

twenty one years and upwards.

Sworn and Subscribed to
before me this 11th day of
January A.D. 1869.
J. E. Connor
Judge &c

J. J. Morris

WILL OF
L. B. LAKE JR.

The last Will and Testament of Levin B. Lake Jr.

I, Levin B. Lake Jr. being in sound mind, and of disposing memory; do make and publish this my last Will and Testament hereby revoking any former Will by me at any time heretofore made.

First- I wish all my just debts paid-

Secondly- I will and bequeath unto my beloved father, Levin B. Lake all my real and personal property, consisting of land, negroes, horses, mules, oxen, cows, hogs, money, bills, notes, accounts, in fact all my property of every kind and description whatsoever I give to my beloved father.

Thirdly- I nominate and appoint my beloved father, Executor of this my last Will and testament and request that no security be required of him on his official bond. In testimony whereof I have hereunto set my hand on this the 17th day of August A.D. 1869.

Signed in presence of
Wm. A. Glover.
J. J. Griffin

Levin B. Lake, Junior.
Probate Court, Marengo County, State of Alabama.
December Term A.D. 1861.

In the matter of the Probate of the Will of Levin B. Lake Junior. This day came B. L. B. Lake the Executor nominated, in the instrument heretofore propounded, as the will of said Levin B. Lake Junior & it appearing that A. A. Conwell & Conwell his wife and Le and Lee

his wife the next of kin of said deceased, have had notice of the propounding said will ten days previous to the present term; The Probate of said will comes on to be heard and Williamson A. Glover one of the subscribing witnesses appearing & being duly sworn deposes, as follows, viz. The testimony of Williamson A. Glover a subscribing witness to the aforesaid instrument, who being duly sworn deposes that his signature to said instrument purporting to be the last Will and Testament of Levin B. Lake Junior is genuine; that he has no distinct recollection of attesting said will, but from his own habit of himself he knows he would not have put his signature as a witness if he had not seen the execution of the same by said Lake and had not

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been requested by him to attest it. Witness therefore says he is confident the said will was duly executed by Levin B. Lake as attested by him & by the other witnesses J. J. Griffin, although he cannot recall now the circumstances attending the same. He further says that said Lake was well known to him & that he was at the date of said will, of said mind.

Wm. A. Glover, J. P.
And it appearing that the testimony of J. J. Griffin cannot now be procured & it further appearing that said Levin B. Lake Junior dec'd was a resident of Marengo County in the State of Alabama, and was over 21 years old, and the foregoing testimony of Williamson A. Glover signed by him & annexed to said will being by the Court considered it is therefore ordered that said instrument be received & established as the last Will & Testament of said Levin B. Lake Jr. dec'd & be entered of record as such, and that Letters Testamentary be granted thereon.
Jas. A. Young, Judge.

PETITION OF
N. B. LAKE.
TO HAVE THE
WILL OF
L. B. LAKE JR.
RECORDED
HUNG PRO TUNC.

To the Hon^{ble} J. E. Connor, Judge of the Probate Court of Marengo County.
Your petitioner respectfully represents that on the 14th day of October 1861 the Will of Levin B. Lake Junior deceased, was deposited in the Office of the Probate Court for this County, as appears by the records, and was probated on the 9th day of December 1861 (Eighteen hundred and sixty one) before the Hon. J. A. Young then Judge of the Court; and that said Will was entered as recorded, but has never been spread in the records of the Court, and is now in your Office on file. Your petitioner now asks that said Will may be spread upon the records of the Court, "nunc pro tunc", as is required by the law in such cases.
Sworn & Subscribed to
before me this 9th day of Aug 1869.
W. J. Glover, J. P.
N. B. Lake.

WILL OF
L. W. HOBBS
DECEASED.

The last Will and Testament of L. W. Hobbs.

In the Name of God Amen. I L. W. Hobbs of the Town of Ludden in the County of Marengo State of Ala. being of sound mind and memory and considering the uncertainty of this frail life. do therefore make, ordain publish and declare, this to be my last Will & Testament, That is to say, first after all my lawful debts are paid and discharged, the residue of my estate, real & personal, I give and bequeath to my beloved wife Martha A. Hobbs all of my property, real & personal

to have and manage as she may think best and at her death to dispose of as she pleases, and I hereby appoint my wife executrix of this my last Will & Testament, my - whereunto I have this day set my hand & seal.

Sept 7th 1868. L. M. Nobbs.
Witness - W. N. Grant.

Testimony - State of Alabama } Probate Court Regular Term
Maricopa County } September 13th 1869.
In the matter of the Probate of the last Will and Testament of L. M. Nobbs deceased.
Before me P. E. O'Connor Judge of the said Court personally appeared in open Court, W. N. Grant who having been by me first duly sworn and examined did and does depose and say on oath, he is a subscribing witness to the instrument of writing now shown to him, and which purports to be the last Will and Testament of L. M. Nobbs, deceased, late an inhabitant of this County; that since L. M. Nobbs, since deceased, signed and executed said instrument on the day the same bears date, and declared the same to be his last Will and Testament; and that he, affiant, set his signature thereto, on the day the same bears date, as a subscribing witness to the same in the presence of said Testator. That said Testator was of sound mind and disposing memory and in the opinion of deponent, fully capable of making his will at the time the same was so made as aforesaid, Affiant further states that said Testator was on the day of the said date of said will, of the full age of twenty-one years and upwards.

Sworn and subscribed to }
before me this 13th day of }
September A.D. 1869. }
P. E. O'Connor.
Judge S.

Will - The last Will and Testament of Dr. Joseph Moore
The State of Alabama } Jefferson, Oct 5th 1869.
Maricopa County } I know all men by their presents,
that I Joseph Moore of the State and County above named,
and being of sound and disposing mind, and in view of
the uncertainty of life and that death must soon close
my earthly career, and being desirous of disposing of my
earthly goods, I make and sign this my last will and
testament.
1st I give my soul to my God who gave it, and my body to
the earth from whence it came.
2^d I desire that my funeral expenses shall be paid.
3^d I desire I order that all my just debts shall be paid.

4. I give & bequeath to my daughter Mary Lelia Moore Ten Dollars. 5th I give and bequeath to my daughter Annie Burton Moore Ten Dollars. 6th I give and bequeath to my wife Martha Ann Josephine Moore all of the residue of my personal property after paying the above named bequests & all of my just debts. 7th I give and bequeath to my wife Martha Ann Josephine Moore all of my real Estate consisting of a house & three acres of land in the Town of Jefferson, Maricopa Co. Ala., situated in sec 14 T. 16. R. 2. E. S. It is my positive order that my wife Martha Ann Josephine Moore shall execute this my will nor shall any security be required of her for the faithful execution of the same.

Signed in the presence of } Joseph Moore.
J. R. Allen,
J. T. Daughdaun,
C. A. Taylor.

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State of Alabama } Probate Court of said County.
Maricopa County } In the matter of the Probate of the
last will and testament of Dr. Joseph Moore, dec'd.
Before me P. E. O'Connor Judge of the said Court personally appeared J. R. Allen in open Court, who having been by me first duly sworn and examined did and does depose and say on oath, that he is a subscribing witness to the instrument of writing now shown to him, and which purports to be the last Will and Testament of Dr. Joseph Moore, deceased, late an inhabitant of this County; that said Moore, since deceased, signed and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiant set his signature thereto, on the day the same bears date, as a subscribing witness to the same, in the presence of said Testator; That said Testator was of sound mind and disposing memory, and in the opinion of deponent, fully capable of making his will at the time the same was so made as aforesaid. Affiant further states, that said Testator was on the day of the said date of said will, of the full age of twenty-one years and upwards.

Sworn to and subscribed }
before me this 10th day }
of October A.D. 1869. }
P. E. O'Connor.
Judge S.

The Last Will and Testament of Joel M. Garrard, dec'd.

In the name of God amen, I, Joel M. Garrard of the County of Marengo and State of Alabama, being of sound mind and memory and considering the uncertainty of this frail and transitory life do therefore make, ordain, publish and declare this to be my last will and testament. That is to say, First after all my lawful debts are paid and discharged, the residue of my real and personal estate, I give and bequeath to my beloved wife, Harriet A. Garrard during her natural life or widowhood for her and my child or children's support, and in the event she my beloved wife Harriet A. Garrard, should marry, then to take a child's part, and the residue to my child or children. Likewise I make, constitute and appoint my loving brother John E. Garrard, to be Executor of this my last will and testament, hereby revoking all former wills by me made. In witness whereof I have hereunto subscribed my name and affixed my seal the 22nd day of January A.D. 1870. Joel M. Garrard, read.

The above written instrument was subscribed by the said Joel M. Garrard in our presence and acknowledged by him to each of us and he at the same time published and declared the above instrument to be his last will and testament and we at the testator's request and in his presence have signed our names as witnesses hereunto. January 22nd A.D. 1870. D. P. Barr, W. J. Garrard.

The State of Alabama, Probate Court of said County of Marengo. In the matter of the probate of the last Will and testament of Joel M. Garrard, dec'd. Before me P. B. O'Connor Judge of said Court, personally appeared in open Court, D. P. Barr who having been by me first duly sworn and Examined, did and does depose and say on oath that he is a subscribing witness to the instrument of writing now shown to him, and which purports to be the last will and testament of Joel M. Garrard, deceased, late an inhabitant of this County; that said Garrard, twice declared, signed, and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that he, the said D. P. Barr, and W. J. Garrard the other subscribing witness set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same, in the presence of said testator; that said testator was of sound mind, and disposing memory, and, in the opinion of deponent, fully capable of making his will, at the time the same was made, as aforesaid. Affiant further states that said testator was, on the day of the date of his will, of the full age of twenty-one years and upwards.

D. P. Barr.
Subscribed before me this 18th day of April 1870.
P. B. O'Connor Judge.

The Last Will and Testament of James A. Gregory, Deceased.

WILL. 55

I James A. Gregory of the State of Alabama, and County of Marengo, being of sound and perfect mind and memory, do this day make and constitute this my last will and testament. First, I give and bequeath unto my wife Emma C. Gregory the following described land to wit, The East 1/2 of the North East 1/4 of Section Thirty One Township seventeen Range two East and the west half of the South West 1/4 of Section twenty nine of the same Township and Range, containing One hundred and thirty acres of Land, lying in the State and County aforesaid; also One Mare called Dick, five heads of Cattle, fifteen head of Hogs, and my part of the crop now growing on the lands above given to my said wife. Second, I give and bequeath unto my daughter Annie Gregory the South East 1/4 of Section thirty Township seventeen Range two East containing One hundred and sixty acres of land lying in the State and County aforesaid; also all of my personal property, except that portion of property given to my said wife and my cat called Silmore and one Cow and calf. Third, I give and bequeath unto Miss Mary Hargood the cat called Silmore just named above. Fourth, I give and bequeath unto Miss Anne Elizabeth Gregory the Cow and calf above named called Little Red. If the said Anne Gregory should die without an heir or heirs of her own body, it is my will and desire that all the property given to her in this will shall devolve to and be the property of my brother John L. Gregory and his heirs. And I hereby make constitute and appoint my brother John L. Gregory my Executor of this my last will and testament, and it is further my will and desire that he pay all my outstanding debts and such other claims as may necessarily occur by doctor bills or burial expenses out of the proceeds of the crops raised on the lands named in the foregoing bequests the present year. In witness whereof, I hereto set my hand and seal to this my last will and testament this 20th day of May 1870. attest John W. Smith, J. A. Gregory, Geo. Cashorn, A. S. L. Prescomb.

The State of Alabama, Probate Court of said County of Marengo. In the matter of the probate of the last Will and testament of James A. Gregory, Deceased. Before me P. B. O'Connor Judge of Probate in and for said County, personally appeared in open Court, James Cashorn & A. S. L. Prescomb, who having been by me first respectively duly sworn and Examined, and

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do depose and say on oath, that they ^{are} each subscribing witnesses to the instrument of writing, now shown to them, and which purports to be the last will and testament of James A. Gregory, dec^d; late an inhabitant of this County; that said Gregory, since deceased, signed and Executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiants set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same, in the presence of said testator; that said testator was at said time of mind and disposing memory, and; in the opinion of deponents, fully capable of making his will at the time the same was so made as aforesaid. Affiants further state that said testator was, on the day of the said date of said Will, of the full age of twenty one years and upwards.

