State of Alabama Marengo County
Probate Court January 26th 1864

Order of Court. In the matter of the Last Will & Testament of O H Prince dec^d } See Minutes A Page 560.

Petition To the Hon Jas A Young Judge of said Court

The undersigned respectfully represent unto your Honor that Oliver H Prince late of said County was killed on the 20th day of September AD 1863 at the battle of Chickamauga leaving the paper hereto appended marked "Exhibit A" as his last Will & Testament.
That Wm H Ross one of the witnesses thereto is a resident of Mobile County in said State but is at this time assistant Chief of supplies or Subsistence in the army of Genl B Bragg in Tennessee where he is on duty. That Columbus W Lee the subscribing witness resides in Perry County in said State.
That the said Oliver H Prince left surviving him a wife Sallie A Prince and three Children to wit: Helen L aged about 16 years Allen Prince aged about years and Haywood Prince aged about years all of whom reside together in said Marengo County and the undersigned would pray that proceedings be had in the premises to establish the said paper as the last Will of said O H Prince according to law &c.

F J Lyon & J A Prince
By Geo F Lyon Atty

Subpoena The State of Alabama
To any Sheriff of the State of Alabama, Greeting:
You are hereby commanded to Columbus W Lee to be and appear before the Honorable the Judge of our Probate Court at the time to be holden for the County of Marengo at the Court House thereof in Linden on the 2d Monday of February 1864 and on the 1st day of said Term from day to day of said Term of Court to testify and give evidence in a certain Cause pending in said Court between F J Lyon & J A Prince proponents and the heirs of O H Prince defendants in the matter of the Probate of the Will of said O H Prince on the part & behalf of the said proponents & have you then & there this Writ with your endorsement thereon.
Witness Jas A Young Clerk of said Court at Office this 26th day of January AD one thousand Eight Hundred & Sixty four. Jas A Young, Clerk.

Endorsement Issued 26th day of January 1864.
Received in Sh's office Feby 4th 1864 & Executed Feby 10th 1864.
T D Cole Shff
per D A Boyd D.S.

Citation to Helen L Prince Allen Prince & Haywood Prince

The State of Alabama } Probate Court
Marengo County } Special Term Jany 26th 1864
To any Sheriff of the State of Alabama Greeting
You are hereby commanded without delay to Cite Helen L Prince Allen Prince & Haywood Prince if to be found in your County to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in Linden for the County of Marengo on the 2nd Monday in February 1864 and show Cause if any they have why a writing Propounded as the last Will & Testament of O H Prince dec^d should not be admitted to record as the said Last Will &c.
Herein fail not & have you then & there this Citation with your endorsement thereon.
Witness Jas A Young Clerk of said Court at Office this 26th day of January AD 1864.
J A Young, Clerk.

Endorsement.

Answer of Adv. ad litem. The State of Alabama } Probate Court
Marengo County } July 4th 1864.

In the matter of the Probate of a writing purporting to be the Will of O H Prince dec^d } At this Came the undersigned appointed by said Court Guardian Ad Litem for the minors named in the petition for propounding said pretended Will to defend their interest after hearing of the same Come into Court & hereby accepts said appointment & for answer on behalf of said minors says that he denies that said deceased executed said paper as stated in said petition and denies that said paper was ever executed as the last Will & Testament of said O H Prince and denies that said Prince was of sane mind at the time of the pretended execution of said Paper & he prays the Court to require strict & legal proof of said facts. Signed H A Wood Guardian Ad Litem.
Filed July 4th 1864.

Will O H Prince

I Oliver H Prince of Marengo County in Alabama do make & publish this my last Will & Testament in manner & form following. First, I give & bequeath to my wife all of my property & estate of every kind and description to be held & enjoyed by her so long as she remains my widow and in the event she marries she shall take one third & the other two thirds be equally divided among my Children & I make this bequest hoping & believing she will never marry and I trust my children will be [illegible] but are something that are [illegible]

marry shall have the Control of them
2nd I give my Watch to my Son Allen to be delivered to him when he becomes 18 years old –
3rd My Shot Gun & rifle filled up with Tallow & wrapped in Tow. Soaked in Tallow & Stored for Hay Wood until he is large enough to use it
4th I give ~~to my wife & my darling Nell then my Dear and my Dear Father & to~~
to my lovely daughter Helen the little Pocket Book & money which belonged to my poor boy Norwood & request her never to spend it also the other little Pocket which belonged to him –
5th I give and bequeath to my wife & my darling Nell dear my love & my blessing & am sorry I have not been able to leave them more property
As Witness my hand & Seal this 11th day of April 1862
P.S. I leave J. Lyon and my wife my Executors
As Witness my hand & Seal this April 11th 1862

