valuable furniture be distributed by daughters Elizabeth J. Davis and Louisa A. Holt among my living children namely viz. Elizabeth J. Davis, Louisa A. Holt, Eugenia A. Minnie and Pleasant A. Hogan, the latter to go into the hands of a trustee as aforesaid. 6th I will and desire and hereby direct that the compromise made between my son Pleasant A. Hogan and myself drawn up by George C. Mendumhall Esquire, of which each of us holds a copy, shall be faithfully observed and carried out in every particular by my Executor as therein agreed upon by us, 7th I will and desire that the legacy or the part of it unpaid given by the said my late husband William Hogan of which I am Executor, to Nathaniel John my grand son be paid out of lands in Alabama belonging to the estate of my deceased husband and the balance if any after deducting advances made, out of my estate I may have coming to me from the estate of my deceased son Franklin A. Hogan and if

State of North Carolina J. Henry Cass Clerk of the Court of Pleas
Orange County. I am a Justice of the Peace for the County and
do hereby certify that the foregoing Certificate is now and
was at the time of signing the same Presiding Magistrate in
and said Court of Pleas and Quarter Session for Orange
County duly Commissioned and sworn. In testifying whereof
I have hereunto set my hand and affixed the seal of said
Court at Hillsborough this the 11th day of December A.D. 1857
Geo. Cass. C. C.

Will

Copy & Record of J. William Cain of Orange County
William Cain's Will In North Carolina do make this
Filed Feb 23 A.D. 1858 My last Will & Testament -
I A Young In Order to provide for the early
payment of my debts & the convenient division of my estate, I
will and devise all my land in Alabama & Tennessee & my
half of the house & grounds in Hillsborough, which is held
by Mr John W. Kirkland & myself to be sold in convenient time
after my death & turned out into personalty and also
my negroes in Alabama & all my crops on hand or growing
at my death, stock & all other personal estate whereever
situate excepting slaves in North Carolina and I authorize my
Executors or that one of them who may act under my will - to
make said sale & to convey to the purchaser or purchasers and
if necessary I require my heirs at law to concur in such sales
of real estate by joining in conveying the same as to assume
the same effectually to the purchaser or purchasers and as one
of my Executors may wish to purchase some of the land or
other things & it may appear to enhance the price to allow him
to bid & purchase at public sale I do order and direct that
my Executors may respectively do as & that such purchases be,
open bidding at auction shall be valid and proper con-
veyances shall be made by the one Executor to the other as
purchasing & if need be by my heirs at law. If my Executors
should die before making such sales or refuse or fail to get
under my will, I empower the person or persons to whom I
have committed the administration of my personal estate may be
authorized in North Carolina to make or complete such
sales & conveyances. Out of the proceeds of the sales agree-
paid & all money on hand or owing to me, I order the charges
of administration & my debts to be paid in the first instance
the residue of the said proceeds of sale money & debts &
my slaves in North Carolina & all other lands & other
things & right belonging to me, I give & divide amongst
the different members of my family as follows, The
lands in Orange on which I reside containing about fifteen
hundred and fifty (1550) acres & all my late house & real
estate in Hillsborough except that held by Mr Kirkland
& myself & except those hereinafter devised to Dr. Priddy
Jones I give & devise to my son James & Cain in fee
simple and I also give him & his heirs all my right

legal & equitable in its a certain house & grounds on the above
road east of Hillsborough formerly belonging to the late P. H. Mangum
for the purchase of which I lately contracted with Mr Mangum and also forty one
acres of land out of my tract, adjoining to be laid off as to include the piece
I purchased from Mr Garrison & others containing about thirteen acres & to
include also eight acres more by a line beginning from the corner of the
said piece next to the house in which I formerly lived to the Oxford road
been aware that the value of the said real estate thus given to my son
James somewhat exceeds nine thousand dollars, yet as he is by all accounts
young & has his life made but inconsiderable advancements to him
I think it best to estimate it at that sum, and accordingly direct that he
be charged in respect thereof with the sum of nine thousand dollars in
the division of my estate hereinafter directed. To my son Thomas H. Cain
I give in fee simple my mill on Little River in Orange County & the tract of
land on which they are situate containing about six hundred acres
valued another tract in Orange on which one of my sons lives as a tenant on
the Oxford road below my house & containing about one hundred and
forty acres and also all my share & interest of & in a certain tract of
land in Guilford County called the Copsevine which I hold with
James Webb & others and all other lands which I now own in North
Carolina legally or equitably & not herein specifically disposed of one
for the same the said Thomas shall be charged with the sum of four
thousand dollars in the division of my estate. I have heretofore given
to my daughter Rebecca or her husband Edw. B. Caldwell Engle in
money or the slave Dennis & his wife Henry George Margaret & a boy named
Oleg who is a child of state to the value of four thousand and four
hundred dollars, and I have given to my daughter Martha or her husband
Dr. Priddy Jones in money & the slave Lizzy & Susan to the value of five
thousand dollars and I do now confirm the said several gifts & will that
the said Edw. B. Caldwell & Priddy Jones respectively have the issue of the
said female slaves now born or that may be born & shall be respectively
charged with the said several sums in respect of those prior gifts in the
division of my estate, and I furthermore give to my son in law John
Jones in fee simple if he be living at my death & if he be then dead to his
wife Martha Ann in his stand the tract of land near Hillsborough which
I purchased from David Hargrave & Mrs. Smith containing about six hundred
or thirty four acres. Excepting the eight acres thereof before given to
my son James and also six town lots in Hillsborough lying between the said
land & Mrs. Hills and I order that he or she as the case may be shall be
charged in respect of the said land in this clause given with the sum of
nine thousand dollars in the division of my estate. I have heretofore given
to my son William two or three more & property of different kinds to the
value of six thousand dollars as I estimate it which I mention as having or
as bearing on the provision hereinafter made for his family. I have heretofore
given to my grand daughter Mary Caldwell a valuable negro girl & I now
give to my daughter Rebecca Caldwell three slaves and to my daughter
Mary B. her maid Amy & a girl named Anna a niece of Sally &
to my son James & my female servant Maria as special legacies
for the value of which they are not to be accountable in the division
I then give to my daughter Mary B. Cain out of the said general fund the
sum of fifteen thousand dollars payable within two years after my death
and I order that it be paid without abatement with other pecuniary

general legacies & all debts provided only that the funds be sufficient therefor after the payment of charges & debts, I further give & bequeath to my son James H. Cain the sum of nine thousand dollars payable within two years after my death in trust for the following purposes that is to say to invest the same in the public debt of North Carolina or in some other secure investment to receive the interest to divide and accredit thereon or pay the same annually or oftener to Sarah the widow of my son William during her widowhood & during the minority of her son William for the better support of herself & the nurture & education of her two children but upon the death or marriage of the said Sarah during the minority of her said son or upon the coming of full age of her said son which shall first happen then in trust for the said two children William & Elizabeth to be equally to be divided between them. If one of my said two grand children should die unmarried & under full age of twenty one years then the share of him or her as dying shall go to the other provided nevertheless that the annual profits shall as long as he or she is paid to the said Sarah for the use of herself & her surviving child until he or she marries or the coming of age of the child but if both of the said children William & Elizabeth should thus die unmarried & under full age then & in that case the whole fund including both the original share & the accreted share of the surviving child shall upon the death of such surviving go to be legally divided between each of my children as may be then living if but one then to that one & if both be then living at the said time then & in that case the said fund including both shares shall go to them persons who at that time may be my next of kin according to the statute of distribution & in the proportions therein prescribed my share for these limitations over is principally that upon the death of her children during infancy the said Sarah would receive by law to what they receive from their father's right then get about one third of what I gave or intended to give to my son William namely a child's part of my estate and I express the hope that the provision I have thus made for my daughter in law & her children will suffice for them especially while the children are young so that their shares of their father's estate may accumulate & be ready to meet the larger expenses of advanced age & education. I further will that after the payment of charges debts and legacies aforesaid there be made up in money or North Carolina Bonds at valuation to each of my children Rebecca Martha James & Thomas with what he or she hath respectively had or is charged with in this will as aforesaid the sum of fifteen thousand dollars so to make each of them four equal with Mary if there be a sufficiency for that purpose and then the residue of the fund if any to be equally divided among my said five children now living. In making the division I order that one Green the blacksmith & Carpenter be allotted to my son James at eight hundred dollars & Collick at five hundred dollars and that the boy Sleg be allotted to my son Thomas at three hundred and fifty dollars the boy Haywood at eight hundred dollars but these special appropriations are not to take effect so as in any way

defeat the payment of the said legacy of fifteen thousand dollars to my daughter Mary, and I further will that in the said division the share of my woman Maria belonging to me at my death shall be allotted to my son James at a fair valuation in part of his share of the general fund aforesaid but if they should happen to exceed his share then he is to have them at all events specifically as it is my intention not to separate any part of Maria's family but that James should have all of them and if Mary should have part of her pecuniary legacy. About twenty years ago I sold my sister Mary my plantation on Elm & she has had possession of it ever since but I have never executed a conveyance to her & therefore desire the same to be my said sister in fee simple & that that my negro woman Willy may choose her own owner amongst my five living children & that he or she so chosen shall take her at a fair valuation. I appoint my son James H. Cain & my son in law Jos. B. Caldwell the Executors of this my will dated this 10th day of April 1856 & with my signature on both sheets signed and published by the testator as his will in presence of us after inter-locution.

Gas. St. Ruffin }
Thomas Ruffin }
Robert Moore }

Wm. Cain sent

A paper writing purporting to be the last will and testament of William Cain deceased late of Orange County & bearing date the 10th of April 1856 was produced for probate by James H. Cain, and Jos. B. Caldwell the Executors named therein and Thomas Ruffin, James St. Ruffin and Robert Moore the subscribing witnesses having first been duly sworn according to law proved the due and lawful execution thereof by the said William Cain as his last will and testament and therefore it is considered by the Court that said paper writing is the last will & testament of said William Cain and is properly admitted to pass both real and personal estate and that the same be recorded accordingly and that the Executors therein named be permitted to qualify as such and that letters testamentary issue to them and thereupon James H. Cain & Jos. B. Caldwell the Executors named in said will appeared in open Court and qualified as such by taking the oath required by law.