James C. Echols,
A. S. Lifford, Jr.,
Thorn to & Subscribed }
before me, this 20th }
day of June 1870. }
P. E. Connor, Judge &c

James Calhoun
A. S. Lipscomb,

A. S. Lipscomb,

P. E. Connor. Judge &c

The Last Will and Testament of Ezra J. Talbot, Dec'd.
WILL. *The last Will and Testament of Ezra J. Talbot.*

The last Will and Testament of Ezra G. Talbert.
I Ezra G. Talbert of Marengo County, in the State of
Alabama being of sound mind and disposing memory
Blessed be God for the same, do make and ordain this
to be my last will and Testament That is to say
I commend my soul unto the hands of Almighty God,
who gave it, and my body to be decently buried, and
what worldly estate it hath pleased God to bless me
with in this life I give and dispose of in the follow-
ing manner and form To Wit, 1. My Will and desire
is, that all my outstanding debts be paid by my Ex-
ecutors hereafter named, as early after my death as
it can be done, 2. I give and bequeath unto my
beloved wife Emily G. Talbert, in fee simple, with the
right to change, sell or dispose of it in any way
that she may think proper, just the same as I have
the right to do now in my life time, the following real
estate, viz, E. 1/4 S.E. 1/4 Sec 28. The S.W. 1/4 of sec 28. The E. 1/4 of S.E. 1/4
of sec 29. The S.W. 1/4 of S.E. 1/4 of sec 29. The N.E. 1/4 of sec 32, and
the whole of sec 33; all in Township sixteen and Range six;
Containing in all about Eleven hundred and sixty acres
all in Marengo County. The following described real estate
lies in Marengo County, and embraces my residence, viz:
E. 1/4 of N.E. 1/4 sec 15 Township 15 Range 6. N.E. 1/4 of N.E. 1/4 of N.W. 1/4
of sec 14 T. 15 R. 6. S.W. 1/4 of S.E. 1/4 sec 15 T. 15 R. 5. N.W. 1/4 of
S.E. 1/4 sec 15 T. 15 R. 5. E. 1/4 of N.E. 1/4 sec 3 T. 15 R. 1. Making

about two hundred and sixty acres in Marquette County, which being added to the Eleven hundred and eighty acres in Perry County, makes in all about Fourteen hundred and twenty acres. 3. I also give and bequeath unto my beloved wife, Emily D. Talbert, in fee simple, my library and all my private papers, together with all the personal property of which I may die seized and possessed, consisting of horses and cattle, hogs, plantation tools, Wagon and buggy, household furniture of every description, including pianos, kitchen utensils and anything else not enumerated, with the right to change, sell or dispose of it in any way that she may think proper, just the same as I have the right to do now in my life time, &c. Finally, I appoint my beloved wife, Emily D. Talbert, my Executor, who is to see this my last Will and Testament performed, as contained in this sheet of paper, according to its true intent and meaning. And I do hereby, revoke all former Wills by me at any time made, and declaring this to be my last Will and Testament. And I expressly Will and direct, that my Executor, whom I have appointed above, be permitted by the Court to qualify and carry out the provisions of this my last Will and Testament, without being required to give bond and security. And I further Will and direct, that my Executor, whom I have appointed above, shall not be amenable to, or make any return, to any Court whatever but that she shall go into the possession, in fee simple, of my whole Estate, with the right to change, sell, or dispose of the whole or any part thereof, just the same as I have the right to do now in my life time. In testimony whereof, I have hereunto set my hand and seal, this 28th day of August in the year of our Lord, One thousand Eight hundred and Sixty Nine. Signed, sealed and published by the Testator as his last will and Testament in our presence and by us subscribed as witnesses at his request in his presence, and in the presence of each other.

W. H. Talford, J. Glass,
W. L. Anderson, J. A. Steele.

E. D. Talbert, Exr.

The words "in free converse", in the second line of the third article, were interlined before signing.

The State of Alabama Probate Court,
Marion County. August 1st 1870.
In the matter of the Probate of the last Will and

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Testament of Gent Ezra G. Talbert, deceased.
 Before me P. E. Cannon as Judge of the Probate Court of the County of Marengo, the State of Alabama, personally came William H. Talford and William L. Anderson, who being by me, respectively, duly sworn and examined, did, and do depose and say, on oath, that they and J. G. Glass & J. A. Steele are each subscribing witnesses to the instrument of writing now shown to them being the last Will and Testament of Gent Ezra G. Talbert, deceased, dated the 28th day of August 1869, signed by him and witnessed by W. H. Talford, J. G. Glass, W. L. Anderson, & J. A. Steele; that the said Talbert, did sign and execute the said instrument in writing or will, on the 28th day of August 1869, in the presence of each of the said witnesses; that he then and there declared the same to be his last will and testament; that affiants with the other said subscribing witnesses, set their signatures thereto at that time as subscribing witnesses, in his presence & at his request, and in the presence of each other; that the signature thereto of the said Talbert is his genuine signature; that he was at that time of sound and disposing mind and memory, and fully capable of making his said Will, at the time the same was so made, as aforesaid. Affiants further say that the said Gent Talbert was at the said time of making his said will, over 40 years of age; that he died on the 18th day of June 1870, in the said County, at that time was a resident inhabitant of the said County, and owned a considerable amount of real and personal property in the same County; that he left him surviving his widow Emily D. Talbert, and the following children his only heirs at law, Ezra G. Talbert, John L. Talbert and Sarah Ann Lee, all over 21 years of age & reside in said State.
 Sworn to & subscribed before me this 1st day of August 1870. P. E. Cannon.
 Judge &c

The Last Will and Testament of Richard H. Adams, deceased.

WILL.

I Richard H. Adams of Marengo County and State of Alabama being at present in rather feeble health but in perfect mind, do hereby make and declare the following as and for my last will and Testament: To wit:

- 1st I direct all my just debts if any to be paid from the income of my estate at large.
- 2nd I give and devise the plantation I own upon and known as Adams, being the north

half of Section Nineteen, and Section Eighteen, within the Township No 17- of Range 5 East, Conty about from 850. to 900 ac res, more or less, together with all the Stock, Mules, Horses, Oxen, Cattle, and Farming utensils, indeed, every thing thing as found on said plantation at the time of my death, belonging or appertaining to the same including provisions of all kinds, to my beloved wife Anna Carter, and my daughter Margaret Harrison, and my youngest son George Winston Adams, to be owned equally, and jointly by those three.
- 3rd I also give and bequeath the farm recently purchased by me of Mrs J. M. Booth, together with all the stock of every description found on the farm, lying in Montgomery County, near Christiansburg Va. Conty about 250 acres, more or less including all the household and kitchen furniture, indeed everything belonging to, or appertaining to said farm of whatever description, to my beloved wife Anna Carter Adams. All of the above named property given and devised to my beloved wife, Anna Carter, she is to hold during her natural life time, and after her death, to be equally divided with her five children to wit, John Wmuge, Margaret Harrison, Mary-anna Carter, Richard Henry, & William Francis Adams, and George Winston Adams, or in case of the death of either of the above named, to their legal heirs.
- 4th My life Insurance insurance policy, in the New York insurance Company policy No 62323 for ten thousand dollars is provided in that policy I give and bequeath to my beloved wife Anna Carter, and to my daughter Margaret Harrison, and my youngest son George Winston, in fee simple, the proceeds arising from said policy, to be equally divided with said Anna Carter, Margaret Harrison, and Geo. Winston. I direct that my Executors attend promptly to the paying up of all premiums on said policy if any should be fall due after my death, from the income of my estate at large.
- 5th That each heir to this will, shall pay their relative proportion to this, annually, and before the fire insurance falls due.
- 6th My four vacant lots in the City of Selma, on Alabama, and Union Streets, I give and devise to my daughter Margaret Harrison and to my son George Winston Adams, to be equally divided with them.
- 7th My rail road stock in the Selma and Meridian Road amounting to forty Shares, I give and bequeath to my daughter Margaret Harrison Adams. My ten Shares in the northwestern rail road Company I give and devise to my son George Winston Adams. The vacant lots in Selma and the rail road stock, bequeathed to Margaret Harrison and the rail road stock, bequeathed to Geo Winston Adams, may at any time be sold by my Executors free of all charges for Commission for selling the same, if desired.

advantageous by my Executors to their respective interest, on any part thereof. In the event of a sale on any part thereof, I direct my Executors to apply the proceeds of the sale at once, in some good real estate, paying rent if possible, in the State of Alabama, or State of Virginia, as preferred by the heirs & concurrence of my Executors. 7th A note I hold of my son Richard Henry, for twenty five hundred dollars, borrowed money, with the interest on the same, I give and devise to my daughter Margaret Harrison, and my son George Winston, the proceeds of same to be equally divided, & with the desire that the holders will be as lenient as possible in forcing the collection of the same. 8th In the event of the death of my daughter Margaret Harrison without issue, all the property I herewith give and bequeath to her, I direct shall be equally divided with her five brothers named above, and herewith mentioned, or to their legal heirs in case of the death of either of them. 9th If any portion of the property I herewith give and devise to my son George Winston, should be sold before he attains the age of 21 years, I direct it to be invested in good real estate in the State of Ala. or Virginia all of which I herewith bequeath to said George Winston is in fee simple. I also direct my Executors to give said son a liberal education at the expense of my estate at large, and in an economical scale, that is, at any time not to exceed a contribution of One hundred dollars from each heir to this will, annually. It is desired that my Executors will at all times imbue upon said Geo. Winston, the cultivation of a good and thorough education, and vision of application to his studies, and strict economy in all things. 10th My plantation known as Woodstock and purchased of W. W. Craig, in Perry County, Conty 1520 acres more or less, I give and devise to my four sons, John Minge, Benjamin Carter, Richard Henry, and William Frances Adams together with all the stock of Mules, Horses, Cattle, Farming utensils, and indeed everything then on, or belonging to said plantation at the time I turned said plantation over after the war, in the year 1865, for the use and benefit of said four sons. 11th My tract of land lying in Perry County, known as the Harrison Place Conty 466 acres more or less, I also give and bequeath to my four sons Minge, Benjamin Carter, Richard Henry Adams & William Frances Adams & to be equally divided with the same. 12th To my son John Minge, I give a note I hold of him, (for borrowed money) for five hundred dollars, with the interest that has accrued or will accrue upon the same, since the note was given dated Oct 11th 1865, & due Sunday after date. 13th I give and devise also to my son Richard Henry a note I hold of him, for fifteen hundred dollars, with the interest accrued or will accrue up to the time

of my death. I give for borrowed money, I also give and bequeath to my son B. Carter Adams, the amount of an open account I have for him, while living in Mobile, for expenses of One thousand dollars with the interest on the same. 14th I give and bequeath to my son William Frances Adams, all my right title and interest in a note of one Crocker, now in progress of suit in Choctaw County Ala. for about twelve hundred dollars now in the hands of Messrs Glover & Coleman attorneys at Butler in said County, and also all my right title in a tract of land, that is, my undivided half interest, in seven hundred & twenty acres, more or less known as the Mary Plaine tract, lying in Marengo County. 15th My interest in the Laine Kiri property and the corner lots of Calera, and the Orchard adjoining, all in Shelby County Ala. I give & bequeath to my sons Benjamin Carter, Richard Henry, and William Frances Adams, to be equally divided with those three sons. 16th My tract of land in the Flat Woods known as the Pickle Place Conty four hundred and eighty four acres more or less, I give and bequeath to my two sons Benjamin Carter and Richard H. Adams, to be divided equally with them. 17th I write and direct all monies collected heretofore, due and payable to the late firm of Adams & Adams formerly engaged in business in the City of Selma, to be appropriated to the support of my wife and her household. 18th I constitute and appoint my sons John Minge, Benjamin Carter, Richard Henry, and William Frances Adams, Executors of this my last will and testament both in the State of Alabama and Virginia and that no security shall be required of them in either State, for the performance of their duties and no connections obtained them for the performance of any duties connected with said estate in any manner. I desire that any two or more of them take charge of my estate and preserve it from waste or injury. In testimony whereof, I herewith subscribe my name, and affix my seal this 18th day of May, One thousand Eight hundred & Seventy. The words "bequeathed to Geo. Minge & Adams & Henry" on the second page and "legat & of & their" on the third page, and on the fourth page the words "William Frances Adams were interlining before signing." This writing was signed, published & declared by Richard H. Adams the testator on a date aforesaid, & as for his last will, & testament in the presence of us all, & whom we believe to be in perfect sense and sound mind.

Geo. W. H. Minge
Hugh Nelson
David Minge

TESTIMONY.