Signed O H Prince (Seal)

Signed Sealed & Published in presence of us who at the request of the Testator & in presence of each other have hereto signed our names as Witnesses

Wm H Ross
C W Lee

Testimony

The State of Alabama } Probate Court
Marengo County } Special Term July 4th 1864

Before me James A Young Judge of said Court personally came William H Ross who after being duly sworn to speak the truth the whole truth and nothing but the truth in the premises says that he knew Oliver H Prince very well, that the paper hereto appended & marked "Exhibit A" signed O H Prince is in the handwriting of said Oliver H Prince was written & signed by said Oliver H Prince on the 11th day of April 1862, in the presence of this deponent & one Columbus W Lee, that the said Oliver H Prince requested this deponent & said Columbus W Lee to witness the same, which last Will & Testament which was done on that day & at that time in the presence of said Oliver H Prince & in the presence of each other by signing the same on the left hand side under the certificate under the signature of said Prince & then our signatures, it appears That this deponent convenced with the said Oliver H Prince at that time & found him in every way qualified to attend to business and he believes he was as sound in mind as he had been in his life & knew perfectly well what he was doing that the said Columbus W Lee saw said Prince sign the same Will and

also saw this deponent sign it as a witness & that he Lee signed their names thereto as witnesses in presence of said Prince

Signed Wm H Ross

And upon the above Evidence It is ordered & decreed by the Court that said writing so propounded & proved be received established & recorded as the last Will & Testament of O H Prince dec'd

Ja A Young
Judge &c
Probate Court July 4th 1864

Order of Court

In the matter of the last Will of O H Prince dec'd } See minutes H Page 627.

J A Young Judge &c.

The State of Ala Marengo County
Probate Court June 6th 1864

Order of Court on filing Will

In the matter of the Probate of the Will of Jas Buck dec'd } See Minutes H. Page 629.

Citation

The State of Alabama } Probate Court
Marengo County } June Term A.D. 1864.

To any Sheriff of the State of Alabama Greeting:

You are hereby commanded to cite and admonish W. Buck, Y. H. Buck, Wm Buck, D. H. Buck, Edwin Buck, Thomas J. Buck and Joshua A. Buck if to be found in your County to be and appear before the Honorable Judge of the Probate Court, at a Court to be holden in Linden for the County of Marengo on the 20th day of June 1864 and contest an alleged will of Joseph Buck dec'd filed this day by James W. Buck, for probate if they think proper. Hereing said not & have you then & there this Citation, with your endorsement thereon

Witness Ja A Young Clerk of said Court at office this 7th day of June 1864

Ja A Young Clerk

Endorsement

Received in Sheriff's office the 7th day of June 1864 & executed in full on the 8th day of June 1864 Sam E Hopkins Sheriff
Mc

Notice to Guardian ad litem

State of Alabama } To any Sheriff of said State Greeting:
Marengo County }

You are hereby commanded to make known to Wm Johnson that he has this day been appointed by order of the Honorable the Probate Court of said County Guardian ad litem of J. W. Buck, Y. H. Buck, D. H. Buck, Edwin Buck & A. Buck minor heirs of Jas Buck dec'd to defend the interest of said minors in a certain Cause pending in said Court in the matter of the probate of the Will of said Joseph Buck

Herein fail not but make due return of this

Return Jas A Bonny Judge of said Court at Greenville this 20th day of June AD 1864 — Jas A Bonny Judge &c

Endorsement — Jackson Hogg Service of this writ & accepted and appointment — W M Johnson

Minor of Guardian ad Litem — The State of Alabama, Marengo County — Probate Court, June 20th 1864.

In the matter of the Estate of an alleged Will of Joseph Buck dec'd — In this cause the undersigned appointed by the Hon Judge the Probate Court of said County Guardian ad litem for J W Buck & W Buck & J A Buck & Edwin Buck & Thos A Buck minor heirs of Joseph Buck dec'd to defend their interest on the hearing of an alleged will of said deceased. Comes & hereby accepts said appointment & for answer on behalf of said minors says: That he denies that said writing ever was executed by said deceased as his last Will & Testament — that the said Joseph Buck was not of sound & disposing mind & memory at the time of the pretended execution of said writing & prays the Court to require strict and legal proof of the same.