Petition

Estate of James Law deceased. The State of Alabama Marengo County.
To the Honorable James A. Boring Justice of
Judge of said Court.

The petition of Joseph E. Law, James
Law and John T. Law, Respectfully represents that James
Law departed this life in said County on the 21st day of
May A.D. 1858, that he was at the time of his death an in-
habitant of said County, and owned Estate both real &
Personal therein - That the said James Law left at his
death an instrument in writing executed by him
purporting to be his Last Will & Testament - That by
the said Will & Testament your Petitioners above named
are appointed Executors thereof - That the widow of
said James Law resides in the State and County of Ala-
bama, and is named Rebecca Law, and the next of
kin of said Estate of James Law, are your Petitioners,
Joseph E. Law of Marengo County, Alabama, James T. Law of
Marengo County, and John T. Law of said County, John
Compton the wife of William J. Compton of Marengo County, and
Sarah & Christian the wife of Elizabeth W. Christian of Chelster Co.
Ala, Priscilla Johnson the wife of John Johnson of Cowdell
County, Texas, Children of said James Law deceased - And
the following Grand Children of said James Law deceased, to
wit, Jane G. Wade of Choctaw County, Ala, son of Jane Wade
deceased, who was the wife of John Wade deceased & daughter
of said James Law deceased, Emma Law, Gabriel Law, &
Theresa Johnson the wife of Marion Johnson who are residents
of said Marengo County, & are the Children of Gabriel Law
deceased who was the son of James Law deceased. The other above
named, Francis Marion Law, Jefferson Law, Montague Law, Mary
Law, Martha Law (the said Mary & Martha being under 21 years
of age) Elizabeth Lamar the wife of D. L. Lamar, Eliza Brown
the wife of Merritt Brown who are the Children of Isaac L. &
Law deceased son of James Law deceased, and residents of the
County of Dallas in the State of Ala. Verne Law, Josephine
Law, Sally Law, Ben Law, Rufus Law and Georgiana Law who
are under 21 years of age, residents of said Marengo County,
and are the Children of Robert R. Law deceased, who was
the son of James Law deceased, Margaret Johnson of said
Marengo County who is the widow of Henry Johnson deceased
& Agnes Patton the wife of Asa G. Patton of said Marengo
County, Sarah Brown of said County, Frederick Brown
of the State of Louisiana - Martha Brown who is under
the age of 21 years of said County of Marengo, Francis
Nichols the wife of Moses Nichols of said County, -
Hannah Brown and Harriet Brown of said County,
the daughters of Charles Brown who was the wife of Fred-
erick Brown and daughter of said James Law
deceased, Sarah Law, Cordelia Law, William
Law, Hot Law, & Lucy Law who are under the age

Citation

Estate of James Law deceased. The State of Alabama Marengo County.
To any Sheriff of the State of Alabama - Know ye,

You are hereby commanded without delay, to cite Marion Johnson
& Theresa Johnson his wife, Emma Law & Gabriel Law if to be found
in your County, to be and appear before the Honorable Judge of the
Probate Court, at a Court to be holden in said County, for the County
of Marengo, on the 2nd Monday of July, 1858 and show Cause if
any they have why a certain instrument in writing purporting
to be the Last Will of James Law deceased pronounced by James
T. Law, Joseph E. Law & John T. Law should not be admitted
to Probate as such. (Children of Gabriel Law) to appear said Mar-
ion and Theresa Johnson and their this Citation, with your endorsement
thereon. Witness J. A. Boring Judge of said Court at office,
this 29th day of May, 1858 and in the 82 year of the Independence
of the United States. Issued 29th day of May 1858, Return
in Sheriff's office 31st day of May 1858. Executed on Marion
Johnson & wife June 1st 1858. Emma Law & Gabriel Law near
James Law 27th 1858. E. J. Wallington Shff. By S. Hutton D. C. D.

Citation

Estate of James Law deceased. The State of Alabama Marengo County.
To any Sheriff of the State of Alabama - Know ye,

You are hereby commanded without delay, to cite Margaret Johnson
widow of Henry Johnson deceased, Asa G. Patton & his wife Agnes
Patton Sarah Brown, Martha Brown, Moses Nichols & Francis
Nichols his wife Hannah Brown, and Harriet Brown if to be
found in your County, to be and appear before the Honorable
Judge of the Probate Court, at a Court to be holden in said
County, for the County of Marengo, on the 2nd Monday of July, 1858
and show Cause if any they have why a certain instrument
purporting to be the Last Will of James Law deceased pro-
nounced by James T. Law, Joseph E. Law & John T. Law should not
be admitted to probate as such. Herein said Mar-
ion and Theresa Johnson and their this Citation with your endorsement
thereon. Witness J. A. Boring Judge of said Court at
office, this 29th day of May 1858 and in the 82
year of the Independence of the United States.
Issued 29th day of May 1858. Executed in Sheriff's
office 31st day of May 1858. Return in Sheriff's
office Margaret Johnson, Asa G. Patton & wife, Sarah
Brown, Hannah Brown & J. Wallington Shff. By
S. Hutton D. C. D.

⁴²³ Estate of The State of Alabama - Marengo County -
James Law dec'd Probate Court May Term 1858
 To any Sheriff of the State of Alabama - Executing:
 You are hereby commanded without delay, to cite Sarah Law, Cor-
 elia Law, William Law, John Law, & Elizabeth Law (all minors) children
 of the late James Law dec'd if to be found in your County, to be and appear before
 the Honorable Judge of the Probate Court, at a Court to be holden in London
 for the County of Marengo, on the 2^d Monday of July 1858, and show Cause
 if any they have why an instrument purporting to be the last will of
 James Law dec'd purporting to be James A Law, Joseph E Law & John I Law
 should not be admitted to Probate as such. Return fail not, and have upon
 then and then this Citation with your endorsement thereon. Witness J A
 Young Judge of said Court at office, this 29th day of May 1858, and
 in the 52 year of the Independence of the United States. Secured 29th day
 of May 1858 J A Young Judge. Read in Sheriff's office 31st of May
 1858. Execution from the 15th 1858 on Correlia Law, George E Law, Elizabeth
 Law & J Wallington shift. Ray J H Golden dopt shift. Sarah Law, William
 Law not found. July 9th 1858 & J Wallington shift.

Estate of The State of Alabama - Marengo County -
James Law dec'd Probate Court May Term 1858
 To any Sheriff of the State of Alabama - Executing:
 You are hereby commanded without delay, to cite Francis Marion Law, Jefferson
 Law, Mary Law, Martha Law, Elizabeth Lamar & her husband
 East Lamar & Eliza Burns & her husband Michael Burns if to be found
 in your County, to be and appear before the Honorable Judge of the Probate
 Court, at a Court to be holden in London, for the County of Marengo, on the
 2^d Monday of July 1858, and show Cause if any they have why a certain
 instrument purporting to be the last will of James Law dec'd purpor-
 ting to be J A Law, Joseph E Law & John I Law should not be admitted
 to Probate as such. Return fail not and have upon then and then this Citation
 with your endorsement thereon. Witness J A Young Judge of said Court at
 office, this 29th day of May 1858, and in the 52 year of the Independence of
 the United States. Secured 29th day of May 1858 J A Young Judge.
 Execution from the 15th 1858 on Francis Marion Law, Jefferson Law, Mary
 Law, Martha Law, Elizabeth Lamar & her husband Michael Burns & Eliza
 Burns & her husband Michael Burns. Ray J B Lewis dopt shift.

Estate of The State of Alabama - Marengo County -
James Law dec'd Probate Court May Term 1858
 To any Sheriff of the State of Alabama - Executing:
 You are hereby commanded without delay, to cite
 Rebecca Law widow of said James Law deceased, William J Compton
 & Anne Compton his wife, Elizabeth Christian and Sarah E Christian
 his wife if to be found in your County, to be and appear before the
 Honorable Judge of the Probate Court, at a Court to be holden in
 London, for the County of Marengo, on the 2^d Monday of July 1858 and
 show Cause if any they have why an instrument in writing purporting
 to be the last will of said James Law dec'd purporting to be James A
 Law, Joseph E Law & John I Law should not be admitted to Probate as such.
 Return fail not, and have upon then and then this Citation with your endorsement
 thereon. Witness J A Young Judge of said Court at office, this 29th day of May 1858
 and in the 52 year of the Independence of the United States. Secured 29th day of May 1858 J A
 Young Judge. Read in Sheriff's office 31st of May 1858. Execution from the 15th 1858 on
 Rebecca Law, W J Compton, wife, E B Christian & wife, not found
 July 9th 1858 & J Wallington shift.

⁴²⁴ Estate of The State of Alabama - Marengo County -
James Law dec'd Probate Court May Term 1858
 To any Sheriff of the State of Alabama - Executing:
 You are hereby commanded without delay, to cite, (See next
 Law, Joseph E Law, Sally Law, Anne Law, Rufus Law, and Virginia Law (all
 minors & children of the late James Law dec'd) if to be found in your County, to be and
 appear before the Honorable Judge of the Probate Court, at a Court to be holden in
 London, for the County of Marengo, on the 2^d Monday of June 1858, and show
 Cause if any they have why a certain instrument purporting to be the last will of
 James Law dec'd purporting to be James A Law, Joseph E Law & John I Law should
 not be admitted to Probate as such. Return fail not, and have upon then and then
 this Citation with your endorsement thereon. Witness J A Young Judge of
 said Court at office, this 29th day of May 1858, and in the 52 year of the
 Independence of the United States. Secured 29th day of May 1858 J A
 Young Judge. Read in Sheriff's office 31st of May 1858. Execution
 from the 3rd 1858 & J Wallington shift.