The State of Alabama } Probate Court, Special
 Marengo County, 3 Term Oct 6th 1870.
 In the matter of the Probate of the last Will and
 Testament of Richard H. Adams, dec'd.
 Before me P.E. Connor Judge of the said Court,
 this day came David Minge Jr. who, after being by
 me first duly sworn to speak the truth, nothing but
 the truth and the whole truth in the premises depose
 and says that he was one of the subscribing witnesses
 to the instrument of writing now shown to him, and
 which purports to be the last will and testament of
 Richard H. Adams who, not being an inhabitant
 of this State, lately died out of this County, leaving
 assets therein; that said Adams, since deceased,
 signed and executed said instrument on the day
 the same bore date; that is to say on the 18th day
 of May A.D. 1870; and declared the same to be his
 last will and testament; all of which was done
 in the presence of this affiant, and Hugh Nelson
 and George W. A. Minge the other subscribing wit-
 nesses to the said instrument; that this affiant
 and said other witnesses subscribed their names
 thereto in the presence of the said testator and of
 each other on the day that the same bears date
 that said testator was at said date over the age
 of twenty one years of sound mind, and in the
 opinion of this deponent fully capable of making
 his will.
 Subscribed and sworn to
 Before me this 6th day
 of October A.D. 1870.
 P.E. Connor,
 Judge.

The Last Will and Testament of Lemuel D. Hoveycutt, Dec'd.

WILL.

I Lemuel D. Hoveycutt of the County of Marengo and State
 of Alabama being of sound mind do make this my last
 will and testament, hereby revoking all others and make
 void all former wills by me at any time heretofore made,
 as to such worldly estate as it has pleased God to entrust
 me with; I hereby appoint my wife Martha S. Hoveycutt
 she being my wife as Executrix of this my will. For the
 natural affection which I have for her I bequeath the
 real estate consisting of the farm on which I now re-
 side situated as the Brother Madison tract lying in
 Township 16 and Range 3 East, also the slaves which I
 now possess with their increase viz. Middy, Fanny, Louisa

and Ester to have and to hold during her natural
 life said property is to be kept together for the sup-
 port of the children until her death and then she
 may dispose of the property as she may think best.
 She Martha S. Hoveycutt has liberty at any time for
 the support of the family to sell any of the above de-
 scribed property. In writing whereof I have hereunto
 set my hand and affixed my seal in presence of
 James J. R. Dunning and Lemuel D. Hoveycutt,
 J. H. C. Shaw.

Testimony. The State of Alabama } Probate Court Regular Term.
 Marengo County, 3 November 14th 1870.
 In the matter of the Probate of the last Will and
 Testament of Lemuel D. Hoveycutt, Dec'd.
 Before me P.E. Connor Judge of Probate in and for
 said County, personally came J. H. C. Shaw who, being by
 me first duly sworn, deposes and says that he was one
 of the subscribing witnesses to the instrument of writing
 now shown to him and which purports to be the last
 will and testament of L. D. Hoveycutt dec'd who was
 an inhabitant of this County at the time of his death;
 that said L. D. Hoveycutt lately died in said County
 leaving assets therein to the amount of about (\$1500.00)
 fifteen hundred Dollars consisting of real and person-
 al property; that said Hoveycutt, since deceased, signed
 and executed said instrument during the month of May
 1870, to the best of his belief, and declared the same to
 be his last will and testament; all of which was
 done in the presence of this affiant, and J. H. C. Shaw
 the other subscribing witness to said instrument;
 that this affiant and said other witness subscribed
 their names thereto in the presence of the said testator
 and of each other on the day the same was executed
 as aforesaid; that said testator was at said time over
 the age of twenty one years, of sound mind, and, in the
 opinion of this deponent, fully capable of making his
 will.
 Subscribed and sworn to before me this 14th day
 of November 1870.
 P.E. Connor, Judge.

The Last Will and Testament of David M. Magruder, Dec'd.

WILL.

I David M. Magruder of the County of Marengo and State
 of Alabama being of sound mind do make this my last
 will and testament to wit: I give & bequeath all my
 property consisting of horses & other personal property
 the stock that I may now be in possession of one way
 or tace the note & accounts that is now due me from
 every thing else that I may be in possession of to my

Virginia E. Magruder to be kept by her without rendering any account of it to the Court & without having to go through any formality of an administration with- out having to give any bond or security. But to be taken by her at my death & used & conducted at her own dis- cretion in her own way without disturbance from any party or parties whatever. Given under my hand & seal this the 28th day of Sept A.D. 1870.

David W. Magruder.

Signed & witnessed at the request of David W. Magruder, in the presence of each other the day & year above named, W. W. Cavan, Gray Little, Geo. A. Bragg.

The State of Alabama, Probate Court.

Chambers County. In the matter of the Probate of the last will and testament of David W. Magruder. Testes Before me P. E. Connor Judge of said Court, personally appeared in open Court, Gray Little who having been by me first duly sworn and Examined, deposes and says, that he and W. W. Cavan and Geo. A. Bragg are each subscribing witnesses to the instrumen- t of writing now shown to him and which purports to be the last will and testament of David W. Magruder deceased late an inhabitant of this County. That said Ma- gruder some time since, signed and executed said instrument in the day the same bears date and declares the same to be his last will and testament, and that affiant and the said other witnesses, set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same in the presence of said testator. That said testator was of sound mind and disposing memory, and, in the opinion of affiant, fully capable of making his will at the time the same was so made as aforesaid. Affiant further states, that said testator was on the day of the said date of his will, of the full age of 21 years and upwards.

Gray Little.

Sworn to & Subscribed before me this 29th 1870.

P. E. Connor Judge &c

The Last Will & Testament of John G. P. Coleman deceased

Will

Wit Chas. In the name of God amen. I Mingo County Alabama John G. P. Coleman of the County of Mingo State of Alabama being now of sound and disposing mind and memory, sound free of the uncertainty of human life do make and publish this as and for my last will and Testament.

I first I desire and direct that my executors here- inafter named shall pay all my just and lawful

debts. Secondly I give devise and bequeath to my daughter Virginia Key the wife of William O. Key, in fee simple and as her sole and separate estate free from the debts and li- abilities of her father or any father, husband, the house and lot no. 1111 in the city of Birmingham as the Pitts Place and now occupied and leased by Bush Jones Esq. Thirdly - I release and forever discharge my son George from the payment of a certain note executed by him in the first day of January 1871 and payable to me in the first day of January 1871 with inter- est from date for the sum of Four thousand Eight hundred Dollars (\$4800) the same being for balance due on the purchase money of a Tract of land known as the Home Place sold by me to my son George for which I have already received to him ac- cordingly. Having heretofore made large advances to my daughter Virginia and my son George and believing by the advances so made and the above I desire that my said chil- dren well have received at the least a full and fair share of my estate and my other children being unmarried have my entire confidence in my wife Mary and believing to be with so or disaffairs as to secure the best interest of my dear children I give devise and bequeath the residue of my estate Real and personal to my wife Mary in fee simple absolute with power to dispose of the same by Deed or will with the same limitation and qualification that my daughter Mary M. Ida B. my daughter Virginia and her child Mary Ella shall have and enjoy the privilege of living with their mother free of cost so long as they may elect to do so in the event of the marriage of my daughter Mary or my daughter Ida my wife will make such provision for them as to her may seem fit and proper. I appoint my dear wife Mary executrix of this my last will & Testament and expressly direct that she shall not be required to give a bond. During no debts to necessitate a Regular administra- tion I desire and direct that my wife will do all in her power to carry out the special. I desire here- inbefore named with out account to Law. In Testimony whereof I hereunto set my hand this Twenty seventh day of June A.D. One thousand and Eight hundred and Seventy One

J. G. P. Coleman
Witness. Robert Christian, John M. Adams,
The State of Alabama Probate Court
Mingo County Special Term August 19th 1871
In the matter of the probate of the last will and testa- ment of John G. P. Coleman deceased.

Before me P. E. Connor Judge of the said Court personally appeared in open Court John M. Adams who having been first by me duly sworn and examined as does aforesaid and say that he is one of the subscribing witnesses to the instrument of writing now shown to

TESTIMONY

him and which purports to be the last will and Testament of John R. P. Coleman late an inhabitant of said County deceased, that the said John R. P. Coleman appeared, agreed and executed said instrument on the day the same bears date in presence of this agent and Robert Christian the other subscribing witnesses thereto and then and there declared the same to be his last will and Testament and this instrument and the said Robert Christian set their signatures thereto on the day the same bears date as subscribing witnesses of the same in the presence of said testator and in the presence of each other at the request of said testator that said testator was of sound mind and disposing memory fully capable of making his will at the time the same was so made as afore said Special Jurors state that said testator was upwards of twenty one years of age at the time of said will.

Geo. H. Adams

Subscribed and sworn to before me this 21st day of May 1858, P. H. Jones, Judge

The Last Will and Testament of Wm L Davidson, Deceased

Will

In the name of God, Amen, I William L. Davidson of Monroe County Ala. being in full use of the best of sound and disposing mind and memory and desirous of disposing of the property with which God has blessed me do make and constitute this my last will and Testament hereby revoking all former wills by me made.

I give and bequeath to my beloved wife Sarah Davidson the tract of land I bought of Williams Poyas before to contain three hundred and sixty acres also the twenty eight & forty acres of land which I purchased of G. H. Hudson and the following negro slaves Jim Linda, Eleanor, Harriet this wife Martha and her child Jim and such children as she may hereafter have. My Yellow Sarah, Black Harriet & her two children Cora & John husband of Harriet; and it is my will that my wife take possession of Phibe, Rose & Emily and that she support and maintain them so long as they live. I also give and bequeath to my wife Sarah one half of my mules, Cattle, Hogs & sheep all my farming tools Blacksmith tools & Carriage, Loom & Tacklings all my house hold and Kitchen furniture of every description and one half of all the crop at the time of my decease should there be one planted.

I give and bequeath to Mrs L. D. Pitt the Tract of land I bought of David H. Radin by his power of Attorney to David H. Radin of about two hundred and forty acres also the eighty acres I bought of

W. H. Adams.

I give and bequeath to Dr James Houston the one half of the tract of land I purchased of Philip P. Hudson the other half of said tract of 50 acres of P. P. Hudson I will and bequeath to Florence Glen.

I give and bequeath to Davidson College, of Wakeleeburg County, North Carolina, eight thousand Dollars.

I give and bequeath to Woman's & Philanthropic societies of Davidson College each one thousand Dollars.

I give and bequeath to George Davidson of Lowmestown Two thousand Dollars.

I give and bequeath to Mrs Mary Mustard of Hayterville Two thousand Dollars.

I give and bequeath to William Davidson son of Rev. W. Davidson Deed of N. Carolina one thousand Dollars.

I give and bequeath to W. D. Huggins of Athens one thousand Dollars.

I give and bequeath to Florence Glen Two thousand Dollars.

It is my will that all my just debts be paid and that Executors in the sale of my negroes sell them so far as practical in families so that mother and small children be kept together as much as can be conveniently done, and my Executors are hereby empowered to sell my slaves not herein bequeathed either publicly or privately after having them fairly appraised and valued by competent & disinterested persons observing in the sale my desire to keep families together so far as may conveniently be done.

I wish it to be distinctly understood that the real and personal estate which I have by this my will given to my wife is in lieu of her Dower & distributive share in my estate and that it is given her upon the express condition that she accept the same in lieu of all her legal claims to Dower or Distribution in my estate.

It is my will that all my property not specifically bequeathed be by my Executors sold and after paying my debts and the foregoing Legacies and bequests should there remain any thing on hand the remainder I give and bequeath to the following Legacies Equally and to be equally divided amongst them to wit to the Davidson College, George Davidson, Mary Mustard, Florence Glen and for the purchase of land.

into effect this will I hereby nominate constitute
and appoint Samuel Houston and Joseph R.
John as my executors. In testimony whereof
I have hereunto set my hand on this 4th day
of July 1862.

Signed & published

in presence of

Wm L. Davidson

Wm L. Davidson

Wm L. Davidson

Petition

State of Alabama, To the Hon P. E. Connor Judge of
Marengo County } the Probate Court of said County.
The petition of Joseph R. John, respectfully rep-
resents unto your Honor that the late William L.
Davidson who was an inhabitant of this County
at the time of his death departed this life on the
13th day of November 1862 at his residence in
said County leaving a last will and testament
and signed and subscribed by him and attested
by J. B. John who resides in Escalier County Texas
and John H. Webster who is now out of this State
in which your petitioner is named as the Executor
thereof which will is herewith produced to your
Honor and propounded for Probate and read in
this Court. Your petitioner further states that the
Widow of said deceased Sarah Davidson has depar-
ted this life; and that the next of kin of said de-
ceased is his sister Mrs Margaret Ewing who is of
full age and resides in the State of Missouri.
In consideration of which your petitioner prays that
such proceedings orders and decrees may be had
and made in the premises as may be equitable and
proper to effect the due Probate and record of said
will according to law. And as in duty bound &c.