Wm Johnson
Gen'l Guardian &c

Will for Probate — The State of Alabama, Marengo County — Know all men by these presents that I Joseph Buck of the County & State being of sound and disposing mind and memory — knowing the uncertainty of life and the certainty of death do make & publish this my last Will & Testament viz: namely:

Article 1st I will & bequeath to my beloved wife and children all my property both real & personal & all moneys & evidences of debt due me to be divided among them according to the laws of Alabama

Article 2nd It is my will that my property be kept together & worked together during the natural life and widowhood of my wife with the condition that each of my children shall be entitled to his or her share when they attain their majority

Article 3rd My Executor is hereby empowered & authorized to sell my land on such terms as he may deem best and reinvest the moneys in another tract of land for the use of my family whenever in his opinion it shall be beneficial for them to change their home.

Article 4th My Executor is also authorized & empowered to sell any of my personal property that in his opinion may not be necessary for the use of my family in well timed & in his judgment

Article 5th It is my will that my negro men Fred be sold at the earliest possible day after my death on such terms as my Executor may deem best. And if any negro woman I own shall desire to go with Fred then she must be sold with him but if she desires to stay with my family she must be permitted to do so.

Article 6th I desire that my children be liberally educated in the English Language & if any of them wish to be taught the Dead or foreign Languages or the higher branches of Mathematics it is my will that the same be paid for by my Executor out of the proceeds of my Estate.

Article 7th I hereby appoint my beloved brother James W Buck Executor of this my last Will & Testament.

Given under my hand this the 14th day of May AD 1864 — Signed — Joseph Buck

Witness:
W B Medaxell
Saml E Chapman

Testimony — In the matter of the Probate of the last Will & Testament of Joseph Buck dec'd — Probate Court Marengo County Alabama held the 20th day of June 1864

The testimony of W B Medaxell & Samuel E Chapman the subscribing witnesses to the Will of Joseph Buck deceased taken in open Court on the 3rd Monday & 20th day of June 1864 who being first duly sworn depose & say that they were present on the 14th day of May 1864 and saw said Joseph Buck sign & publish said Will as his last Will & Testament, that they were all subscribers thereto as witnesses at the request & in the presence of said testator & in the presence of each other. They further say that said Buck was of sound mind at the time he executed said Will.

Sworn to before me in open Court June 20th 1864 — Jas A Bonny Judge &c

Saml E Chapman
W B Medaxell

The State of Alabama, Marengo County, Probate Court June 20/64

Estate of Joseph Buck dec'd — See Minutes H Page 422

Jas A Bonny
Judge &c

The State of Alabama } Marengo County
Probate Court May 13th 1864

Order on filing Will

Estate of
Sarah M. Harnell dec'd } See Minute A Page 610.

Petition probate ending Will

The State of Alabama } To the Honorable James C. Young
Marengo County } Judge of Probate Court of said County

The undersigned respectfully represents unto your Honor that Mrs Sarah Harnell late of said County departed this life at Demopolis in said County on the day of March 1864 leaving the paper writing appended as her last Will & Testament attested by S. M. Torbert & J. Hall & T. G. Cornish as witnesses who all reside in said County. That the said Sarah Harnell left seven Children and grand Children surviving her viz: her nearest & heirs at law. viz: Mark W. Harnell who is named in said paper as her Executor and who resides in Falls County in the State of Texas. Sarah E. Lee wife of J. Buckner Lee of Lee County State of Texas. Robert R. Harnell of Clarke County State of Alabama who is now in the Confederate Army. Samuel J. Harnell of Marengo County in said State of Alabama who is now in the Confederate Army. Edward W. Harnell her grandson & who is the son of Edward Harnell deceased of Clarke County in said State of Alabama. He is now in the Confederate Army. The undersigned Evelina T. Henley of Marengo County in said State of Alabama & wife are over 21 years of age & are also her grand Son Robert R. Alston, who was the Child of her deceased daughter Harriet R. Alston dec'd and who is about 15 years of age and is supposed to be in the Confederate Army. And the undersigned would further state that the said Mark W. Harnell who is named as Executor of said Will is now in the State of Texas and the Health Common not conveniently come to this County to administer the said Estate & therefore prays that such steps be taken as necessary to admit the said paper to Probate and appoint an Administrator with said Will annexed according to law in such cases made & provided.