That will Testament of James Law of the County of Marengo and State
of Alabama, do make and declare this to be my last
James Law dec'd Such Testament in manner and form following:
 Item 1st It is my will and request that my body be decently buried, in the Church
 of St. John's at Birmingham. Item 2^d It is my will and request that all my just debts be paid
 in full. Item 3^d It is my will and request that all my property of every description
 remain on the premises under the control of my son Joseph E Law, until all after
 my debts be paid, for which service he is to receive a reasonable compensation.
 Item 4th I will and bequeath to my son John I Law the Eighth acre of land
 more or less, and known as the East half of the North East quarter of
 Section No twenty six of Township thirteen and of Range one East - said
 land I have valued to him at two 17/100 dollars per acre. Item 5th I
 will and bequeath to my son James A Law all that tract or parcel of land
 being and being in Marengo County and State of Ala, and known as the
 North West quarter of the North West quarter of Section No twenty seven of
 Township thirteen of Range one East containing forty acres. The said land
 I have valued to him at two 17/100 dollars per acre. Item 6th I will and
 bequeath to my son James A Law and John I Law all the remainder of my
 land being and being in Marengo County, and State of Alabama, and known
 as the North West quarter of Section thirty six of Township thirteen of Range one
 East containing or supposed to contain one hundred and forty acres.
 said land I have to value to them at two 17/100 dollars per acre, and to
 be divided between them as they may think proper. Item 7th I will and
 bequeath to my son John I Law and James A Law all the balance of my
 property, that is to say, one twelfth part a
 share, then the said James A Law and John I Law is to add to the
 rest of the ten shares respect of the six fields as well as all the shares equal
 and should the lands that amount to as much as will make them equal
 shares, then the said John I Law and James A Law is to receive so much
 from the personal property as to make their shares equal with the
 rest. Item 7th I will and bequeath to my wife Rebecca Law one parcel more
 and her lot, and request my sons James A Law, Joseph E Law and
 John I Law that they will never see my wife's deffen. Item 8th I
 will and bequeath to my Grand Children (Wife) The Child of son of
 Gabriel E Law dec'd. The Children of Sarah E Law dec'd. The
 children of Sarah Brown dec'd. The Child of Sam Hall dec'd. - The

327. *Witness for probate.* Your petitioner further shows that the said John Horn left him surviving Rebecca Horn his widow a resident of said Marion County, Frances Bryan a female covert wife of Jeremiah Bryan, resident of said County, Elizabeth P. Dumas, resident of the County of Shelby in the State of Alabama. Your petitioner who is a resident of Wilcox County in said State, Anne Narcissa McLeckhand a female covert wife of Charles J. C. Leckhand, Sarah A. Leckhand a female covert wife of William Leckhand, and Mary R. McPhail a female covert wife of William McPhail all her residents of the State of Alabama, and residents of the County of Ware in the State of Georgia - his only children and next of kin - and hereby pro-
pounds said last and will and Testament, and prays the same may be admitted to probate in your Hon. Court as the last will and Testament of said John Horn Deceased; and your petitioner will ever pray &c.

John A. C. Horn
By Charles B. Howell & J. W. Garrett
his atty. &c.

State of Alabama: Before me Amos Springfield a Justice of the peace
Marion County. In and for said County, personally appeared John
A. C. Horn, who being duly sworn, says he has made diligent enquiry
among the family and friends of the late John Horn, and diligent search
among the papers of the same deceased, and in all places where the said last will
and Testament mentioned in the foregoing petition would likely be deposited, for
said last will and Testament, and has been, and is unable to find the same
given to and substantiated before me
this 2nd day of July, 1858

Copy of the last will & Testament of
John Horn Dec'd

John Horn of the County of Ware and
State of Alabama being of sound mind and disposing memory, and desiring
to make a last will and Testament, do make and publish the following
as my last will and Testament to wit,

I give and bequeath to my beloved wife Rebecca Horn all of my property
both real and personal of whatever description that I may be seized & possess
of at the time of my death. To have any to hold the same during her natural life
I give and bequeath to my son John A. C. Horn my home tract of land
containing 720 Acres more or less, together with all the improvements thereon.
I have and do hold the same absolutely at the death of his mother -

I give and bequeath to my daughter Frances E. Bryan my Negro girl named
Olla, to have and to hold the same to her separate use at the death of her mother.

I give and bequeath to my daughters Narcissa McLeckhand, Sarah A. Leckhand
& P. Dumas, Mary R. McPhail & Frances E. Bryan, the following sum of money
to be paid to them by my executors, containing 250 Acres more or less, to be sold
by my executors on such terms as he may think best, and the proceeds
divided equally among my said daughters -

At the death of my beloved wife, I will and bequeath all my balance
of my property, to all my children to wit John A. C. Horn, Sarah A. Leckhand,
Narcissa McLeckhand, Mary R. McPhail, E. P. Dumas & Frances
& Bryan, to be divided equally between them -

If my daughter E. P. Dumas shall die, and leave no child or children
surviving her or if my will that her portion of my property shall go back to
her brother William and her personal or any, future husband shall
have no part of it -

It is my will that in the final distribution of my Estate that the advances which
I have heretofore made to my children shall be charged up to them in said dis-
tribution, and I hereby charge to my children as advances heretofore made the
following sums to wit:

John A. C. Horn	\$ 1650. ⁴⁰ / ₁₀₀
Narcissa McLeckhand	3400. ⁰⁰ / ₁₀₀
Sarah A. Leckhand	4400. ⁰⁰ / ₁₀₀
Mary R. McPhail	1300. ⁰⁰ / ₁₀₀
Frances E. Bryan	8250. ⁰⁰ / ₁₀₀
E. P. Dumas	8610. ⁰⁰ / ₁₀₀

I hereby appoint my son John A. C. Horn Executor to this my last will
and Testament
Witness W. B. Woodruff, D. B. Alexander

John A. C. Horn
Elizabeth P. Dumas Chas. Bryan
Pending in the Probate Court of Ware
County To Mrs Rebecca Horn and Frances
Bryan

You and each of you are hereby notified to have present and
produce on the last of this month, the last will and Testament of John
Horn late of Ware County deceased, written by William B. Woodruff
Esq. in the month of May A.D. 1854, signed by said John Horn, and
attested by said Woodruff, and Jacob L. Alexander as witnesses, in
witness whereof

Sight 8th 1858
Executed 10th 1858 on Rebecca Horn & Frances Bryan
E. S. Wallington Sheriff By J. B. Hyllon D.S.

State of Alabama: Probate Court July Term 1858
Ware County. In my Sheriff of the State of Alabama -

Execution of John Horn Deceased, and Rebecca Horn widow of said John
is to be found in your County, to be and appear before the Honorable Court
of the Probate Court at a Court to be holden in London, for the County
of Ware on the 2nd Monday of September 1858, and show cause if any
they have why an injunction should be granted for probate of the last will
of said John Horn Deceased. Should that be admitted to probate as last
will in fact not, and have you then and there this citation, with copies
in accordance therewith. Witness, J. B. Hyllon Sheriff of said Court at
affice, this 10th day of August 1858 and in the 33rd year of the Independence
of the United States. Issued 10th day of August 1858

Executed August the 17th 1858 on Rebecca Horn. Executed August the
27th 1858 on Frances Bryan. E. S. Wallington Sheriff By J. B. Hyllon D.S.

State of Alabama: Probate Court Aug. Term 1858
Ware County. To Frances Bryan wife of Frances Bryan -
You are hereby notified that John A. C. Horn has
this day procured for probate in said Court, an instrument
in writing, as the last will and Testament of John Horn late of Wa-
re County deceased, and that said application for the probate of
said instrument in writing as the last will and Testament of said

428 John Horn dec'd. is at present residing at a tavern near Landon in the
2^d Monday of September A.D. 1858 at Landon in said County when you
may contest the same if you think proper. *J. A. Young, Judge &c.*
Executed by reading the within to Geo. Bryan August 23^d 1858

The State of Alabama
Citation Marengo County Probate Court July Term A.D. 1858
St. A. W. Patterson Sheriff

To any Sheriff of the State of Alabama - Greeting:

You are hereby commanded without delay, to take Leticia S. Bryan & Frances
S. Bryan his wife, if to be found in your County, to be and appear before
the Honorable Judge of the Probate Court, at a Court to be holden in
Landon, for the County of Marengo, on the 2^d Monday of September 1858
And show Cause if any they have why an instrument purporting to be the
last will of John Horn deceased should not be admitted to probate.
Herein said and have upon them this Citation with your return
ment thereon. Witness, J. A. Young Judge of said Court at Landon
this 10th day of August 1858, and in the 83^d year of the Independence of the
United States, A.D. 18th day of August 1858. J. A. Young, Judge
Received in Sheriff's office 11th day of August A.D. 1858. Executed August
19th 1858 J. A. W. Patterson Sheriff

The State of Alabama
Citation Marengo County Probate Court August Term 1858
St. J. C. Thomas

You are hereby notified that John A. B. Horn
has this day procured for probate in said Court an instrument
in writing as last will and Testament of John Horn late of said
County deceased, and that the application for the probate of said instru-
ment in writing as the last will and Testament of John Horn dec'd
is set for hearing at a term of said Court to be holden on the 2^d Monday
in September A.D. 1858 at Landon in the County aforesaid, when and where
you can attend and contest the same if you think proper.

Executed 19th August 1858 H. J. Youngs Sheriff for St. J. C. Thomas J.C.

The State of Alabama
Citation Marengo County Probate Court July Term A.D. 1858
St. A. W. Patterson Sheriff

You are hereby commanded without delay, to take Elizabeth
P. Adams if to be found in your County, to be and appear
before the Honorable Judge of the Probate Court, at a Court to
be holden in Landon for the County of Marengo, on the
2^d Monday of September 1858, and show Cause if any
they have why an instrument purporting to be the
last will of John Horn late of Marengo County dec'd
should not be admitted to probate. Herein said and
have upon them and them this Citation with your
return thereon.