J. R. John

TESTIMONY

Probate Court Marengo County State of Alabama.
At a special term thereof held this 13th day of September
1871. Testimony of J. R. John in the matter of the Probate
of the last will and testament of William L. Davidson
deceased. here to annexed who being duly sworn in
open Court deposes and says that he was acquainted
with Wm L. Davidson the testator in his life time
has seen him write & is acquainted with his handwriting
that he was also acquainted with Mrs Sarah Davidson
who was the wife of William L. Davidson that he is
acquainted with John H. Webster & J. B. John the
subscribing witnesses to the Last will & Testament of
William L. Davidson deceased and that he is also
acquainted with the handwriting of both of said

subscribing witnesses that both John H. Webster and
J. B. John are out of this State. That Sarah L. Davidson
the Widow of William L. Davidson has departed this life
since the death of her husband William L. Davidson
that William L. Davidson was a resident citizen of
Marengo County Alabama & being a citizen departed
this life in said County & State about the month of
November 1862 leaving the paper propounded to this
Court as his last will. That Mrs Margaret Ewing
was a sister & so far as he knows or believes was at
his death his only heir at law and that she resides
in the State of Missouri unless she has died since
he last knew of her. That he has examined the sig-
nature of William L. Davidson as signed to the
paper propounded for Probate as the last will of
said Davidson and is satisfied that the same
is the genuine signature of the Testator William L.
Davidson. And he has also examined the signature
of the subscribing witnesses to the said last will &
is satisfied that they are the genuine signatures
of J. H. Webster & J. B. John and that the name of
William L. Davidson was written by himself &
the name of the said subscribing witnesses to said
will was written by each of said witnesses re-
spectively for himself. And that the Testator was
at the time of signing said will of sound mind
and disposing memory -
before me this 13th Sept. 1871.

P. E. Connor Judge &c.

Last Will and Testament of A. M. Lewis, Deceased.

WILL.

In the name of God, Amen!

I Arthur M. Lewis of the County of Marengo in the State
of Alabama being sound in mind but weak in body
and conscious of the uncertainty of life do make
declare and publish this my last Will & Testament
Item 1st It is my will that I be decently interred and
that such suitable monument or tombstone be erected
over my remains as shall be consistent with my age
and circumstances in life.
Item 2. It is my will that all my just debts be paid
as soon as conveniently be done after my decease and
for that purpose my executor hereinafter named
whenever authorized and directed to apply such
monies as may have on hand at the time of my death
and the proceeds of such debts or claims as may be
due me at the time as may be necessary.

Item 3. It is my will and desire that my beloved wife Sarah C. Lewis have the full share of my estate including both that which I hold in my own right and that which I hold in right of my said wife - which the law would give her if no will had been made by me with this additional provision that she be authorized and permitted to select such of the house servants as a part of her share of the slaves as she may choose.

Item 4. It is my will and desire that property of the value of ^{Dollars} ~~one~~ ^{hundred} be set off and allotted, at such time as may become necessary to make a division of my estate for the use of my son Green Berry Lewis and I do hereby bequeath and devise said property when the same shall be so set off and allotted to my said wife in trust however for the use and support of my said son Green Berry during his natural life, and at his death it is my will and I do hereby give, bequeath & devise said property so vested as aforesaid in my said wife as trustee, over to my other children then living and to the descendant of such of them (if any) as may be dead to be taken by them in such parts and in the same manner as may be in accordance with the law of descent now in force in the State of Alabama.

Item 5th. It is my will that all my estate of every description which may be left after setting off the portion herein devised & bequeathed to my said wife and the said portion herein before bequeathed & devised for the use and support of my son Green Berry be equally divided among the remainder of my children who may be living at the time of making such division the descendant of such child or children as may then be dead said descendants to take the share which their parent would have taken if living, and it is my will and I do hereby devise & bequeath the share which may be set off and allotted to my son Owen Lewis to my said wife Sarah C. Lewis in trust for the use and maintenance and support of my said son Owen Lewis during his natural life, and after the death of my said son Owen. It is my will that my said property should no trust for the use of my said son Owen descend to his the said Owens child or children if any be living at the time of his death, and if the said son should die leaving no child or children then I do hereby devise & bequeath said property to my other children (except the said Green Berry) who may be then living and to the descendants then living of such of them (if any) as may be dead to be taken by them according to the law of descent now in force in the State of Alabama.

If however at any time my wife Sarah C. Lewis shall deem it safe or expedient to permit my said son Owen to take possession Control or management of the share so bequeathed & devised to her in trust for the use & of said Owen. It is my will and desire, and I do hereby authorize her so to do, reserving to herself however the right at any time she may deem it advisable to resume the possession Control & management of said property to herself as trustee aforesaid.

Item 6th. It is my will and I do hereby direct that my home place, wherein I now reside with my family and all the lands & tenements attached thereto together with the household and kitchen furniture plate stock of horses cattle dogs and everything else thereon kept and used by me in my life time for the comfort convenience and enjoyment of my wife and family be still kept used & enjoyed by my said wife and family for their comfort and convenience the same as may have been done during my life and it is my desire that no partition or appurtenment of my household effects be required, my estate being amply sufficient to secure the payment of all debts & claims which may be brought against it, without my ever entering hereafter in any and no way in my household or in her inventory of my Estate.

Item 7th. It is further my will and desire and I do direct that my two places in the town of Chocoma situated by me and known as the "Hesper" or Perry place and the house or "Greenwood Place" with the lands at the "Perry Place" adjoining the east side of the river and situated by me and part of said "Perry Place" be kept up and enjoyed and that all my slaves be kept where kept for house servants at the "Hesper" place be kept together on said "Perry & Greenwood place" and worked thereon the same as I have kept up and worked said places during my life time and it is further my will and I do hereby authorize and empower my said executrix to purchase other lands adjoining or contiguous to said "Perry & Greenwood place" if the same can be done without prejudice to my estate and for the purpose of providing my said executrix with the means of making such purchases or purchases as she may by Authority and empower her to sell at public or private sale as she may deem most advisable my place in Choctaw County Alabama known as the "Kinderhook Place" and my place in Marengo County aforesaid known as the "Bayton

Place and for the purpose of enabling my said executrix to carry out fully the objects specified in this item I do hereby vest in her as executrix aforesaid all such title as may be necessary to effect the same without in any manner requiring the intervention of any of the Courts of the State of Alabama. And all such lands as may be purchased by my said executrix shall be held and used as those so directed to be kept & used in this item, and on the final division of my estate to be divided & deced according to the provisions herein specified with regard to the rest of my estate.

Item 8th It is my will and I desire that all my family remain and reside at the home place with their mother until they shall respectively attain the age of twenty one years or marry and that they shall until such contingencies happen live in common & in the same style & manner they lived during my life time and that my executrix shall not be required to keep separate accounts with them.

Item 9th It is further my will and desire that all my estate not directed to be sold be kept together & worked in common until my following named Children to wit: Cynthia Lewis, Olivia Lewis, Agnes Lewis, Arthur M. Lewis, Char-anna Lewis and Caroline Lewis and such other child or children as may hereafter come to me, shall have respectively attained to the age of twenty one years or married, and that as soon as any one of my said Children named or referred to in this item shall have so attained to the age of twenty one years or married and shall receive his or her share to be set off or allotted the share of such child in the slaves then belonging to my estate according to the provisions of this my will defining what portion each one shall have, shall accordingly be so set off and allotted to such child and so from time to time each child shall on the happening of such contingencies as above provided shall be set off and allotted.

Item 10th It is further my will that the sum of Dollars shall be paid by my executrix to each one of the above named & specified children at the time of setting off and allotting his or her share of the slaves as is in item 8 & 9 directed and provided for.

Item 11th It is my will that if any one of my children named or specified in item 8 & 9 shall die before his or her share of the slaves be allotted to him or her without leaving issue living at that time, then his or her share of said slaves shall remain and

shall be divided among my other children named & specified in said item 8 & 9 and.

Item 12th It is my will that all the lands herein before directed to be kept together & cultivated be kept and cultivated until my youngest child shall have attained the age of twenty one & married and until the death of any of my children shall have preferred to keep their portion of the slaves together: in said plantation said lands shall be kept & cultivated until each one of my children shall have taken off his or her share of said slaves.

Item 13th It is my will and I direct that all the stock of horses mules cattle hogs farming utensils provisions &c. be kept and run on said plantation so directed to be kept together until the final division of my estate at which time my lands so directed to be kept together & cultivated shall be equally divided among me my children then living and the descendants of each of them as may be living according to the law regulating descents in the State of Alabama except that my said son George Perry is not to have any share and the share of my said son I want to be vested in my said wife or her issue as provided and to be used & disposed in provided in item 10.

Item 14th I hereby cloth my executrix with full power to sell the crop of cotton at private sale for cash and all the surplus provisions or stock which may at any time be unnecessary to keep or may become liable to waste at public or private sale as she may deem advisable without at any time requiring the intervention of any of the Courts for the purpose of executing this my will nothing vest in her all such title authority power as may be necessary to fully and completely accomplish the object of living.

Item 15th I hereby nominate and appoint my beloved wife my executrix to execute this my will and request that she be not required by the Probate Court to give Bond in a sum exceeding fifty thousand Dollars and I hereby request my said wife Sarah C. Lewis in executing the provisions of this my will and more particularly in making sales the "Hidespash & Broken Places" and in the purchase of other lands to be attached to and contribute a portion of the tract herein directed to be kept together to consult and advise with me or two of such of her friends as are known to be present and residing in the management of their estate.

In testimony whereof I have hereunto set my hand
& affixed my seal this 11th day of Feb. 1886
Signed, sealed & published }
in our presence } Real

In addition to the foregoing and by way of more fully explaining my intentions I make this, Codicil Hereto as follows. It is my will above all else that my property &c. particularly my slaves be kept together and that no division take place until one of my children becom of a ge or married and that my wife then have her share set off to, she having the privilege of retaining the house servants at a fair & reasonable valuation. It is further my will that she have the privilege of purchasing or selling any stock she may deem necessary. It is further my will that in case any of my children shall die without leaving a child or children that his or her share shall go to the surviving children. Be apt said Henry Lewis It is further my will and desire that in case the Newberk place & Bopkins place or either of them be sold that the hands worked thereon be removed and worked on the Greenhill or Perry place. It is further my will that when any one of my children shall have received his or her share of the slaves or as soon after as convenient he or she shall have the sum of three thousand Dollars paid or given to him or her by my said executor because I do not want my land to be divided to be kept together divided or sold until my children have all become twenty one or married at which time I would my wife should set off & the balance of the land divided among my children. Afterward or sold if it be found advisable & the proceeds divided. This November 15th 1860

TESTIMONY

inhabitant of this County, that said Lewis James deceased signed and executed said instrument on the day the same bears date and declared the same to be his last will and testament, and that affiant set his signature thereto, and that the other subscribing witnesses set their signatures thereto on the day the same bears date as subscribing witnesses to him in the presence of said testator. That said testator was of sound mind and disposing memory and in the opinion of deponent fully capable of making his will at the time the same was made as aforesaid. Deponent further states that said testator was on the day of the date of said will of the full age of twenty one year and upwards. Subscribed and sworn to before me the 18th day of September 1871

Last Will and Testament of Mary A. Jones

found in witness whereof I have hereunto set my hand and seal this the 14th day of October A.D. 1868.

Mary Ann Jones (LS)

The above Instrument consisting of One sheet of paper was now subscribed by Mary Ann Jones the Testator in the presence of each of us and was at the same time declared by her to be her Last Will and Testament and we at her request signed our names hereto as Attesting Witnesses.

S. F. Dixon

S. H. B. Jones

Lawrence Miles in Marriage

County.

the Hill in Monroe County

In the matter of the Probate of the Will of Mary Ann Jones pending in the Probate Court of Monroe County.

Testimony of S. F. Dixon.

I, S. F. Dixon, Affiant, depose that he was acquainted with Mary Ann Jones, of Monroe County and State of Alabama that the above Will was signed by Mary Ann Jones in my presence and having been read over to her and in the presence of the other subscribing witnesses; that the other subscribing witnesses signed in my presence and in the presence of the Testator.

Subscribed and sworn to before me this 25th day of September A.D. 1871.

R. L. Mangum Judge

S. F. Dixon

WILL.

The Last Will & Testament of Sarah L. Davidson

State of Alabama } In the name of God Amen, I Sarah L. Davidson being in good body, healthy, and of sound and disposing mind and memory, Calling to mind the frailty and uncertainty of human life, and being desirous of settling my worldly affairs and directing how the estate with which it has pleased God to bless me, shall be disposed of, after my decease, While I have strength and capacity so to do, make and publish this my last will and testament, hereby revoking and making null and void all other last wills and testaments by me heretofore made. And, first I commend my immortal being to Him who gave it, and my body to the earth to be buried with expense or oblation by my Executors hereinafter named. And as to my worldly estate, and all the property, real, personal, or mixed, of which I have disposed and possessed, or to which I shall be entitled at the time of my decease, I devise, bequeath, and dispose of in the manner following, to wit:

Item, My Will is that all my just debts and funeral expenses shall by my Executors hereinafter named be paid out of my estate, as soon after my decease as shall be by him be found convenient. Item, I give devise and bequeath to my beloved son Julius Houston my dwelling-house or homestead with all the improvements, including the lot or lots, garden, orchard, &c. and one hundred acres of lands to be selected by him out of my whole tract: two beds, two bedsteads and two full sets of bedclothing; one set silver tea spoons my wardrobe, secretaries and books: my dining-room furniture my cent. table and one half dozen parlor chairs: my two carriage horses and whatever stock or cattle there may be left: Also whatever balance of money there may be on hand at my decease not otherwise disposed of: Also the growing crops of them shall be any at my death, or the rents for my farm, to have and to hold the same to him & his Executors administrators, and assigns forever.