Signed Evelina T. Henley

Answer of Sam'l Harnell

State of Alabama Marengo County
Probate Court Special Term June 4th 1864

In the matter of the Probate of the Will of Mrs Sarah M. Harnell dec'd } To the Hon James C. Young Judge of Probate of said County

The undersigned appointed by your Honor guardian ad litem of Robert T. Alston a minor heir at law of said Mrs Sarah M. Harnell dec'd respectfully represent unto the matter of the Probate of the will of said deceased - hereby comes & waiving legal notice accepts said appointment & for answer says that he denies that Mrs Harnell made a last Will & Testament & prays the Court to require strict & legal proof of the same - Filed

Respy &c
Wm Johnson Gen'l Atty
for R. T. Alston Et als

Will

In the name of God Amen:
I Sarah M. Harnell of the County of Marengo and State of Alabama being of sound health & disposing mind, memory & judgment, & being desirous of settling my worldly affairs while I have the capacity & strength to do so, do hereby make & publish this my last Will & Testament hereby revoking & annulling all wills heretofore by me heretofore made. And first & principally I commit my soul to God my Creator, with a firm reliance on the merits of Christ who redeemed it, & my body to the Earth from whence it came, to be buried at the discretion of my Executor hereinafter named, in the hope of a glorious resurrection at the last day. And as to such worldly Estate as it has pleased God to entrust me with, I give, bequeath & dispose of the same as follows, to wit:

First, I will that all my just debts be paid by my Executor hereinafter named, as soon after my death as may be convenient.

Secondly, I give & bequeath unto my servant Edward William Langer for his life or for the period of his natural life, and at his death to his wife Lucy, a certain negro girl named Rosa, now about nineteen years of age, and her increase, and about nineteen years of age, the said Edward William Langer & wife Lucy, at the time of my death, have no issue living, & at the time of their death, if they have issue living, I give & bequeath the said negro girl Rosa & her increase to my children Mark W. Harnell, Evelina T. Henley, Sarah E. Lee, Robert R. Harnell, Samuel J. Harnell & Edward Harnell, to be equally divided among them.

Thirdly, I give & bequeath unto my grandson Robert R. Alston, for and during the term of his natural life, & should he have issue living at the time of his death, then for life & after his death to the issue of his body living at the time of his death a certain negro girl named Malinie and her increase, aged about fifteen years, but if the said Robert Harnell Alston shall die without leaving issue living at the time of his death then I give & bequeath the said girl Malinie & her increase forever after his death to my children Mark W. Harnell, Evelina T. Henley, Sarah E. Lee, Robert R. Harnell, and Samuel J. Harnell, to be equally divided between them.

But should the said slaves Lucy, the girl Clarinda, & Rosa, be willed to my grandson Edward W.

Harwell, and Adeline be given to my grandson Robert Harwell Alston, either or both of them die before a final distribution of my Property among the heirs and distributes under this will I desire and direct that my Executor hereinafter named shall replace them or either of them by adding to the said Edward William Harwell or the said Robert Harwell Alston or to both of them as the case may be, one of my other female slaves or more as the case may be, who shall be of equal value with the said Clarissa or the said Adaline at the time of their death

Fourthly, I will the residue of my property to be divided into five equal shares and be disposed of as hereinafter directed towit; To my daughter Evalina T. Henley I will & bequeath one fifth of said property to be used enjoyed & disposed of as she may think best. But should I survive my said daughter Evalina T. Henley I will & bequeath the share designed for my said daughter to be equally divided among my children that she may leave at the time of her death. To my daughter Sarah E. Lee I also will & bequeath one fifth of said property for & during the term of her natural life be to her sole & separate use and be free from the debts & control of her present or any future husband and at her death to her child or children to be equally divided among said children if more than one survive her. But should I survive my said daughter Sarah E. Lee then I desire that my issue she may leave shall take share intended for her & her other Mother to be equally divided among them if more than one survive. I also will & bequeath to the lawful issue of my children Mark W. Harwell, Robert R. Harwell, and Edward T. Harwell, living at the time of my death or that may be born to my said children at the time of my death to the issue of each of said children one fifth of said property to be equally divided among said issue.