Witness, J. A. Young Judge of said Court
at Landon this 10th day of August 1858, and in the 83^d
year of the Independence of the United States
A.D. 18th day of August 1858 J. A. Young, Judge
Received in Sheriff's office 17th day of August A.D. 1858
Executed 19th August 1858 H. J. Young Sheriff
St. J. C. Thomas J.C.

The matter of the finalion of John A. B. Horn
for the Probate of an instrument purporting to
be a copy of the last will & Testament of John
Horn deceased late of Marengo County Alabama
Pending in the
Probate Court
of
Marengo County
Alabama

To the Honorable James McPhail Judge of the Probate Court of Marengo
County Alabama

The undersigned Elizabeth Priscilla
Winn of the County of Shelby in the State of Alabama, and Mary R.
McPhail and William W. McPhail of the County of Marengo in the
State of Texas, respectfully show unto your Honor that the said
Elizabeth P. Winn and Mary R. McPhail are children and heirs
at law of the late John Horn deceased of Marengo County Alabama
and that William W. McPhail is the husband of the said Mary
R. McPhail and that they have an interest as heirs at law to said
said in the Estate of said John Horn deceased. That an instrument
purporting to be a copy of the last will & Testament of said John
Horn deceased has been filed in your Honorable Court by John
C. G. of the County of Wilcox in the State of Alabama with the
intent and purpose that the same shall be admitted to Probate and
be read in your Honorable Court as such last will and Testament.
But your Honorable Court at such last will and Testament
said supposed will was not of sound and disposing mind and
memory and incapable of making any lawful disposition of his
Estate. That the said supposed will was never duly executed by
the said John Horn deceased according to law. That of the said
John Horn ever executed any such will as he did at under
duress and under improper influences. That the execution
of said supposed will was procured by fraud & fraudulent
& false representations. That if the said John Horn deceased
ever made any will he be revoked and cancelled the same
in his lifetime, and that he left the last will and Testament
and died intestate. Wherefore and by reason of the prem-
ises your petitioners say that said copy of the said pre-
tended last will & Testament is not the lawful last will and
Testament of said deceased, and pray your Honor that
an issue may be made up under the direction of this Honorable
Court between the said John A. B. Horn and them action, and
that a day be set to try the question as to the validity of said
pretended copy as a copy of such supposed will, and
that such issue may be submitted to and be determined
by a jury in accordance with the law in such cases, and
will ever pray &c.

Filed July 9th in my office
12th 1858

J. A. Young, Judge

Elizabeth P. Winn
Mary R. McPhail &
William W. McPhail
By their Attorneys
Webb & Hunt

43rd Estate of John Horn deceased
In the matter of the
Probate of the will of said
John Horn

This day came John A. C. Horn the proponent
by his attorneys, and likewise came Frances
R. Bryan & Elizabeth P. Thomas in their proper
persons, and also came William Mc
Phail & wife Mary R. McPhail by their attorneys, and all appearing to the
satisfaction of the Court that all the next of kin of said John Horn deceased
residing in the State of Alabama, have had ten days notice of the time
of taking the Probate of the instrument in writing purporting to be
by said John A. C. Horn, as the last will of said John Horn deceased,
and that publication has been made for three successive weeks in the
London Jeffersonian newspaper published at London in the County
of Maryland, for the ten resident here at Law of said John Horn deceased
to appear and contest said Probate if they thought proper. The Probate
of said will was by the Court heard, and at the hearing several motions were
made by the respondents to publish the deposition of Mrs Rebecca Horn
the widow of the said testator, taken by and on behalf of the Contestants,
which motion after argument of Counsel for and against, and said
deposition published, and thereafter came a jury of seven and lawful
men viz. J. P. Riddle and eleven others who being sworn, took between
said will and only to try the issues made up under the direction of the Court
and joined by the parties upon their oaths that they found the
issues in favor of the proponent. They found that the said John Horn
deceased duly made and published a will in his life time, and
that the foregoing is a substantial copy thereof to wit:

"I, John Horn of the County of Marengo and State of Alabama being of
sound mind and disposing memory, and knowing the uncertainty of
life and certainty of death do make and publish the following as my
last will and Testament to wit:

I give and bequeath to my beloved wife Rebecca Horn all my property
both real and personal of whatever description that I may possess and pos-
sessed at the time of my death to have and to hold the same during her
natural life.

I give and bequeath to my son John A. C. Horn my home tract at
Tand on town my 72nd acre more or less together with all the improve-
ments thereon to have the same absolutely at the death of his Mother.

I give and bequeath to my daughter Frances E. Bryan my negro girl
named Bella to have and to hold the same to her separate use at the
death of her Mother.

I give and bequeath to my daughter Narcissa M. Lockhart Sarah
A. Lockhart, E. P. Thomas, Mary R. McPhail & Frances E. Bryan the
following land which is detached from my home place con-
taining 24th acre more or less to be paid by my Executor on such terms
as he may think best, and the proceeds divided equally among
my said daughters.

At the death of my beloved wife I will and bequeath all the
balance of my property to all my children to wit John A. C.
Horn, Sarah A. Lockhart, Narcissa M. Lockhart, Mary R. Mc
Phail, E. P. Thomas & Frances E. Bryan to be divided equally between
them.

If my daughter E. P. Thomas should die and leave no child
or children surviving her, it is my will that her portion of my
property shall go back to her brother William, and her present or
any future heirs or issue shall have no part of it.

It is my will that on the final distribution of my estate that the share
= or which I have herebefore made to my children shall be charged up to
them in said distribution, and I hereby charge to my children as above
= as herebefore made the following sums to wit: John A. C. Horn \$1000
Narcissa M. Lockhart \$200 E. Sarah A. Lockhart \$200 Mary R. Mc
Phail \$200 Frances E. Bryan \$200 - E. P. Thomas \$100
I hereby appoint my son John A. C. Horn Executor to this my last will
and Testament. Witness my hand and seal this 29th day of July 1858.

Witness J. B. Maxwell - J. C. Alexander
They further find that the said will has been discovered and been lost
without the knowledge or consent of the testator, and that it has never been
revoked by him, that he was of sound and disposing mind, and that
the said will is in truth the last will and Testament of said John Horn
deceased and ordered by the Court that the said will be at once
recovered and so found as aforesaid by the jury be established & recorded as
the last will & Testament of said John Horn deceased until the original
will or a more authentic copy can be brought in, and it is further
ordered that letters Testamentary be granted to John A. C. Horn upon
said will.

Estate of Henry King deceased The State of Alabama Marengo County -
Probate Court July Term 1858

Citation To my Sheriff of the State of Alabama - Exciting.
You are hereby Commanded without delay, to take H. B. Boynton and
his wife Margaret Boynton, if to be found in your County, to be and
appear before the Honorable Judge of the Probate Court, at a Court to be
held in London, for the County of Marengo, on the 2nd Monday of Sep-
tember 1858 and show Cause if any they have why an instrument on file
in said Court purporting to be the last will & Testament of Henry
King late of said County, &c. should not be admitted to Probate.
Horn said will and have upon them and there this Citation with open
in accordance thereto.

Witness J. B. Maxwell, Judge of said Court at office
this 29th day of July, 1858 and in the 13th year of the Indepen-
- dence of the United States.
Issued 29th day of July, 1858. J. B. Maxwell, Judge &c.
Received in Sheriff's office 29th day of July, 1858. Execution
the same day. H. B. Andrews Shff. by W. D. Andrews D.S.

Estate of Henry King deceased The State of Alabama Marengo County -
Probate Court July Term 1858

Citation To my Sheriff of the State of Alabama - Exciting.
You are hereby Commanded without delay, to take H. B. Boynton
& his wife Margaret Boynton, if to be found in your County, to be and
appear before the Honorable Judge of the Probate Court, at a Court to be
held in London, for the County of Marengo, on the 2nd Monday of Sep-
tember 1858 and show Cause if any they have why an instrument on file
in said Court purporting to be the last will & Testament
of Henry King late of said County, &c. should not be

133 he admitted to probate herein said not, and have you then seen
this this citation, with your endorsement thereon.

Writup. J. A. Young Judge of said Court at office, this
22nd day of July 1858 and by the kind friendship of the Honorable States
Senator 22nd day of July 1858
Acknowledgment of this writ. July 24 1858 J. A. Young J. A. Young
P. H. Leasure. Executed on all the parties July 28th 1858
E. J. Wallington Clk. Ky. J. Clap Del.

State of Alabama Marengo County -
Probate Court
July Term A.D. 1858
Citation To My Sheriff of the State of Alabama - Greeting:
You are hereby Commanded without delay, to cite Willie Per-
kins & Anne K. Leacherson if to be found in
your County, to be and appear before the Honorable Judge at the
Probate Court, at a Court to be holden in London, for the County
of Marengo, on the 2nd Monday of September 1858 and show cause
if any they have why an attachment on file in said Court serv-
ing to be the last full Testament of Henry King late of
said County, should not be admitted to probate.