Item, I give and bequeath to my son William Houston, over half of the balance of my lands: two beds, two bedsteads and two full sets of bedclothes: one set silver tea spoons: my Bureau and marble-top wash stand and one half dozen chairs: to have and to hold the same to him, his heirs, Executors, administrators and assigns forever. It is also my wish and desire that my son William may always have a home with his brother Julius.

Item, I give and bequeath to my son James Houston for the sole benefit and use of his children Julius, Bell and Robert, the remainder of my lands: and desire the same to be divided equally amongst them whenever he may deem it expedient, to have and to hold the same in trust for the said Julia, Bell and Robert Houston.

Item, I give and bequeath to my dear daughter Julia and Bell Houston, one bed, one bedstead and one full set of bedclothes to each: the furniture to be divided between them.

equally: to Lula one silver mug, to Bell one silver Pitcher
 Item. I give and bequeath to Lula, Bell and Robert one set of
 silver table-spoons and one set of silver tea-spoons, also one
 Bureau, extension table, one marble top wash-stand, and
 half dozen parlor chairs and one vest.

Item. I give and bequeath to my son James Houston
 five hundred dollars in U. S. Currency to be applied by
 him to the education of his son Robert; which sum my
 Executor hereinafter named, will pay to him as soon
 after my decease as shall be found by him convenient.
 Item. I give to my Daughter-in-law Mary Houston my Carriage
 and Harness.

Item. I desire my dinner and tea set of china to be divided
 equally between my sons James my son William and my
 three grandchildren Lula, Bell and Robert and after
 making the above disposition of all my property, if there
 shall be any household furniture or goods left, I wish it
 to be equally divided between my son James, my son William
 and my three grandchildren Lula, Bell and Robert.

Lastly, I do nominate and appoint my said son James
 Houston to be the Executor of this my last Will and Testament
 and it is given that he shall carry out the provisions of this
 my last Will and Testament without being required by any
 Court or law to give his bond for the execution of the same.
 In testimony whereof I the said Sarah L. Davidson have to
 this my last Will and Testament, subscribed my name
 and affixed my seal this the sixth day of November, A. D. 1869.

Sarah L. Davidson (Seal)

Signed, written, published and declared by the said Sarah
 L. Davidson as and for her last Will and Testament
 in presence of us, who at her request and in her presence
 and in the presence of each other have subscribed our names
 as witnesses thereto.

R. H. Smith
 R. T. Harris

TESTIMONY.

In the matter of the
 Probate of the will of
 M^{rs} Sarah Davidson Dec^d

In Probate Court, Mariage Co.
 January Term 1872

The testimony of R. H. Smith one of the
 attesting witnesses to said will taken in open Court he having
 been duly sworn and testifies as follows to wit:
 That he saw M^{rs} Davidson sign said will and heard
 her declare the same to be her last will & Testament, that he
 signed the same as a witness in her presence and at her request
 and saw R. T. Harris the other subscribing witness sign
 the same as a witness at the request of M^{rs} Davidson and
 in her presence. He further says that the seal of said
 and disposing thereof at the time she executed the same.

which testimony was signed in open Court by said witness
 after having been read over to him & filed in said Court.

Attesty R. L. Maupin
 Judge of C.

State of Alabama
 Mariage County

I R. L. Maupin, Judge of the Court of
 Probate, in and for said County, and State, do hereby certify, that
 the within instrument of writing has this, in said Court, and before
 me, as the Judge thereof, been duly proven, by the proper testimony,
 to be the genuine last will and Testament of M^{rs} Sarah L. Davidson,
 deceased; and that said will, together with said proof thereof, have
 been recorded in my office, in Book of Wills in 10 pages 12-18-19.
 In witness of all which, I have hereunto set my hand, this
 January 2^d 1872

R. L. Maupin

The Last Will and Testament of Videon Howard, Deceased.

State of Alabama } This 10th day of February 1872.
 Mariage County } To Hon R. L. Maupin, Judge of Probate Court
 of said County: The petition of Mary Howard respectfully
 represents to your Honor, that the late Videon Howard, who was
 an inhabitant of this County at the time of his death, departed
 this life on the 1st day of February 1872, leaving a last will
 and Testament duly signed and published by him and attested
 by John H. Hackworth and Sarah J. Denny residents of said County
 and State, in which will your petitioner is named as executrix
 thereof and petitioner herewith produces said will and proposes
 the same for probate and record in this Court. Your petitioner further
 states, that Mary Howard was the wife of said (Videon Howard)
 deceased and was born 29th November 1806 being 65 years of age
 and resides near Dixons Mills in Mariage County. F. E. Dixon
 daughter of said Videon Howard and Mary his wife was born
 February 19th 1831 being 41 years of age - married by said will and
 resides at Dixons Mills in said County. Zephania Drinkwater
 daughter of said deceased and Mary his wife, was born 19th
 July, 1832, being 39 years of age, and resides near Half acre
 in said County. A. Howard son of said deceased and Mary
 his wife was born 20th November 1833, being 38 years of age
 (married by said will) and resides near Half acre in said County.
 A. Howard daughter of said deceased and (Mary) (his wife),
 was born 27th November 1837, being 34 years of age and
 resides near Dixons Mills in said County. Mary E. Porter
 daughter of said deceased and Mary his wife was born 1st
 December, 1839 being 32 years of age and resides near Half
 acre in said County. The younger daughter of said deceased
 and Mary Howard (his wife) was born 1st November 1844
 being 26 years of age and resides (with her husband J. M.
 Jones) near Bates Ridge in said County. I therefore

daughter of said deceased and Mary Leonard his wife, was born 7th November 1845, being 26 years of age, and resides near Dixon's Mills in said County. ~~W. M. Leonard~~ & Son of said deceased and Mary Leonard, his wife was born 28th January 1847, being 24 years of age and resides near Dixon's Mills in said County. E. E. Leonard daughter of said deceased and Mary Leonard, his wife was born 15th March 1851 being 20 years of age and resides near Dixon's Mills in said County. S. Leonard daughter of said deceased and Mary Leonard his wife was born 22nd September 1856 being 15 years of age and resides near Dixon's Mills in said County. S. Leonard daughter of said deceased and Mary Leonard his wife, was born 27th March 1844 being 27 years of age, and resides with her husband. H. Lorington near Owen Bluff in Clarke County. F. E. Dixon, J. Owen and M. C. Boulder are widows. F. E. Dixon and S. Lorington are married. Wherefore your petitioner prays a day to be set for hearing this petition that due notice thereof as required by law be given to the other proceedings orders and decrees 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.

Subscribed and sworn to before ^{me} Mary Leonard
me this 10th day of February 1872

H. R. Quinney, J.P.

State of Alabama } Know all men by these presents that
Warren County } as life is uncertain - and that I am
in my proper mind. I do this day make my last will and
testament - to wit. That it is my wish and desire that
my wife Mary Leonard shall have all my Property both
personal and real (Estate) to have to hold & dispose of as
she may choose. Untill her death. That she is to have
the entire Control of all my minor heirs to school & do the
best she can for them. After her death the remaining part
of the Estate left, shall be sold & equally divided among
my heirs - except my daughter Frances E. Dixon & my
son Newton Leonard who have received their part of my
Estate. Whereof I see my hand & seal in presence of
15th 1867

Eileen Leonard (Test)

Deed J. W. Hackworth, J. J. Quinney -
The State of Alabama } Before me R. L. Maupin Judge
Warren County } of Probate in and for said County,
personally appeared in open Court, J. W. Hackworth, who
having been by me, first duly sworn and examined,
did and does depose and say on oath, that he and
J. J. Quinney are each subscribing witnesses to the
instrument of writing, now shown to him, and
which purports to be the last will and testament of
Eileen Leonard, deceased, late an inhabitant of the

County; that said Leonard since deceased, signed and executed
said instrument on the day the same bore date, and declared
the same to be his last will and testament, and that affiant
and said J. J. Quinney, set their signatures thereto on the day
the same bears date, as subscribing witnesses to the same
in the presence of said testator: That said testator was of sound
mind, and disposing memory; and in the opinion of affiant,
fully capable of making this will at the time the same
was so made, as aforesaid. Affiant further states that
said testator was, on the day of the said date of said will,
of the full age of twenty one years and upwards
Sworn to & subscribed before me this 13th day of May A.D. 1872.

R. L. Maupin
Judge

The Last Will and Testament of Miles G. Askew deceased

The State of Alabama }
Warren County }

Will

I Miles G. Askew of the County of Warren, & State of Alabama,
being of sound & disposing mind and memory, do make and declare
this to be my last will and testament, hereby revoking all other
dispositions of my property.

- 1 I do hereby bequeath and will to my beloved wife Ann G. Askew,
all my property, both real & personal which I may have at my death
either in possession, remainder, reversion or expectancy, during her natural
life or during her widowhood;
- 2 I do further will and desire that should my wife die or marry
that my property both real and personal, shall be equally divided
between her, my said wife, and my children equally, share and share
alike.
- 3 With respect to my share and interest in the business of Askew, Cornish & Co.
now carried on by me in Dayton with J. H. Kitchell & L. Cornish
under the firm of Askew, Cornish & Co. I do hereby empower my
Executive Ann G. Askew, by and with the advice of J. H. Kitchell
& Saml. H. Askew or either of them, to continue said partnership
business, and adjust & settle all accounts & transactions relating
to said business, or wind up the affairs and concerns thereof ac-
cording to the provisions of the articles of partnership, or upon
such other terms as shall be agreed upon by my executive,
one of his advisors, and the surviving partners.
- 4 I do further will & desire that my wife, by and with the advice
and consent of one or both her said advisors, given in writing
shall have power to sell and convey any real or personal
property, and settle & compromise all debts of mine.
- 5 I do hereby appoint my wife Ann G. Askew executrix of my
will, during her life or widowhood and require that she do
give on bond or security for the performance of her duties
as required by law, and I do further appoint my

Will

Testimony

and relatives Mrs S Lock, and Sam^l H Askeu, her advisers,
without bond and should either of the said advisers die in
design, I require the place to be filled by appointment of the Probate
Court. In witness whereof I have to this my last will and
testament subscribed my name this 23rd day of Dec A.D. 1871

Witness

W. G. Askeu

H F Drummond.

Do^t Pearl

C. H. Askeu

The State of Alabama } Before me R L Maupin Judge of
Warren County } Probate of said County, personally came
and appeared C. H. Askeu who having been by me first
duly sworn, deposes and says, that he is a subscribing witness
to the instrument of writing, now shown to him and which
purports to be the last will and Testament of Miles
G Askeu, do^t late an inhabitant of this County; that
said Askeu since deceased, signed and executed said instrument
on the day the same bears date, and declared the same to be
his last will and Testament and that affiant, set his signature
therein, on the day the same bears date, as subscribing witness
to the same, in the presence of H F Drummond, the other
subscribing witness and of said Testator; that said Testator
was of sound mind and disposing memory, and, in the opinion
of deponent fully capable of making his will at the time the
same was so made as aforesaid, and that said Testator was
on the day of the said date of said Will, of the full age of 21
years and upwards.