Fifthly: And now in order that this my last will & testament may be the better understood and my wishes more clearly set forth I declare & intend by the foregoing provisions of this my said will to bequeath to my grandson Edward William Harwell the girl Clarissa with her increase and to my grandson Robert Harwell Alston the girl Adaline with her increase each of slaves to be replaced in case of their death by a female slave of equal value as before mentioned and the balance of

my property to be equally divided between Evalina T. Henley, Sarah E. Lee, the lawful issue of M. W. Harwell, the lawful issue of Robert R. Harwell and the lawful issue of Edward T. Harwell subject to the condition herein before written but I desire it distinctly understood that in no event shall my grandson Edward William Harwell receive more than the said girl Clarissa with her increase to be replaced in case of death in manner herein before discribed nor my grandson Robert Harwell Alston receive more than the girl Adaline with her increase to be replaced in case of death as before discribed

Sixthly, I nominate & appoint my son Mark W. Harwell, the Executor of this my last will & testament & earnestly desire him to accept said appointment

Signed sealed & published in the presence of Signed Sarah M. Harwell
the 4th day of March A.D. 1861
by the said Sarah M. Harwell
as & for her last will & testament
in the presence of each other & at her request
in the presence of each other & at her request
witness (signed) J. M. Torbert, J. Hall, J. Cornish

Testimony

By the matter of
the will of Mrs. Sarah M. Harwell dec'd

Probate Court Marengo County June 18th 1864
The testimony of Sydney M. Torbert & one of the subscribing witnesses to said will taken in open Court, on the 18th day of June 1864, a witness having been first duly sworn deposes & states that "He was present on the 4th day of March 1861 the day said will bearing date and saw Mrs. Sarah M. Harwell sign & publish the same as her last will & testament and that he, J. J. Cornish & John J. Hall the other ~~[illegible]~~ witnesses subscribed their names as witnesses to said will at the request & in the presence of said Sarah M. Harwell & in the presence of each other. He further states that said Sarah M. Harwell was of sound & disposing mind & memory at the time she executed said will" signed S. M. Torbert.
Sworn to & subscribed before me in open Court June 18th 1864
Jas. A. Haney Judge of Probate Marengo Co.

Order on Probate of Will

Probate Court June 18th 1864
Estate of Sarah M. Harwell dec'd
See minutes of Page 621

Last Will & Testament of Jno. A. Meade

In the name of God Amen. I John A. Meade of the County of Dinwiddie do make this my last Will and Testament

First I wish my just debts paid

The balance of my Estate of every kind I wish kept together for the support of my family & the Education of my children I wish my Executrix to have the full power & control of my Estate, to sell, exchange, or dispose of any part of it in any way that she may think into the benefit of my Estate

In the event of my wife's marriage, I wish my Executrix to Control my Estate, as that her husband shall have nothing to do with it, unless my Executrix shall think it best for my behalf

In case of the marriage of my wife I wish her to consent as to the disposition of my estate either as she shall be having in my Executrix Care with my Estate not to be divided until my youngest child arrives at the age of Twenty One, then to be equally divided among them, giving my wife if not married her third, if it be enough to support her, otherwise to be continued kept together until then be enough to support her, by taking the third of money to be equally divided among my living Children, the wish and desire that of any of my children should die before the time appointed for a division and without issue living, the share or shares of such deceased child or children shall be divided among the surviving brothers & sisters and their issue in the same way as if such deceased child or children had never lived. In case of the death of my wife I wish Edward A. Turnbull or Robert D. Turnbull to qualify as their guardian without giving security. I suppose my wife Jane E. Meade Executrix of this my will and desire that she be allowed to qualify without giving security

In witness whereof I have hereunto set my hand & seal this Twenty Seventh day of January Eighteen Hundred and forty four

John A. Meade (Seal)

Order of Court.

At a County Court held for the County of Dinwiddie on the 24th day of July 1883.

The last will & testament of John A. Meade dec. bearing date the 27th of January 1844 was this day produced in Court & offered for Proof, and there being no Subscribing Witnesses thereto, Wm. Turnbull and Robert D. Stone being duly sworn deposed and said that they are well acquainted with the hand writing of the Testator and they verily believe the will & signature thereto to be wholly in the Testator's handwriting, upon which it was ordered to be recorded as the true last will & testament of Jno. A. Meade dec. And on motion of Jane E. Meade the Executrix therein named who made oath thereto, and entered into and acknowledged Bond in the penalty of 3000 Conditioned according to law without security, the will requiring none, certificate is granted her of her having qualified as Executrix in due form.