Herein said not, and have you then and then this citation, with
your endorsement thereon.
Writup. J. A. Young Judge of said Court at office,
this 22nd day of July 1858 and by the kind friendship of the Honorable States
Senator 22nd day of July 1858
Received in Sheriff's Office 23rd day of July 1858
Executed on all the parties July 23rd 1858 E. J. Wallington Clk

State of Alabama Marengo County
Probate Court September Term A.D. 1858
Answer of Guardian Ad Litem
In the matter of the Probate of the last
will & Testament of Henry King late of said County.
Deceased - I George Glynn having been appointed the
Guardian ad litem of Catherine Perkins Mary B. Per-
kins and Anne K. Leacherson minor legatees of the said
will, and also minor heirs at law of said dec'd. Prins
and deceased said disponent, and prays the Court
to require strict proof of the Execution of the
said probate and as the will of said dec'd. re-
according to law in such cases made & provided

Geo. Glynn
Gar Ad Litem

Last will of
Col. Henry King
Deed
Filed for Probate the
22nd July 1858
J. A. Young

Be it known that I Henry King of this
County of Marengo and State of Alabama
being of sound mind and disposing mem-
ory do make and declare this to be my
last will and Testament hereby declaring
all former wills. That I give and beque-
ath to my daughter Penelope H. Leacherson and her heirs, the following
described land to wit: The South West quarter of Section Thirteen -
Township sixteen Range five East in the County of Marengo in the
State of Alabama subject to entry and sale at Landoffice, together
with the following Negro slaves, to wit: Walter, Halby, Nelson, Rutha,
Berrett, Anthony, Penelope, Dennis, Jude, Clarissa, Daniel, Nancy,
Tully and infant of Jude, Amelia and her four children, Monoran
and her two children, Little Sylvia and her two children, Susan and
her child, Elv and Fanny - with the increase of the same from the date
hereof, to have and to hold the same with land and Negroes to the said
Penelope H. and her heirs to their separate use benefit and behoof
forever. To my Grand daughter Ann H. Leacherson, Mary B. Per-
kins and Kate Perkins Children of my deceased daughter Margaret
H. Perkins, formerly Leacherson and their heirs forever
and beneath the following described land, to wit: The South West
quarter of Section Thirteen, also the South West quarter of the South
East quarter of Section twelve in Township fifteen Range five East
in Marengo County and the several above said, together with the fol-
lowing Negro slaves to wit: Harriet and her children, to wit:
Frank, Frank, Eliza, and her child Bella and her child Elizabeth.
Leora, Anna and her children to wit: Alfred, Charles, Edy, and any
other she may have, together with the increase of said Negroes
from the date hereof, to have and to hold the same with land and
Negroes to the said Ann H. Mary B. and Kate to be equally divided
between them share and share alike, to their separate use, benefit
and behoof forever. The Estate both real and personal, herein
bequeathed to my said daughter Penelope H. and my Grand daughter
Anna H. Mary B. and Kate to keep them severally and separately,
wholly discharged, and exempt from all the marital rights of their
husbands, it being my express meaning and positive intention, that
the said property both real and personal, and especially the rents and
profits of the same as the same shall in the mean time be
subject to be liable for the debts, contracts or engagements of either
of their husbands. I do give and bequeath to my daughter Mrs.
Carroll H. Leacherson wife of H. B. Leacherson the following Negro
slaves to wit: Mahine, Halla, Solomon, July, Jane, Meaton, Felix,
Little Henry, Eliza, Bell and her three children, Nicke, and
Margaret Leacherson, Aggy, Henry, Priddy, and any other child
that Aggy may hereafter have, Sylvia, Lydia, Baccus, Stephen, Isaac,
Joseph, Phoriba, with the increase of said Negroes from the date
hereof, also a certain fence which I now have at my dwelling,
the Estate both real and personal herein devised to my said
daughter Margaret, is to be by her separately held, possessed
and enjoyed wholly discharged and exempt from the marital
rights of her husband, it being so done in before declared my
express meaning and positive intention, that the property, &
as clearly the rents and profits of the same, as the same shall

435 Thus given and bequeathed to my said daughter Margarette shall in no way or manner be subject or liable to the debts, contracts or engagements of her husband.

To my son Shubal S. King and his heirs, I give and bequeath the following named Negro Slaves to wit, Edward, and his wife Malinda with their children to wit, Evey, Allick, Washington, Jaamim, Elley, Sabitha and her children Bettie Morris, Malissa, Edin, Baltham, Squire Hyatt, Mable, Killy and her child Shibal, Isbel and my old man Aaron and the increase of the same from the date hereof, also the following land to wit, the South West quarter of the South West quarter of Section Eleven, the North half of the North East quarter of Section fourteen, the North fourth of the South half of the North East quarter of Section fourteen (20 acres) and the North fourth of the South half of the North West quarter of Section fourteen (20 acres) All in Township fifteen Range five East in Maryland county. The balance of my land lying in Section fourteen Township fifteen Range five East not herein before bequeathed to my son Shubal S. King, I desire my Executor to sell on such terms they may think best and give the proceeds of sale as follows to wit, one half to my daughter Margarette, one fourth to my daughter Penelope H. and one fourth to my grand daughter Anna H. Mary B. and Kate to be equally divided between them.

I also give and bequeath to my son Shubal S. King, all the lands which remain undivided of in the foregoing bequest, of which I am now legally seized & possessed.

To my grand daughter Anna H. Macpherson I give and bequeath the following named Negro Slaves to wit, Evey and her three children named Mollie, Keedham, and Abner, Sarah and her two children named Rich and Henry with the increase of the same from the date hereof, he and she to hold the same to her own separate use, benefit and behoof growing wholly discharged and exempted from the debts or contracts of my husband whom she may ever marry.

I also give and bequeath to my daughter Margarette four Best Steers Red & white, one wash stand and two side tables to be selected by her out of any furniture I now have. I also give to my said daughter my old carriage and old Carriage Horse together with the following named Slaves to wit, Carey and her four children to wit, Susan, Rebecca, Edmon, Selena together with their future increase under the same provisions and restrictions as in a former bequest in this will.

I give and bequeath to my daughter Penelope my Negro man Hiram under the same provisions & restrictions as referred to in the preceding clause of this instrument.

I give and bequeath to my son Dr. C. C. King in addition to the former bequest the following named Slaves to wit, Ann and her in exodus to wit, Tom, Letitia and her child Mary Ann, Sallie & Merick together with their future increase under the following provisions, that the said slaves with their increase at my death are to be valued by competent persons selected by my Executor and my son Shubal is to pay one third of the value of said Slaves to my grand daughter Anna H. Mary B. & Kate, and one third to my daughter

Penelope - the third value of the boy Hiram given in former bequest to my said daughter. It is my will and desire, and I therefore bequeath that the said remainder of my property, House hold & Kitchen furniture, Log - other with the remainders of my Stock, Horses, Cattle, Cows, Hogs, and all other personal property not herein before disposed of, be equally divided between my daughter Penelope H. I desire that my son Shubal S. King, and my grand daughter Anna H. Mary B. and Kate, that is I give to my daughter Penelope one third, to my son Shubal S. King one third, and to my three grand daughter one third to be equally divided between the three.

Any property that I have herein before devised, that may have been disposed of at the time of my death shall pass under this will, and be paid to whom the same was given shall not receive any thing in lieu of the property so disposed of.

• All the property that I may have at the time of my death not herein disposed of is to be equally divided between my heirs.

It is my will and desire and intention that my children, and a grand children shall take a life time Estate in all the property given to them in said bequest, and at their death the same shall go to the heir at their body if any there be, and in default thereof to their brothers or sisters then living, and should my grand daughter Anna H. Mary B. or Kate die without children, then the property I have bequeathed to them shall return to my own children or their heirs.

I hereby appoint my son Shubal S. King and my son in law Dr. C. C. King Executor of my last will and Testament.

In witness whereof, I have hereunto set my hand and seal this 1st day of June A.D. 1858. (Signed in presence of Dr. B. Woodwell, Dr. H. L. Woodwell)

Testimony of Wm. B. Woodwell one of the subscribing witnesses delivered in open Court.

I do solemnly swear & testify that he subscribed his name as a witness to the foregoing will at the request of the testator and in his presence that the said testator signed said will in the presence of said witnesses who are in the presence of Dr. B. Woodwell the other subscribing witness and that said testator subscribed his name as a witness to said will in the presence of said testator and said Woodwell, and that the testator and said witness so signed the same on the day the same bear date, and that the testator was of sound mind at the time he signed said will. W. B. Woodwell

Probate Court Maryland County - The Probate of the will of Henry King deceased 20th June 1858. I do hereby certify that Dr. B. Woodwell and Dr. H. L. Woodwell being on this day to be heard & it appearing that all the heirs of Henry King of the said testator have had ten days notice of the time & place of taking said probate, and it further appearing from the testimony of Wm. B. Woodwell one of the subscribing witnesses to said will it is taken in open Court & reduced to writing & signed by said Wm. B. Woodwell that said will was duly & legally executed & published by said testator as his last will & Testament. It is therefore ordered that said instrument be recorded as the last will & Testament of said Henry King deceased & that letters Testamentary be granted thereon.

J. A. Young, Judge

142nd State of Alabama Marengo county

To the Honorable James A. Young Judge
of the Probate Court of said County

Petitioner The Petitioner of Henry A. Young respectfully shew-
eth unto your Honor, that the late William H. Bickley, who was an
inhabitant of this County at the time of his death, departed this life
in said County on or about the month day of September instant 1858
leaving a last will & Testament duly signed and published by him,
and attested by Benjamin Campbell and William A. Bickley who
reside in said County, and by Mary A. Stokes who resides as your
petitioner is informed in the County of Baldwin in said State, in
which said last will and Testament your petitioner is named as
Executor thereof, which said will is herewith presented to your Honor
and recommended for probate and record in this Court, your petitioner
further sheweth that the only next of kin of said decedent is his sister
Mary A. Bickley who is of full age, sound mind and resides in said
Marengo County. In consideration of all which your petitioner prays that
a day may be set for the hearing of the matter of this petition, that such
persons may be allowed to bring in said subscribing witnesses to testify on
each of said days, but the taking of this said petition may be given to
said Mary A. Bickley, and that such other proceedings, order and
doings may be had and made in the premises, as may be requisite and
proper to effect the due probate and record of said will according to
law. And as in duty bound, &c.
Shewn to before me by W. A. Young
this 17th day of Sept 1858

James A. Young Judge &c

Exhibit to the State of Alabama
Wm. H. Bickley To my Sheriff of the State of Alabama - Greetings:

You are hereby commanded to summon William H.
Bickley to be and appear before the Honorable Judge of our Probate
Court, in the Court House holden in the County of Marengo, at the Court
House holden in London, on the 27th day of September 1858, on the 1st day
of said term, to do as he and appear from term to term, and from
day to day of each term of said Court, to testify and give evidence in
a certain Cause pending in said Court, in the matter of the last will
of William H. Bickley, on the part and behalf of the said Exec-
utor named upon them and their this writ with your endorsement
thereon. Witness my hand and the Seal of said Court, at office,
this 21st day of Sept. 1858. Then signed Eight hundred and
fifty Eight

James A. Young Judge &c
Received in office the 2nd day of

Citation The State of Alabama - Probate Court. Sept Term AD 1858
Marengo County

To my Sheriff of the State of Alabama - Greetings:
You are hereby commanded without delay to cite Miss Mary A.
Bickley if to be found in this County, to be and appear
before the Honorable George of the Probate Court, at a Court
to be holden in London, for the County of Marengo, on the

27 day of Sept 1858 and show cause if any she have why an attachment
ought in writing to be issued this day by H. A. Wolf as the last will of
Wm. H. Bickley said, should not be admitted to probate.