C. H. Askeu

Sworn to & subscribed before me this 12th day of Dec. A.D. 1871

R L Maupin Judge

The Last Will and Testament of Richard H Wooten Deceased

Petition

To the Hon. R L Maupin, Judge of the Probate Court in and
for the County of Warren, and State of Alabama. The petition
of Corineil B Wooten a resident of said State and County
respectfully shows unto your Honor:

- 1 That Richard H Wooten late of said County departed this life
on or about the 15th day of October A.D. 1872, leaving a
last will and testament, duly executed by him and attested
by D. D. Peager and S B King as witnesses; which will is
hereto annexed as "Exhibit A" and prays to be taken as
a part of this petition.
- 2 That at the time of his death the said Richard H Wooten was an
inhabitant of said County, and left him surviving as his only
next of kin and heir at law the following named persons
viz: 1 John Pettitum, a brother of said decedent, who resides
in the said County of Warren, is of sound mind and is
over twenty one years of age
2 James S Wooten, a brother of said decedent, who resides in

- Lenoir County in the State of North Carolina, is of sound mind
and is over twenty one years of age.
3. Shade Wooten, a brother of said decedent, who resides in
Greene County in the State of North Carolina, is over twenty one year
of age and is of sound mind.
 4. Mary J Spright, a sister of decedent and the wife of James
P Spright; she and her said husband reside in the aforesaid
County of Greene, are of sound mind and each over twenty one
years of age -
 5. Abneria Pymum, a sister of decedent and the wife of Peter
Pymum; she and her said husband reside in the aforesaid
County of Greene, are of sound mind and each over twenty
one years of age -
 6. The Children of John S Wooten, a brother of decedent
and who died before him: said Children are: 1. William
J Wooten, who is over 21 years of age, is of sound mind and
in the aforesaid County of Greene. 2. Mary Wooten, who is over
21 years of age, is of sound mind and resides in the said
County of Greene - 3. Simon J Wooten, who is under 21
years of age is of sound mind and resides with John W Wooten
in Wayne County in the State of North Carolina.
 4. Susan Wooten, who is under 21 years of age, is of sound
mind and resides with the said Shade Wooten in the aforesaid
County of Greene. 5. Cora Wooten, who is under 21 years
of age, is of sound mind and resides with the said James
Spright in the aforesaid County of Greene -
 6. Elizabeth Wooten, who is under 21 years of age, is of sound
mind and resides with the aforesaid James P Spright -
 7. John Wooten who is under 21 years of age, is of sound
mind and resides with his mother Elizabeth Best in the
aforesaid County of Wayne
 7. The Children of E B Wooten a brother of and dying before decedent
said Children are: 1 Edward Wooten. 2 John Wooten &
Dalany Wooten; all of whom are under twenty one years
of age, are of sound mind and reside with Elizabeth J Wooten
in the aforesaid County of Lenoir -
 8. The Child of H D Wooten, who was a brother of and died
before decedent: said Child is Mystic Wooten, who is under
21 years of age, is of sound mind and resides with the
mother Elizabeth J Wooten in the aforesaid County of Lenoir.
 9. John H Isler and Eliza Isler, the Children of Susan
A Isler who was a sister of and died before decedent
they are both under 21 years of age, are of sound mind
and reside with their father John H Isler in the
aforesaid County of Wayne -
 3. Your petition further shows unto your Honor
by the provisions of said last will and testament he
appointed the Executor thereof and he now prays
the same before your Honorable Court for probate

prays that it may be proved in accordance with the laws of the state of Alabama in such cases made and provided and as in duty bound &c

Council, B. Wooten
My W. E. & R. H. Clarke his atty.

Will

State of Alabama } I Richard H. Wooten of said County
Marion County } and State, being of sound mind, do
inform hereby do declare this my last will and testament,
after all my just debts are paid, the property remaining
both real and personal I wish to be equally distributed
between the following persons Shade Wooten James Wooten -
Mary Jane Speight - Abanella Wooten - Susan Isola - the
legal heirs of John S Wooten deceased, and the legal heirs of
John S Wooten deceased, and the legal heirs of E. S. Wooten deceased
all of said persons are residents of North Carolina and
Council B. Wooten of the State of Alabama.

I do hereby further declare that it is my wish that my brother
E. S. Wooten of the County of Marion and State of Alabama
act as Executor of this my last will and testament, and
that the Probate Judge of said County shall not exact
any bond from him.

Richard H. Wooten
Witness D. D. Gauger
S. S. King

Testimony

The State of Alabama } In the matter of the probate of the last
Marion County } will and testament of Richard H.
Wooten deceased: Before me R. L. Maupin, Judge of
Probate in and for said County, this day personally appear
in open Court D. D. Gauger, who having been by me
first duly sworn and examined, did and does depose and
say on oath that Richard H. Wooten now deceased died on
the 15th day of October 1871 sign the written instrument now
shown to him which purports to be the last will and
testament of the said decedent, and which has been
heretofore filed in this Court by E. S. Wooten for probate
as such last will and testament, that the said
decedent then executed the said instrument and declared
the same to be his last will and testament in the presence
of this affiant and S. S. King; and that this affiant and
the said S. S. King subscribed their names thereto as
Witnesses in the presence of the said Testator and of each
other at the same time that the same was so published
by the said testator as aforesaid; that in the opinion of this
affiant the said testator was at the time of the execution
of said will as aforesaid of sound mind and disposing
memory and was then fully capable of making his will.
that the said testator was then an inhabitant
of this County and was over twenty one years of
age, and that he has since departed this life,
being at the time of his death still an inhabitant of this County.

D. D. Gauger

Subscribed and sworn to before me this 12th day of August
A.D. 1872
R. L. Maupin
Judge

The Last Will and Testament of A. H. Dunn deceased

Petition

To the Honorable R. L. Maupin Judge of the Probate Court of
Marion County and State of Alabama.
The petition of Elizabeth J. Dunn of said County and State,
respectfully represents unto your Honor, that the late Alexander
H. Dunn, who was an inhabitant and citizen of this Coun-
ty departed this life therein on the ninth day of September
A.D. 1872, having a last will and testament, duly signed
and published by him and attested by Henry A. Hoof,
Thomas S. Abner, and J. C. Bow, all of whom
reside in this County, in which your petitioner as she
truly believes is named as Executive thereof, which
said will is herewith produced to your Honor and proposed
as for probate and record in this County. Your
petitioner further states, that the widow of said deceased is
your petitioner, and that the next of kin and heirs at law
of said deceased are his two infant children, to wit
Hattie J. Dunn and John B. Dunn, both minors under
fourteen years of age who reside in this County with your
petitioner their mother. In consideration of all of which
your petitioner prays that a day may be set for the hearing
of the matter of this petition, that subpoenas may be issued
to bring in said subscribing witnesses to testify on said appointed
day, and that due notice of this application may be given to
the next of kin of said deceased, and that such other proceed-
ings, orders and decrees 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
A. H. Dunn
Sworn to before me 12th Oct 1872 by J. M. Young & Hoof attorneys
A. H. Hoof R. L. Maupin Judge

Will

In the name of God! Amen!
I Alexander H. Dunn of said Marion County
and State of Alabama being of sound and disposing mind
and memory do make this my last will and testament.
First It is my will that my funeral expenses and just
debts, be first paid by my Executive hereinafter named.
Second It is further my will, that after these are paid, that
my wife Elizabeth J. Dunn shall have use and
control all the balance and remainder of my estate
real personal and mixed as she may think fit.

and I hereby bequeath and devise the same to her, to use and Control and dispose of as she may choose -
 Therefore I hereby nominate and appoint my wife -
 Elizabeth J. Dunn, Executrix of this my last will and testament, and do further will and request that the proper Court will permit her to qualify as such without giving any bond and security as such. Witness my hand and seal this Eighteenth day of September A.D. 1872

Attest
 A. A. Hooff }
 J. S. Abernathy }
 J. C. Dow }

In the matter of the Probate of Pending in Probate Court
 of the Will of A. M. Dunn } Marengo County
 Dec^r } Ala, Oct Term 1872.

A. A. Hooff one of the subscribing Witnesses to said Will being sworn says, that he wrote the will of said Dunn according to his request & carefully read over and explained the same & he executed the same by requesting deponent to sign his name for him which he did on the day the same bears date, in the presence of deponent and of the other subscribing witnesses, & that all the witnesses signed the same in the presence and at request of testator & in presence of each other and deponent says that said Testator was of sound mind at the time of the Execution of said will

Sworn to & subscribed before me this 14th day of Oct 1872
 R. L. Mansfield Justice

In the matter of the Probate of Pending in the Probate Court
 of the Will of A. M. Dunn } Ala
 Dec^r }

Dr. J. C. Dow being duly sworn says, that he saw A. M. Dunn execute said Will on the day the same bears date, by requesting A. A. Hooff to write his name thereto, that he & the other witnesses signed the same, witnesses in the presence and at the request of said testator and in the presence of each other, on the day the same bears date, & deponent further says that said A. M. Dunn was at the time of the Execution of said paper of sound mind

Sworn to & subscribed before me this 14th Oct 1872
 R. L. Mansfield Justice

The last Will and Testament of Ellington Drinkard Deceased

Will

- I Ellington Drinkard do make & declare this to be my last Will and Testament as follows: to wit:
- Item first. It is my will & desire that all my just debts shall be paid out of my estate that is all the debts I am owing.
 - Item second. I will & direct that my Daughter Jemima Ann shall out of the remainder of my Estate Personal & Real receive at the rate of one hundred Dollars per Annum from the first day of May Eighteen hundred & seventy-two until the day of death.
 - Item third. I will & direct after my creditors are paid & the second item of this will is satisfied that all my Personal Property including a note of H. J. Robinson for one hundred & thirty-five Dollars & excepting all old & nearly worthless Claims made previous to this year and all my Lands in Marengo County Alabama being the tract on which I am now living & containing about Two hundred & forty acres shall be equally divided between my Daughters Jemima Ann Drinkard & Sarah Emaline Taylor (wife of Benjamin T. Taylor) share & share alike.
 - Item fourth. I will & bequeath to my Daughter Elizabeth Horner all my Real Estate in Bienville Parish in the state of Louisiana being a tract of one Quarter Section or about One Hundred & sixty acres.
 - Item Fifth. I leave old notes & papers for Property sold previous to & about the commencement of the war, it is my will that if a sufficient amount shall be collected from these old & apparently worthless that the three eldest children of Jesse Drinkard deceased to wit: Emaline Burge & Alice Drinkard & Sarah Drinkard & the two eldest children of John M. Drinkard to wit: Lucretia Dany & Henry Caldwell Drinkard shall receive from such Collection each Four Hundred Dollars & if an insufficient amt shall be collected then of these old claims they shall receive a pro-rata share of so much as shall be collected, if however more than enough is collected to pay these bequests then it is my will that such excess shall be divided between my two Daughters Jemima Ann & Sarah Emaline.
 - Item Sixth. I appoint Alex. Carleton Executor of this my last Will & Testament signed & sealed in the County of Marengo & State of Alabama this the eighteenth day of June A.D. Eighteen hundred & seventy-three in the presence of the following Witnesses

Test
 Morgan Carleton
 James Ethridge
 The State of Alabama, Marengo County Before me

Maupin.

Testimony

Judge of the Probate Court in and for said County, personally appeared in open Court, Morgan Charlton & James Ethridge who having been by me duly sworn and examined upon oath, they are each subscribing witness to the instrument of writing now shown to them, and which purports to be the last will and testament of said Ellington Driskard deceased late an inhabitant of this County. That said Ellington Driskard, since deceased, signed and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiants set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same, in the presence of said testator. That said Testator was of sound mind and disposing memory, and, in the opinion of deponents fully capable of making his will, at the time the same was so made, as aforesaid. Affiants further state that said Testator was on the day of the said date of said will, of the full age of twenty one year and upwards.

Morgan Charlton
Sworn to & subscribed before James Ethridge
me this 10th day of November
AD 1873 R.D. Maupin Judge
Filed Nov 10th A.D. 1873 R.D. Maupin Judge

Hill

The last will and testament of Elijah Rawls deceased
In the name of God amen, I Elijah Rawls of the County of Marengo and State of Alabama, being satisfied of the uncertainty of life, but of sound and disposing mind and memory, do make and publish this my last will and testament. First of all I commit my body to the earth and my spirit unto the hands of God who gave it. After which I dispose of and bequeath my worldly goods and es- tate as follows. I give and bequeath to my wife Martha Jane Rawls and to the heirs of her body, my entire personal property of every description. Stock of Horses, Cattle, Sheep, Hogs, all my household and kitchen furniture with my Car, Mill and running gear, all the money on hand at the time of my death with all notes claims or evidences of debt due me, at or after the time of my death. I also give grant and bequeath to her and the heirs of her body, all of my plantation in said Marengo County known as the Elder place, containing One Hundred and twenty acres more or less, and described as the East half of the South east quarter in section thirty and the South west quarter of the South west quarter in section 32, twenty nine, all in Township 17th nineteen Range 8, town East. And if my said wife has

no children living at the time of my death I bequeath the above to her in her own right forever. The balance of my estate I give bequeath and direct as follows. My home place or plantation in said County where I now reside with the appurtenances shall be advertised and sold publicly or privately as my executors shall think best and after paying the expenses of my estate and any debt I owe at the time of my death out of the proceeds of the sale of said home place the balance of said proceeds shall be divided between my sons, L.S. Rawls, Simon H. Rawls, the heirs of William Rawls dec^d, the heirs of Benjamin H. Rawls, and the heirs of Sarah A. Gower "my daughter" out of said proceeds, that is the debt of said home place my executor shall pay over to my son J. K. Rawls one dollar which is my bequest to him, my grandson Thomas J. Rawls shall share equally in the proceeds of the sale of said home place with my other heirs named before J. K. Rawls but I desire my executors to hold what may come to him until he becomes of age. I hereby appoint my wife Martha Jane Rawls and S.G. Cornish of Decatur County executors of this my last will and testament. Witness my hand and seal this 11th eleventh day of September A.D. 1872.

Signed in presence of } Elijah Rawls (Seal)
D.L. Taliaferro
R.D. Hook
S.G. Cornish

Testimony

The State of Alabama } in the matter of the Probate of
Marengo County } the last will and testament of
Elijah Rawls deceased.
Before me J.L. Maupin Judge of the Probate Court in and for said County, personally appeared in open Court D.L. Taliaferro, who having been by me duly sworn and examined upon oath, and says that he is a subscribing witness to the instrument of writing now shown to him, and which purports to be the last will and testament of Elijah Rawls deceased late an inhabitant of this County. That said Elijah Rawls, since deceased, signed and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiants and R.D. Hook and S.G. Cornish set their signatures thereto, on the day the same bears date, as subscribing witnesses to the same, in the presence of said Testator. That said Testator was of sound mind and disposing memory, and in the opinion of deponent, fully capable of making his will, at the time the same was so made, as aforesaid. Affiant further states that said Testator was on the day of the date of said will, of the full age of twenty one year and upwards.

D.L. Taliaferro
Sworn to and subscribed before me }
this 9th day of March 1874.
R.D. Maupin Judge } Filed Jan 30, 1874
P.L. Maupin Judge

Petition

The Last Will and Testament of Coleman Bohannon dec'd
 To the Honorable R. L. Maupin Judge of the Probate Court
 of Marengo County State of Alabama.

Your petitioner James C. Bohannon a citizen of said county respectfully represents unto your Honor that Coleman Bohannon who was an inhabitant of this county and a citizen thereof at the time of his death departed this life in this county on the 24th day of December A.D. 1873, leaving a last will and testament duly signed and published by him and attested by J. M. Bauser of Perry County Alabama & John B. Edwards of this county in which said will your petitioner and his Mother Nancy J. Bohannon heretofore believes are named as executor and executrix thereof, which said will is herewith produced to your Honor and propounded for Probate and record in your office. Your petitioner further states that the widow of said deceased is the said Nancy J. Bohannon of full age and resides in this county and the next of kin and heirs at Law are as follows to wit:

1. Your petitioner James C. Bohannon of son residing in this county & of full age.
 2. Mary E. Lloyd a daughter & widow of full age & residing in Scott County in the State of Miss.
 3. William L. Bohannon a son of full age and resides in this County.
 4. The children of Virginia A. Guerrant a daughter who dies before said Coleman to wit, Nancy L. Guerrant about 12 years old, and Robert Lee Guerrant about 8 years old next with petitioner in this County.
 5. John B. Bohannon a son of full age residing in Perry County Alabama.
 6. Saluda A. Colly a daughter & wife of J. M. Colly and resides with her husband in Lafayette County in the State of Texas & of full age.
 7. C. B. Bohannon a son of full age residing in this County.
- That all of said parties of sane mind. In consideration of all which your petitioner prays that a day may be set for the hearing of the matter of this petition; that subpoenas may be issued to bring in said subscribing witnesses to testify on said appointed day - that due notice of this application may be given to said widow and next of kin of said deceased and that such other proceedings, orders & decrees may be had & made in the premises as may be requisite and proper to effect the due Probate and record of said will according to Law as in duty bound &c.

Sworn to & subscribed before me } J. C. Bohannon
 this 22^d Feb'y 1874.

R. L. Maupin Judge.

The Last Will and Testament of Coleman Bohannon dec'd

Guardian ad litem The State of Alabama } Probate Court, Feb'y 3^d 1874.
 Marengo County } The undersigned having been, by said Court
 Guardian ad litem for Nancy L. and Robt Lee Guerrant minors
 to represent and protect their interests in this proceeding comes and
 accepts said appointment and consents to act as such Guardian
 ad litem as aforesaid; and for answer he says he denies all the
 allegations set forth in the foregoing application or petition and
 respectfully asks said Court to require strict and legal proof
 of the same.

{ David W. Taylor, Guardian ad litem
 for Nancy L. and Robt L. Guerrant
 Minors }

In the name of God Amen

I Coleman Bohannon of the county of Marengo and State of Alabama being of sound and disposing mind and memory and being desirous of settling my temporal affairs in such a manner as to make due and proper provision for those who are dependent upon me do make, ordain and establish the following to be my last will and testament:

Item 1 It is my will and desire that after my death that all the lands which I now own and possess and also any lands which I may revert to me by reason of the nonfulfillment of the terms upon which they were sold. Shall go to and be held by my beloved wife Nancy Jane Bohannon for and during the term of her natural life, in order to enable her to have a good support for herself, and also to enable her to support, maintain and educate as well as the means will enable her to do ~~over~~ her little grand children Namie Eugenia Guerrant and Robert Lee Guerrant And in case the lands above mentioned is paid for then it is my will that the money should be paid to my beloved wife Nancy Jane Bohannon, and the interest of that money to be paid by her for her own support and for the support and education of our said grand children Namie Eugenia Guerrant and Robert Lee Guerrant.

Item 2 It is my will that the lot of land upon which my son James Bohannon now lives and which is bounded on the North by the lands of Thomas R. Eaton, on the east by the Darden lands and on the South and West by the public road leading from Dayton to McKinley, should go to him and be owned by him in addition to his distributal share of my estate, upon the condition that the said James Bohannon is not to sell said lot of land during my life time, nor during the life time nor widowhood of his Mother. And should he sell the same within the time above mentioned, then it is my will that said land should revert immediately to my estate. Said lot of land is given by me to my son in consideration of his kind and dutiful attention to my wants and business. The restriction upon the sale of this lot of land is only to be

The Last Will and Testament of Coleman Bohannon deceased

during my life time; or the life time or widow hood of my beloved wife Nancy Jane Bohannon.

Item 3 It is my will that at the death of my beloved wife Nancy Jane Bohannon, should she survive me, or upon her second marriage, should she marry, that all of my property both Real & Personal should be equally divided among my children, and that my grand children Nancy Eugenia Guerrant and Robert Lee Guerrant should receive the same portion of my Estate that their mother would have received, had she been living, that is a full share for one child to be equally divided between them.

Item 4 I do hereby appoint my beloved wife Nancy Jane Bohannon to be the Executrix, and my son James Bohannon to act jointly with his mother, to be the Executor of this my last will and testament, hereby releasing them from giving bond with security. And it is further my will and desire that my said Executrix and Executor may not be compelled to take out letters testamentary, or be required to make any returns to or settlements with the Probate Court, it being my will and desire that the business should be conducted and carried on as nearly as possible as it is during my life time. Given under my hand this twelfth day of April AD 1872.

We hereby subscribe our names C. Bohannon

as witnesses, at Mr Bohannon's request in his presence & in the presence of each other.

John B Edwards
W M Dausby

Testimony

The State of Alabama
Harrison County
Estate of
Coleman Bohannon
Deceased

In the matter of the Probate of
the will of said decedent.
Before me R L Maupin Judge
of the Probate Court in and for
said County, personally appeared

supper Court J B Edwards who having been by me duly sworn and examined deposes and says that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and Testament of Coleman Bohannon deceased late an inhabitant of this county. That said Coleman Bohannon since deceased, signed, and executed said instrument of writing on the day the same bears date and declares the same to be his last will and testament, and that affiant and W M Dausby set their signatures thereto on the day the same bears date, as subscribing witnesses to the same, in the presence and at the request of said

Testator. That said Testator was of sound mind, and disposing memory, and in the opinion of the deponent, fully capable of making his will, at the time the same was so made as afore said. Affiant further states that said Testator was, on the day of the said date of said will, of the full age of twenty one years and upwards.

Sworn to and subscribed before J. John B Edwards
on this 12th day of April 1874

R L Maupin Judge

Petition

The Last Will and Testament of George F. Glover
The State of Alabama Probate Court March 20 1875
Harrison County J B Edwards Judge of the
said Probate Court.

The petition of Alice Glover, a citizen of said County and State, respectfully represents to your Honor that the late George F. Glover who was an inhabitant of this county at the time of his death, departed this life on the 26th day of February AD 1875, in said County, leaving a last will and testament duly signed and published by him, and attested by George C. Lyon and James H. Puffer residents of the city of Demopolis in said County, in which your petitioner is named as the Executrix thereof, and your petitioner herewith produces said Will, which is appended hereto marked "Exhibit A" and sponsors the same for probate as record in this Court. Your petitioner further shows unto your Honor that the said George F. Glover left surviving him a widow and three children, who are his next of kin, to wit: your petitioner Alice Glover, who is his widow and who is of mature age, and the names ages of his children are Mary A. Glover aged about 12 years, William F. Glover aged 6 years and Charlie Lee Glover aged 4 years all of whom are of sound mind and reside in the city of Demopolis in said County together at the late residence of said deceased. Wherefore your petitioner prays that as soon as set for hearing this petition, that due notice thereof as required by law be given to the parties interested in said Estate of said deceased, and that such other proceedings orders and decrees 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 in such cases.

Sworn to & subscribed before me J. Alice Glover
this 8th day of March AD 1875

J. H. Howell Notary Public

The State of Alabama J. George F. Glover of the said
Harrison County County and State, do hereby
make and publish my last will and testament
in words and figures as follows.

Will

WILL

- 1st I desire that, after my death, my body be decently buried in the Glover family vault near Decaturpolis.
- 2nd I desire and hereby direct that all my just debts be paid as soon as can be by my Executors without sacrifice of my property.
- 3rd I hereby give, bequeath and devise all of my property of every description whatsoever, to my dear wife Alice Glover, in trust for the benefit of herself and her children, per me legotten, share and share alike, and she is hereby authorized and empowered, as such trustee, to use any money or part of said Estate, in the education of the said children as she may think proper; and also to mortgage if necessary, and to sell and convey any part of said property, and invest and reinvest the proceeds of such sale or sales, or any other funds she may receive in any other property or business; also to make advances to any of said beneficiaries on account of their portions of said property, and in every way to control and manage the said property as her judgement may dictate to be of the greatest advantage to the said beneficiaries, which said trust and power shall continue until my said wife shall marry another man or shall die, unless she may see proper to terminate the same by resigning, or by dividing the said property between herself and the said children as aforesaid, share and share alike; which she is hereby authorized to do whenever she may think best to do so.
- 4th I hereby direct, that if my said wife Alice shall marry another man, then and in that event, the said trust created by the 3rd clause of this will shall terminate and be settled, and the said property be divided equally between my said wife and the said children, per share and share alike, so that she shall take a child's part; and the portions of said property going to any of the said children, who may then be minors, shall be managed by Guardians as directed by law in such cases, and the divisions of the said property shall be made by three disinterested and intelligent neighbors, one to be selected by my wife, another by the children, and the third by the two so selected.
- 5th I hereby nominate and appoint my dear wife Alice Glover the executrix of this my last will and testament and having the utmost confidence in her honesty and good judgement & management, hereby exempt her from giving any bond for the faithful discharge of her duties as such executrix of this my last will and testament, as well as trustee as aforesaid. In testimony whereof I have hereunto set my hand and seal this 24th day of February A.D. 1875. Geo. F. Glover (sd)

TESTIMONY

Signed, sealed and published in our presence,
Geo. C. Lyon, J. S. Buffin.

The State of Alabama,
Marengo County.

Before me Jas. H. Taylor Judge of Probate, personally appeared in open court Geo. C. Lyon who having been by me first duly sworn and examined depose and say, on oath that affiant and J. S. Buffin are subscribing witnesses to the instrument of writing now shown to him and which purports to be the last Will and testament of George F. Glover deceased late an inhabitant of this county, that said Glover since deceased, signed and executed said instrument on the day the same bears date and declares the same to be his last Will and testament, and that affiant set his signature thereto, on the day the same bears date, as subscribing witness to the same, in the presence of said testator and of J. S. Buffin the other subscribing witness who also signed his name as such witness in my presence and in presence of testator. That said testator was of sound mind and disposing memory and in the opinion of deponent fully capable of making his Will, at the time the same was so made as aforesaid. Affiant further states that said testator was on the day of the said date of said will of the full age of twenty one years and upwards. Subscribed and sworn to before me Geo. C. Lyon, me this 22^d day March 1875.

Jas. H. Taylor
Judge of Probate.