Wm. H. Bickley said and have you then and then this citation, with
your endorsement thereon

Witness my hand and the Seal of said Court at office this 17th day of
Sept 1858 and in the 33 year of the Independence of the United States
Signed 17th day of Sept 1858 J. A. Young Judge
The County acknowledged legal service of this notice, this 21st day 1858
Mary A. Bickley

Last will & Testament The State of Alabama Marengo County -
Wm. H. Bickley William H. Bickley of said County
and State, being of sound and sui-
juris mind and memory, do make

and ordain this my last will and Testament, desiring to last,
First I desire that my general expenses and just debts be paid
by my Executor herein after named

Second I hereby authorize my Executor herein after named to sell
all my property both real and personal, that I may see that my debt
and make to the purchaser or purchasers thereof a good and sufficient bill
to the same or my portion thereof, that he may sell, and that my said
Executor herein after named may sell said property real and personal
either in private or public sale, as he may think best for the interest
of my Estate, and out of the proceeds thereof pay my funeral expenses and
just debts as aforesaid

Third And after the payment of my general expenses and just debts
as aforesaid and discharge of administration I hereby will, move, and bequeath to
my sister Mary A. Bickley the balance and remainder of my
Estate of every kind and description whatsoever, to have and to hold to her
and no claim and assigns forever.

Fourth It is understood by me and none on my part, that provision
of my last Estate was conveyed by me in two deeds of Trust to W. H.
Whitaker Trustee to secure W. B. Starnes & W. A. Wolf in said County,
in payment of certain debts to be paid to W. H. Starnes & W. A. Wolf
which said debts the said W. B. Starnes & W. A. Wolf do hereby certify
that I understood that any claim or preference that they may now have
on said lands, or that in any way to be satisfied hereby, the said debts
of Trust are of record in the office of the Judge of Probate of said
County, to which reference is hereby made for a particular description
thereof

Lastly I hereby nominate, constitute and appoint my
friend Thomas A. Wolf the Executor of this my last will
and Testament, to carry out the provisions of the same

In testimony of which I have here to set my hand and
affixed my seal on this the 15th day of June 1858
Wm. H. Bickley Seal

Witness, sealed, published and declared as his
last will and Testament by Wm. H. Bickley in
our presence this 12th June 1858

Benjamin Campbell
Wm. A. Bickley
Mary A. Stokes

Testimony of Mr. A. Bickley - Being duly sworn says that he saw
 Mr. A. Bickley sign the foregoing as his last will on the day the same
 was made. That he and the other subscribing witnesses thereto, to wit
 B. G. Smith and M. A. Stokes, signed the same as witnesses thereto
 in the presence and at the request of the Testator, and the presence
 of each other on the day & year above said, and that said Testator was
 of sound mind at the time

A. Bickley

Citizen
 State of Alabama - To the Honorable James A. Chappie Judge of the
 Probate Court of Lawrence County

The petition of Willie P. King, respectfully
 represents unto your Honor, that the late John Richardson who was an
 inhabitant of this County at the time of his death, departed this life on the 14th day
 of September 1857, near Selma in the County of Dallas in said State of
 Alabama, leaving a last will and Testament duly signed and published
 by him, and attested by Gilbert Houston and Samuel Pruitt who reside
 in this County in which your petitioner as at present residing is named
 as Executor thereof, and is interested in the Estate of said decedent
 as legal and proper, which said will is herewith produced to your
 Honor, and presented for Probate and record in this Court.

Your petitioner further states that said decedent left no widow
 and that the bulk of his of said decedent as to his personal estate in
 the State of North Carolina, but that he has no knowledge of the
 names and ages of them. In consideration of all which your petitioner prays
 that a day be set for the hearing of the matter of this petition, that public
 notice may come to bring on said subscribing witnesses to testify on such
 appointed day, that due notice of this application may be given to the
 Heirs of said decedent in said State of North Carolina or else-
 where, and that such other proceedings, orders and decrees may be had
 and made in the premises as may be deemed wise and proper to
 effect the due Probate and record of said will according to Law -
 And as in duty bound &c

Willie P. King

Sir Weller of the will of - Probate Court May Term A.D. 1858
 John Richardson dec'd - Marengo Co. Alabama

To Hon. James A. Chappie Judge of Probate
 in and for said County, The undersigned Robert A. Grant
 Applicant by your Honor, prays and avers for Rebecca
 Richardson, Anne Alfred Richardson, Edward Richardson,
 Noah Richardson & Meredith Richardson Minor heirs at
 law of the said John Richardson dec'd, accept said appo-
 intment towards notice & for answer to the petition of W. P. King
 in the above matter, deny each and every allegation therein
 contained, which is not to the interest of said Minors,
 and says that said instrument is not the last will
 & Testament of said decedent - and prays your
 Honor to hold this said petitioner to strict legal
 proof of the same - As will pray &c

Robert A. Grant

Attorney at Law for said Minors

Last Will & Testament

I John Richardson of Marengo County
 State of Alabama, do hereby make
 my last will and Testament, in manner and form following, that is to
 wit, 1st after the payment of my just debts, and funeral expenses,
 I give to Willie P. King the following named servants, viz. born on Novem-
 ber 1st 1840, by Nathan Jackson, girl Louisa, born Willie Ann, girl Matilda
 born same day same year. I give to said Willie P. King the above named
 Willie P. King all the rest and residue of my Estate, both personal
 and real whatsoever or whatsoever kind for the use, benefit and main-
 tenance of the six above begun children servants viz. Louisa, Nathan
 Jackson, Louisa, William, Matilda and Fannie -

I give lastly - I do hereby create, make and appoint my friend Willie
 P. King Executor of this my last will & Testament, hereby resto-
 ring all other or former wills or testaments by me heretofore made.
 In witness whereof, I have hereunto set my hand
 and affixed my seal, this 25th day of August one thousand eight
 hundred and fifty seven -

John Richardson

Signed, sealed, published and declared by the said Testator as
 and for his last will and Testament in presence of us, who
 at his request and in his presence have subscribed our names as
 witnesses thereto -
 Gilbert Houston
 Samuel Pruitt

Probate Court Marengo County in the State of Alabama
 In the Matter of the
 Will of John Richardson - At a term held the 17th day of
 May, A.D. 1858 -

The testimony of Gilbert Houston and Samuel
 Pruitt the subscribing witnesses to the instrument produced
 as the last will of John Richardson by Willie P. King, and
 which is hereto annexed, taken this day in open Court, and
 the said witnesses having first duly solemnly sworn the said Gilbert
 Houston depose and say, that he was present on the 25th day of August
 1857, when the said John Richardson signed said instrument which he declared
 to be his last will & Testament, that he and Samuel Pruitt the
 other witness subscribed their names to said instrument as witnesses
 at the request of said Testator and in his presence, he further
 states that said Richardson was at the time of said will and
 "disposing mind and memory" -

Subscribed in open Court - Gilbert Houston
 and the said Samuel Pruitt depose and say, that he
 was present and saw the said Richardson sign & publish said
 instrument as his last will & Testament, that he,
 witness wrote said will at the request of said Rich-
 ards, and according to his directions, and before it was
 signed, read it over to him within his hearing, & he
 then assented to & recognized the same and wrote at his
 request, and in his presence subscribed his name as
 witness. He further states that said Richardson was fully
 of his mind, and the next day after signing & executing
 said will left the neighborhood of his residence, and

441 again to make it.

Subscribed in open Court before me

James A. Young
Judge of Probate

Samuel Priest

And thereupon on motion of the said William P. King upon the testimony aforesaid, and it appearing to the Court that publication has been made in the Clinton Republican, for three successive weeks, for the non residents heirs of the said John Richardson to appear and contest said probate, and that said non residents have failed to appear, and further appearing from the testimony of the subscribing witnesses aforesaid that said will was duly and properly executed by said testator, it is ordered by the Court that said will be admitted as aforesaid as executor be in time of record as the last will & testament of said John Richardson, and that said testamentary be granted thereon to the said William P. King the Executor thereon herein granted.

James A. Young Judge &c

Elizabeth Morgan dec'd

Recorded Feb 12 1838

James A. Young Judge

Subscribed before me and before the County of Randolph and State of Georgia, at the Court Room in the town of Milledgeville, on the first Monday, the 3^d of August 1837.

James H. Frost

My commission expires

Samuel H. Frost

My commission expires

The following record is made to wit.

A paper purporting to be the last will and testament of Elizabeth Morgan was produced in open Court at Milledgeville, Ga. one of the Executors thereon named and offered it for probate and upon the examination of James H. Frost and John A. Frost the two subscribing witnesses thereto and of James H. Frost by whom it appeared that the name of the testatrix was very near in her presence and by her direction, the Court doth adjudge & declare that the said paper purporting to be duly executed to said both real and personal estate, and that she did freely devise and bequeath, and it is therefore ordered that said will be recorded in the office of the Clerk of this Court, and that the Executors thereon named be admitted to take the usual oath for the qualification of Executors - Whereupon William P. King one of the Executors named in said will appeared in open Court and took the oath prescribed by law and in token upon the discharge of the duties of an Executor

Which will be in the record and papers following to wit.