WILL

The Last Will and Testament of David Espey Deceased.
The State of Alabama, February 21st 1862.
Marengo County. Know all men by these presents that I David Espey do make and constitute this my last Will and Testament. Hereby revoking all others and former wills, first, give and bequeath to David B. Sample One Thousand Dollars, I give and bequeath to Jarcy P. Hawkins Two Hundred and fifty Dollars, \$250⁰⁰. also I give Jarcy P. Hawkins my watch and chain. I give to the children of James Espey deceased the children now living in New Orleans One Thousand Dollars each. I give and bequeath to Miss Mary Williams One Thousand Dollars, \$1000⁰⁰. I give and bequeath to Easter M. Conner One Thousand Dollars, \$1000⁰⁰.

now living in my dear Mother Mary's name, I give and bequeath my Sister Mary's share of fifty per cent Dollars. I also give to my legal heirs as few the remainder of my estate equally divided among them. I hereby settle Berryman Hawkins to administer on my estate to pay all my just and legal debts the first money collected. He (Berryman Hawkins) has full power to sell or lease my land for the term of three years after my death. The proceeds to be divided as above stated. In case of Jancy P. Hawkins death Berryman Hawkins shall have the money and watch, which I bequeath to her. Given under my hand and seal this 21st February One thousand eight hundred sixty two. 1862. David E. Epp (Seal)

TESTIMONY

Presence of J. H. Cooper, J. D. Daughdrill, T. J. Daughdrill
The State of Alabama } Before me R. L. Mayfield
Marion County } Judge of the Probate Court
in and for said County, personally appeared J. D. Daughdrill and J. H. Cooper who being duly sworn depose and say on oath that they are each subscribers to the instrument of writing now shown to them and which purports to be the last will and testament of David E. Epp, dec'd late an inhabitant of this county, that said deceased signed and executed said instrument on the day the same bears date, and declared the same to be his last will and testament, and that affiants and R. L. Daughdrill put their signatures thereto on the day the same bears date, as subscribing witnesses to the same in the presence of said testator; that said testator was of sound mind and disposing memory; and in the opinion of deponents fully capable of making his will at the time the same was so made as aforesaid. Affiants further state that said testator was on the day of the said date of said will of the full age of twenty one year and upwards.

Sworn to and subscribed before J. H. Cooper
me this 13 day of July 1874. J. J. Daughdrill.
R. L. Mayfield, Judge of Probate.

PETITION

The Last Will and Testament of Richard R. Pickering,
The State of Alabama } To the Hon. James M. Taylor,
Marion County } Judge of Probate of said county.
The petition of the undersigned, Samuel S. Pickering
and Samuel H. Ashew, respectfully shows unto your
Honor that Richard R. Pickering departed this life on

the 14th day of February 1875 and that he was at the time of his death an inhabitant of the aforesaid County of Marion, that the said decedent left a last will and testament in writing and that the undersigned are named therein as the executors thereof. Your petitioners herewith file the said instrument in this Court and offer the same for probate, and they pray that your Honor will make an order decreeing the same to be the last will and testament of the said Richard R. Pickering dec'd, and will make such orders and cause such proceedings to be had in the premises as may be necessary. They further show unto your Honor that said decedent left him surviving a widow, Mrs. Sarah W. Pickering, and that his next of kin are his four children viz.

- 1- The undersigned Samuel S. Pickering,
 - 2- George Ashew the wife of the undersigned Samuel H. Ashew
 - 3- Timothy Pickering,
 - 4- Fanny L. Pickering
- And his four grandchildren who were the children of Susan Gilbert a child of said decedent who before him said grandchildren are, 1- Fizzie Gilbert, 2- Nellie Gilbert, 3- Samuel Gilbert, 4- Mattie Gilbert.

Your petitioners show that the said widow and all of said next of kin and the said Samuel H. Ashew are all of sound mind; that the said widow and the said George Ashew, Samuel H. Ashew and Timothy Pickering reside in the said county of Marion, and are each over twenty one years of age; that the said Fanny L. Pickering resides in the said county of Marion with the said Mrs. Sarah W. Pickering and is under twenty one years of age; that the said Samuel S. Pickering resides in the county of Perry in the State of Alabama, and is over twenty one years of age; that the said Fizzie, Nellie, Samuel and Mattie Gilbert are each under twenty one years of age, and have no Guardian; the said Fizzie resides in the said county of Marion with the said Mrs. Sarah W. Pickering, the said Samuel resides in the said county of Perry with the undersigned Samuel S. Pickering; and the said Nellie and Mattie reside in the county of Dallas in the State aforesaid, with their father Robert D. Gilbert. They further report unto your Honor that the said Fanny L. Pickering has no Guardian, all of which is respectfully submitted. And as in duty bound Sworn to and subscribed before J. S. S. Pickering me this the 6th day of March 1875. Samuel H. Ashew

James Taylor,
Judge.

I Richard R. Pickering of the county of Clearings and State of Alabama being in good health and of sound mind do make, publish and declare my last Will and Testament as follows to wit:

1st. I give to my beloved wife one fifth part of my personal estate and one third part of my real estate for and during her natural life, and at her death I give her full power to dispose of her share of my estate as above mentioned, as she may see proper, that is give it to whom she may prefer.

2nd. It is my desire, that the remainder of my property, both real & personal, be divided equally among and between my children, now living, Samuel S. Thyrga J. James L. and Timothy.

3rd. It is my desire that all of my business account in the division of my estate for all advances made, property given &c. to wit: Samuel S. to account for one thousand dollars advanced, Timothy's James L. to act for three thousand dollars each for money paid for Walter, Land, & land purchased of J. P. Hallie, Thyrga J. to account for three thousand dollars for land given.

4th. It is my desire that Timothy retains a certain bay horse I gave him in compensation for services rendered in plantation this year and a gold watch.

5th. It is my desire that Timothy's James L. have allotted to them by my Executors ten horses or mules all of my plantation tools, waggons &c. to make them equal with Samuel S. and Thyrga J. to wit, having given to the two last named children, about the same quantity of property in kind.

6th. I give to my Executors herein after named full power as follows in order that my affairs may be conducted as if I were alive, I hereby give my Executors full power and authority to sell in such manner and on such terms as they may deem best for the interest of my estate real and personal any of my property, that I may die seized & possessed of and that they have the right to make good & lawful titles to any sale made, and in order that my wishes may not be frustrated I hereby confer the power before given to my said Executors or the survivor of, such of my Executors or one alone should either of them not qualify.

7th. I hereby constitute and appoint my son Samuel S. Pickering and Samuel Robt. my son-in-law Executors of this my last Will and Testament and direct that they shall not be required to give security on their bonds for the management of my estate. In witness whereof I have set my hand and seal this 8th of May A.D. 1875. R. R. Pickering Ed. We have set our

TESTIMONY

hands as subscribing witnesses to the above instrument as the last will & testament of Richard R. Pickering in his presence and in the presence of each other and at his request. Witness, this 8th of May, A.D. 1875.

The State of Alabama } Probate Court Regular Term
Clearings County } April 12th 1875.

In the matter of the Probate of the last Will and Testament of Richard R. Pickering deceased.

Before me James H. Taylor Judge of the Probate Court in and for the State and County aforesaid, this day came Janus H. Connor, who, after being duly sworn deposed and says that he was acquainted with the said Richard R. Pickering now deceased, in his life time, that on the 8th day of May 1875 the said Pickering signed with his own hand the foregoing instrument in writing in the presence of this deponent and Thomas S. Locke, and at the same time declared the same to be his last will and testament, and that this deponent and the said Locke did then, at the request of said decedent and in his presence and the presence of each other, subscribe their names thereto as witnesses thereof. Deponent further says that said decedent was at the time of his execution of said Will of sound mind and over twenty one years of age.

Subscribed and sworn to before me J. H. Connor
this 12th day of April 1875. J. H. Taylor, Judge.

PETITION

The Last Will and Testament of Elizabeth J. Evans Deceased.
The State of Alabama } April 19th 1875.
Clearings County } To Hon. James H. Taylor, Judge
of Probate of said County.

The petition of Charles Hornegay of said County respectfully represents to your Honor, that the late Elizabeth Evans, who was an inhabitant of this county at the time of her death departed this life on or about the first day of March A.D. 1875, leaving a last Will and testament duly signed and published by her and attested by Joseph G. Neal and George H. Tyson residents of said County, in which your petitioner is named as Executor thereof and the said Will is herewith produced and is attached to this petition marked Exhibit A and which your petitioner now herewith propounds for probate and record in this Court as directed by Law in such cases. Your Petitioner further states that the names, ages and residences of five of the next of kin of the said Elizabeth Evans are as follows, to wit: James H. Hornegay who is of marriage age and resides in the county of Hale in said State. Charles Hornegay, your petitioner, who is of marriage

age and resides in said Marengo County. And your Petitioner would further represent unto your Honor that the legatee and devisees in said will deceased are the children of your Petitioner and that she has now only two children viz; Robert P. Hornegay, who is about 11 years of age and James P. Hornegay, who is 16 years of age and that they both reside with your Petitioner in said Marengo County, Alabama. And your Petitioner prays that a day be set for the hearing of this petition that due notice thereof as required by law be given to the next of kin of said deceased, and that such other and further proceedings, orders and decrees may be had as made in the premises as may be requisite and proper to effect the due probate record of said will according to law.

Sworn to & Subscribed, before me this 14th day of April A.D. 1875. J. H. Hornegay.

WILL OF
E. J. EVANS
DECEASED

The State of Alabama: I, Elizabeth J. Evans of said Marengo County, County being of sound mind & memory and believing that in life we should prepare for death, do hereby make and publish my last Will and Testament in words and figures as follows;

1. I hereby give bequeath and devise all of my Estate of every description, whatsoever to my brother Charles Hornegay, in trust for his (the said Charles) children, share and share alike. And it is my wish that the said trustee shall manage and is hereby authorized and empowered, to sell and convey and invest and reinvest the proceeds and manage the said property, as his judgment shall dictate, to be to the interest of said children, and divide to the said children the said property, as they shall arrive at mature age or marry, so that each shall get and receive an equal share.

2. I hereby nominate and appoint my brother Charles Hornegay, the executor of this my last Will and testament, and direct that he shall not be required to give any bond for the faithful performance of said trust, as I have the confidence in him, to believe he will attend to it.

In testimony whereof I have hereunto set my hand and seal this 3rd day of February 1875.

Elizabeth J. Evans.

ATTESTATION

Signed, sealed and published by Mrs. Elizabeth J. Evans as her last Will and testament, in our presence, and at her request we signed the same in presence of each other and the testatrix, as witnesses, this 3rd day of February 1875.

J. H. Neal, Geo. G. Lyons.

TESTIMONY

The State of Alabama: Probate Court May 10th Term 1875. Marengo County. In the matter of the Probate of the last Will and testament of Elizabeth J. Evans, late of said county deceased. Before me James M. Taylor Judge

of said Probate Court of Marengo County, State of Alabama personally appeared in open court George G. Lyons who having been sworn first duly sworn and examined did and do depose and say, on oath, that he is a subscribing witness to this instrument in writing, upon which this affidavit is written and now shown to him and which purports to be the last Will and testament of said Elizabeth J. Evans deceased, late an inhabitant of this county. That said Elizabeth J. Evans since deceased signed and executed said instrument on the day the same bears date and declared the same to be her last Will and testament and that affiant set his signature thereto on the day the same bears date as subscribing witness to the same in the presence of said testatrix and the other subscribing witnesses, that he saw the other subscribing witnesses, Geo. Neal sign his name thereto as a subscribing witness. That the said testatrix was of sound mind & disposing memory, and in the opinion of affiant fully capable of making her will at the time the same was so made as aforesaid. Affiant further states that said testatrix was on the day of the said date of said Will of full age of twenty one years and upwards.

Sworn to & Subscribed before me this 10th day of Geo. G. Lyons.

PETITION

The Last Will and Testament of M. Renty, deceased, State of Alabama, Probate Court, Marengo County, in the matter of the Estate of M. Renty deceased, to the Honorable J. M. Taylor Judge of the Probate Court of Marengo County, Alabama.

The petition of the undersigned Joseph P. John respectfully represents that M. Renty departed this life at Owens Mills in the county of Marengo, State of Alabama on or about the 8th day of October A.D. 1874. That at the time of his death he was a citizen of Hunt County, Texas, and left a last Will and Testament which was duly executed and admitted to Probate in Hunt County, Texas. A transcript of the proceedings in the matter of said Probate are hereto and attached and prayed to be taken as part of this petition. That in said Will, W. W. Adair was named as the Executor thereof in the State of Texas and has qualified and entered upon the discharge of the duties as such Executor. That said decedent died seized and possessed of Personal Estate in this State and County consisting of promissory notes to the amount of Six Thousand and Forty Dollars, and Cash, in the hands of M. O'Leary amounting to Two Hundred and Fifty One Dollars, amounting in all to Six Thousand Three Hundred and Fifty One Dollars. That the names of the heirs and distributees and legatees of the Estate of said decedent are