442 The State of Alabama

Marion County

To the Honorable James A. Young Judge of the Probate Court of said County

Your petitioner Louisa M. Harrison respectfully represents to your Honor, that Thomas A. Harrison her late husband, late a resident & citizen of said County, died in said County of Marions on the 3^d day of September last 1838, being possessed at the time of his death of large estate in said County, consisting lands, slaves and other property, and leaving your petitioner who was his wife in his life time & is his widow, & one child Louisa Harrison a minor aged about fifteen years his only heir at law surviving - that your petitioner resides in said County, and the said Louisa Harrison, the daughter of the said Thomas A. Harrison & who is likewise the daughter of your petitioner, resides with your petitioner in said County of Marions. Your petitioner further shews that said Thomas A. Harrison left a last will & testament, which is herewith filed before your Honor - in which will he constituted your petitioner as his sole & exclusive Executor - and your petitioner prays that said will be admitted to probate, & your petitioner will ever pray &c

Louisa M. Harrison
By James A. Young her Sole

Attest

State of Alabama
Marion County
J. H. Harrison

The State of Alabama Marion County
Probate Court Oct. Term 1838
To any Sheriff of the State of Alabama

You are hereby commanded without delay to take Louisa Harrison a minor child of the late Thos. A. Harrison to be found in your County to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in said County, for the County of Marion on the 1st Monday of November 1838, and show cause if any she have by an instrument in writing procured by said Louisa M. Harrison as the last will of said Thomas A. Harrison dec'd, should not be admitted to probate as such will was not, and have you then and show this Citation with your return made before J. H. Harrison Judge of said Court at office, this 11th day of Oct 1838 and in the 18th year of the Independence of the United States. Executed 11th day Oct 1838
J. H. Harrison
Received in Sheriff's office. Executed Oct 13th 1838 J. H. Harrison atty

In the Matter of the Probate of the last will and testament of Thomas A. Harrison dec'd - Pending in the Probate Court of Marion County Alabama

To the Honorable James A. Young Judge of Probate of said County

The undersigned R. H. Hart do hereby appointed by your Honor Executor at law for the minor heirs of said Thomas A. Harrison deceased come and waiting notice accept said appointment to represent said minor heirs in the above matter, and say for an answer to the application of the said petitioner that he denies all the allegations of said application & prays the Court to require that said legal proof of the same - R. H. Hart Executor at law for the minor heirs of Thos. A. Harrison dec'd

443 Last Will & Testament of the Minute U. 582 -
 Thos. A. Harrison dec'd

Thomas A. Harrison of the County of Maricopa and State of Arizona, do make, publish and declare my last will and Testament in manner and form following to-wit:
 First It is my will and desire that any and all just debts I may owe at the time of my death be paid by my Executors or such person as may have the legal right to execute the provisions of this my last will and Testament.
 Second I will, devise and bequeath to my wife Louisa M. Harrison all my property, Estate and effects of every kind and description both in legal title and in equity and otherwise as she may deem proper, having entire confidence that she will in my solemnment in designation she may make of such property and Estate as I may have made such suitable proper provision for her and for our children as the Estate I may leave, and the means of her support and maintenance.
 Third I give appoint my wife Louisa M. Harrison Executrix of this my last will and Testament, and do hereby declare that she is allowed to qualify as Executrix, and to execute this my last will and Testament without giving security as such Executrix.
 Fourth It is my will and desire, and I hereby declare in my presence and in the presence of my witnesses, that I do hereby give and authorize to my wife Louisa M. Harrison, my Executors, Administrators and assigns any and all debts, claims, demands or liabilities or debts or liabilities which may exist against me, and my estate at the time of my death, as fully in and to the extent as I could do in person if living, and in any such last will and Testament, compromise or arrangement to make, execute and do any act or acts, to lease, discharge or compromise of property and Estate which may be necessary to carry out and perfect any such arrangement. And to the end that my said Executrix here in named & appointed shall have and exercise the most ample legal power to adjust & settle my and all matters of business, debts, claims, demands which may exist or hereafter be made against my Estate, it is my will and desire that she have power and exercise the power of sale, lease, mortgage, conveyance, gift or otherwise the same to sell and convey any and all property, Estate and effects I may have either at public auction or private sale as she may deem best - and either for cash or upon credit as she may decide to be best - and the proceeds of such sale after paying this and my other debts I may owe to go to my said wife, her heirs and assigns in full payment of this my last will and Testament.
 In testimony whereof I have hereunto set my hand and the 3rd day of July 1854 Thos. A. Harrison

Witnesses
 J. H. Prince
 O. H. Prince

Probate Court held for Maricopa County in the State of Arizona, to-wit:
 on Monday the 22nd day of November A.D. 1858

In the Matter of the will of Thos. A. Harrison
 This day came on to be heard the Probate of the last will and Testament of Thos. A. Harrison late of said County deceased, and was this day come Mrs. Louisa M. Harrison the widow of said deceased by attorney, and likewise come Louisa Harrison only child and heir at law of said deceased by Robert D. Hunt Esq. her guardian ad litem who rec'd said said appointment and decree that said instrument be admitted in Probate as the last will and Testament of said Thos. A. Harrison, and Francis A. Lyon Esq. one of the subscribing witnesses to said will being sworn in open Court before us follow to-wit: that at the request of said Thos. A. Harrison he wrote said will according to the directions given him by said testator, that the same was signed and published by him the said Thos. A. on the day of its date in his sole presence & in that of Oliver W. Porter the other subscribing witness, that he saw the said Thos. A. subscribe his name at the request and in the presence of said testator, and of each other, and that said Thos. A. Harrison was at the time in good health and of sound disposing mind & memory. And upon the testimony of said F. A. Lyon as aforesaid & the evidence by him. It is ordered & decreed that said instrument be admitted as aforesaid be admitted to record as the last will & Testament of said Thos. A. Harrison, and that Letitia Harrison be granted to said Louisa M. Harrison the Executive nomination in the said will.

J. H. Prince
 O. H. Prince

Last Will & Testament of the Name of Cox J. A. Vaughan
 J. A. Vaughan dec'd of Maricopa County, Arizona, do make and ordain this my last will and Testament this 6th day of December 1848. My wish and desire is that my land shall be sold as early as my Executors can possibly make it worth to sell it so it is to be sold privately by them on such terms and conditions as they think advisable. I wish a smaller tract to be brought and my wife and children settle on it, my wish and desire is that my property is to be kept together and the whole of the proceeds applied to the support and education of my wife and children. If my wife never marries she is to pick out fifteen of my best negroes and keep possession of them during her natural life or her will and pleasure, but the income or profits arising from said negroes which she may select is to be applied to her husband and the education of my children, when my children are married or become of age their part of the property is to be given to them with the exception of the land which I wish my wife to keep possession of during her life or widowhood. I do hereby appoint my brother J. A. Vaughan & Henry Sawyer my Executors and I do not require them to give any security for the management of my property, and I do further more recommend that

1. 2. 5 above provisions under and since have the whole management of my property to their discretion, and that they can sell any part of it and buy other property for my wife and children, or sell the portion which my wife holds, which they are not to sell without her consent.

In witness I have this day of December 1848 put my hand and seal Alfred G. Vaughan

In the Matter of the Probate of A. G. Vaughan's will Probate Court January Term 1853

Testimony of J. H. Rice being first duly sworn deposes that he is acquainted with the hand writing of A. G. Vaughan, having seen him write and having received a great many letters from him, and that he believes the said instrument to be in the hand writing of said Vaughan and that the signature is his genuine signature, and that the said Vaughan was always up to within two months of the time of his death in 1852 of some mind

W. H. Rice

Testimony of Thomas Jeffries being first duly sworn says that he is acquainted with the hand writing of Alfred G. Vaughan and from having received letters and communications in writing from him, and from his knowledge of the hand of said Vaughan he believes the instrument subscribed as his last will to be in his hand writing, and that the signature is his genuine signature

Thomas Jeffries

Probate Court January Term held the 21st day of Jan. 1853

This day came on to be heard the probate of the instrument subscribed as the last will of Alfred G. Vaughan dec'd and it appearing that all the heirs and the executor named have duly appeared, and the said heirs appearing by Mrs. M. McFarland their guardian ad litem, and it appearing from the testimony of J. H. Rice & Thomas Jeffries that said instrument is in the hand writing of said Alfred G. Vaughan, and that the signature to the same is his genuine signature. It is ordered that said instrument be allowed & recorded as the last will & testament of said Alfred G. Vaughan dec'd

John H. Rice
Clerk Probate
M. C.

Last Will & Testament of John Jackson dec'd See Minutes p. 587 446

In the name of God amen

I John Jackson of Maricopa County and State of Arizona, being of sound mind and memory, and considering his uncertainly of this frail and transitory life do therefore make, ordain, publish and declare this to be my last will and testament

First. After all my just debts paid and discharged I give and bequeath the residue of my property both real and personal as follows to wit: I give and bequeath to my beloved wife Milner the greater portion of land in which my present dwelling house & other improvements included, also eighty acres of land bounded on the North by the lands of J. M. Macey, on the East by the lands of J. L. Perkins & on the West by the lands of Mrs. C. Hume, and known as the Perkins property, also the following negro slaves to wit: Peter, Eliza & her child, Lizzy & her child, Emily, Knight and Major, Mrs. M. Cotton son & son-in-law, also all my household and kitchen furniture also my buggy and two chairs of the house, my four horse wagon and harness, and her choice of four mules, two burning double rowed one horse carrying plow, four broad should & four scotch, two double tree & four single trees, and four set of plow harness, also two Collon Pardsen, also her choice of twelve head cattle, twenty head sheep and thirty hogs, also five hundred bushels corn & four thousand pounds of pork, & twenty bushels oats, and all such articles I may have at the time of my death, also all the debts I may have at the time of my death, the foregoing real and personal property which is bequeathed to my beloved wife is given to her during her natural life or widowhood, and at her death or marriage the same to be divided equally among my legal heirs after first being paid by my Executor

Secondly. - It is my will that the balance of my said real & personal estate or personal shall be divided equally among my three to wit my wife who is herein before mentioned, and my Executor is hereby authorized and empowered to sell the said property on a credit of twelve months to the highest bidder, the purchaser required to give good security

Thirdly. - It is my will that the property which I have herebefore given to my children shall remain theirs so long as they have no connection with the division of the property that I may have on hand at the time of my death

Fourthly. - It is my will that the property which I have given heretofore and do now give in this will to my daughter Elizabeth Dent and Emily Ann Delle, be and shall be considered their separate estate for their own separate use and benefit, and at their death to descend to their children, and should they die without a child living then the property shall come back to my legal heirs

Fifthly. - If I should have a wife & an heir or growing at the time of my death it is my will that my property be kept together till the death of said

4. 7 West Handley, Smithly - I hereby constitute and appoint my sons David B Jackson and Samuel B Jackson my Executors to this my last will & testament

In witness whereof, I have written and signed my hand and affix my seal October 18th 1856 John Jackson

H. B. McDaniel, E. A. Steele

In the Matter of the Probate of the will of John Jackson

Probate Court Marriage County held the 2nd Monday & 14th day of September 1857

The testimony of William B. McDaniel one of the subscribing witnesses to the instrument in question and as the last will of John Jackson deceased who being first duly sworn testified in this Court & says that he was present on the day said instrument bore date at the residence of John Jackson late of Marriage County deceased, and saw him to execute said instrument as his last will & testament, that at the request of said testator he and Elijah A. Steele the other subscribing witness, signed their names as witnesses in the presence of said testator and of each other. He further says that said testator was of sound & disposing mind & memory at the time

H. B. McDaniel

Today this day came on for hearing the Probate of the instrument of John Jackson deceased as the last will & testament of said testator. The Court being first duly sworn as to the facts of the case, and it appearing to the Court that all the legal heirs of said deceased have had due notice of the time & place of hearing said Probate by publication in the London Jeffersonian and by citation to the Resident heirs of said deceased, and it further appearing from the testimony of Wm B. McDaniel one of the subscribing witnesses to said instrument now here taken & sworn to & verified & signed by him that said instrument was duly executed by said John Jackson on the day of its date. And the Executors named in said instrument also filed in Court the written consent of the widow of said deceased that said instrument be admitted to Probate as the last will of said deceased which is ordered to be recorded. It is therefore ordered by the Court that said instrument be admitted to record as the last will & testament of said John Jackson to read

John Jackson Judge &c

Petition of the State of Alabama Marriage County

Probate Court December 5th 1857

In the Honorable James A. Henry of the Probate Court of said County - The petition of David Compton Sr. respectfully represents unto your Honor, that the late Mary C. Compton who was an inhabitant of said Marriage County at the time of her death, died within this life or or about the 1st day of November A.D. 1857 in the town of Compton in said County leaving last will and a testament

most duly signed & published by her, and attested by Archibald W. & S. Charles, Mary Louisa McLean and C. Adeline Jones all of whom reside in said Marriage County, a copy of which said will is appended to this petition. "Married Exhibit A" & prayed to be taken as a part thereof - that the said Mary C. Compton at the time of her death had no husband or children, and the only heirs or next of kin the left her surviving issue and no further issue and her two brothers viz. Louisa J. Morris wife of Charles H. Morris who is of the age of 31 years & resides in Mobile County in said state, and Caroline J. Morris wife of Williams Simmons & David Compton Junior and Robert J. Compton all three of whom reside in said Marriage County and are over the age of 21 years - and all of the said heirs or next of kin are of sound mind -

- 1st That the legatee named in said will are the same persons on whom issue above as the heirs or next of kin in addition to the necessary next who is also a legatee under said will, and he (the said legatee) is appointed the Executor of said will as well as appraiser by reference thereto -
- 2nd For consideration of all which, your petitioner prays that a day may be set for the hearing of the matter of this petition, that sufficient may issue to bring said subscribing witnesses to testify in Court at appointed day, & that a Commissioner may issue to take the deposition of the said subscribing witnesses when they are required to do so, take the deposition of Miss Mary Louisa McLean & C. Adeline Jones - that due notice be issued to the above named heirs or next of kin, and the legatee of said Mary C. Compton, and that such other proceedings, rules or decrees may be had as may be deemed proper to effect the due Probate of said will according to law &c and as in duty bound &c

David Compton Esq
for & of above petitioner

Last will & testament of Mary C. Compton, dec'd

See Minutes Entry 1857

"Exhibit A"
I Mary Caroline Compton of Marriage County State of Alabama being of sound mind and disposing memory do make and declare my last will and testament in words and figures as follows -
I give and bequeath to my Uncle David Compton \$1000 to be paid for my board &c for the time I have been living with him, and also that he be repaid said said sum all that he has paid for me
I give and bequeath to my Uncle David Compton \$1000 my Negro Man Fred
I give and bequeath to my brother David Compton \$1000 my Negro woman Alice and her two children that they may live with their husband and father who is owned by him -
I give and bequeath to my Sister Caroline E. Simmons my Negroes Lily Lou and John
If I die -

4. In 7. I give and bequeath to my brother Robert J. Compton my negro woman
 Ann and her child
 Sixth - I give and bequeath to my sister Rebecca F. Moore my
 negro woman Mary and her four children to her for her sole and
 separate use free from the control of her husband
 Seventh -

I give and bequeath to my friend Mrs Elizabeth F.
 Jones any balance that may be left of my Estate, after payment of
 my debt and legacies mentioned above, provided said balance does
 not exceed three hundred dollars, and if said balance does
 exceed three hundred dollars, I reserve that the few plus over and
 above the (\$300) three hundred dollars be appropriated to some
 charitable purpose by my friend David Compton as he may
 best

I hereby nominate and appoint my uncle David Compton
 as the executor of this my last will. Witness my hand and
 seal this twenty third day of October A.D. 1857.
 Signed, sealed & published as the Mary E. Compton
 last will & Testament of Mary E.
 Compton by her in our presence
 and we attested the same in her presence
 and in presence of each other this 23. Oct 1857
 A. C. Sharpe
 H. J. McLean
 G. A. Jones

The State of Alabama - Probate Court
 Marengo County January Term A.D. 1858

Estate of Mary E. Compton - On the hearing of the Probate of the
 foregoing paper purporting to be the
 last will of Mary E. Compton last
 Archibald C. Sharpe being called & sworn to, depose the truth
 the whole truth and nothing but the truth in the premises
 before us & says - That on Friday 23rd day of October 1857 Miss
 Mary E. Compton sent for him & he went to see her & she told
 him she wanted him to write her will - that he got pen
 paper ink & made a memorandum of how she written her
 property disposes of as she dictated it. That he went
 to Mr Lyon & got his advice as to the proper form of
 a will & then wrote the foregoing in presence of
 her said directions, excepting the person to act as executor
 was left blank - That he went back to her & asked her
 who she desired to act as executor, & she said her
 Uncle David Compton dead, he asked that, to the will and
 then read it all over to her, & she signed the will, that is
 the foregoing paper, in his presence & that he this depo-
 nent witnessed it in her presence & in the presence of
 Miss Mary McLean & Miss G. McKinnon, that
 he said Miss McLean & Miss Jones both signed it in the
 presence of Miss Mary E. Compton - That at the time
 of the signing of the will Miss Mary E. Compton
 seemed well & sound as she appeared perfectly rational

and knew what she was doing - That she appeared to be full 45
 but was capable of attending to such business - That she died about ten
 days after this said paper or will was signed as aforesaid
 A. C. Sharpe

Probate Court Marengo County 3 This day came David Compton
 January Term 1858
 and the executor named in the instrument proposed as the last
 will of said Mary E. Compton. And likewise came David Compton
 friend and the Probate of said instrument being heard. It appeared
 to the satisfaction of the Court that all the heirs at law of said Mary
 E. have had due legal notice of the time & place of taking said
 Probate. It further appeared from the testimony of Archibald C. Sharpe
 one of the subscribing witnesses to said instrument (which testimony
 is read used to writing, signed & attested to said will, that said
 will was legally & properly executed by said testatrix. It is
 therefore ordered by the Court that the same be recorded and
 recorded as the last will & Testament of said Mary E. Compton
 and it is further ordered that letters testamentary be granted
 thereon
 J. A. Sharpe, Judge

Probate Court Special Term held the 14th day of January
 1857 at London George County presiding

Estate of George W. Matthews - This day came Mrs Mary E. Matthews and filed in Court
 her will of George W. Matthews deceased, dated the 6th of
 1854 & attested by A. B. Wright & James Tate, and it appearing that said
 George W. Matthews died about the 14th day of December A.D. 1854 in Marengo
 County between and his plan of residence leaving a widow the said Mary E.
 and two children to wit, John F. Matthews about 4 years old & Martha F.
 Matthews about two years old. It is therefore ordered that said will be set for
 hearing & Probate on the 15th day of February next & that Citations be issued
 to said widow and it is further ordered that H. A. Wolf Esq. be appointed
 guardian ad litem for said minors -
 J. A. Sharpe, Judge

The State of Alabama Probate Court January Term A.D. 1857
 Marengo County 3 To any sheriff of the State of Alabama - Greeting.
 You are hereby commanded, without delay to cite John F. Matthews &
 Martha F. Matthews if to be found in your County, to be & appear before the
 honorable judge of the Probate Court at a Court to be holden in London,
 for the County of Marengo, on the 15th day of February 1857 &
 show cause if any they have why an instrument proposed as
 the last will of George W. Matthews deceased should not be
 admitted to Probate -

Witness said not, and have you then
 and there this Citation with your own hand & seal
 Given at A. County George of said Court at
 office this 14th day of Jan 1857 and in the 83rd year
 of the said free since of the Republic of the United States
 Signed 14th day of Jan 1857 J. A. Sharpe, Judge
 Given to on John F. Matthews & Martha F. Matthews by