Chas. A. Hargrave, Clerk

I Chas. A. Hargrave Clerk of Dinwiddie County Court do hereby certify that the foregoing Copy of the will of John A. Meade deceased is a true & Transcript from the records of my office

Given under my Seal

Seal

In testimony whereof I have hereunto set my hand & affixed the seal of my said Court this 24th day of December 1883 and in the 88th year of the Commonwealth

Chas. A. Hargrave Clerk
Dinwiddie County Court

I William Turnbull Presiding Justice of Dinwiddie County Court do hereby certify that Chas. A. Hargrave Clerk of my said Court whose name is signed to the foregoing certificate was at the time of signing the same the Clerk of said Court duly Elected & qualified and that full faith & credit should be given to all of his official acts

Given under my hand this 24th day of December 1883

Wm. Turnbull
Presiding Justice Dinwiddie County

State of
Dwd. Will Book No. 8 Page 336

Will

In the name of God Amen I David Pence of Marengo County State of Illinois being of sound and disposing mind and memory do make and ordain this my last will & testament to wit

First I will that all my funeral & just debts be paid by my Executrix hereinafter appointed

Second I will & bequeath unto my youngest son James D. E. Pence such a portion of my Estate as shall be equal in value & therefore shall have advanced to twenty one years of age to the value of the separate Estate of each of my other three children which they have or may hereafter inherit through their Mother valuing their separate Estate at its real value when they respectively arrive at twenty one years of age

Third I will devise and bequeath unto my wife Sarah Ann Pence one third part of my Estate during her natural life

Fourth I will devise and bequeath also to my wife Sarah Ann Pence and to her heirs and assigns forever one fifth part of all my Estate to have and to hold forever

Fifth After the above devises to my wife and son James D. E. shall have been delivered to them out of my Estate I will that the remainder of my Estate be equally divided among my four children

Sixth I will that in the event of the death of my Child James D. E. before his majority or without lawful

And shall inherit forever that portion of my estate heretofore given to my said Son James D.E.

Seventh: I will to my Son James D.E. Pence my gold Watch and in the event that he dies before he arrives at twenty one years of age without Children I will said watch to my Son Orlando Pence.

Eighth: It is my will that my Estate be kept together and my plantation now owned or that may be bought hereafter shall be kept up and cultivated until my Son James D.E. shall become twenty one years of age. This to be done under the management and control of my Executrix hereinafter named.

Ninth: It is my will that my Wife Sarah Ann as Executrix of this my will, and she is hereby authorized and empowered at any time after my death to sell any portion or all of my estate real or personal on such terms as she shall deem best to the interest of my Estate and invest the proceeds on other property or loan the same out at interest as she may deem best giving her full and ample power and discretion in the premises —

Tenth: I hereby appoint my Wife Sarah Ann Pence Executrix of this my last Will & Testament, and request that the Court shall not require any bond of her for her performance of the duties of Executrix. Given under my hand & Seal this 17th day of November AD 1863 "the word "the" interlined before signing"

Witnesses J D Porter
J D Moore

Signed David Pence (Seal)

Filed Dec 21st 1863
J D Young Judge.

Petition.

The State of Alabama Marengo County
Probate Court Nov 25th January Sess
Estate of David Pence dec'd

The testimony of J D Porter and J D Moore the subscribing Witnesses to the instrument heretofore proponded as the last Will and Testament of David Pence deceased, who after being first duly sworn depose & say that the were present, on or about the 17th day of November 1863 the day that said will bears date, and saw said David Pence sign & publish said written instrument as his last Will and testament, that they severally subscribed their names thereto as witnesses at the request & in the presence of said testator & in the presence of each other they further say that said Pence was of sound & disposing mind at the time he executed said Will

Signed J D Porter
J D Moore

Order on Probate of Will

Estate of David Pence dec'd See Minute H Page 565.

Order on filing Will

The State of Alabama Marengo County
Probate Court Nov Term AD 1863

Estate of Wm H Watkins dec See Minute H Page 523.

Citation.

The State of Alabama Marengo County
Probate Court Nov Term AD 1863.

To any Sheriff of the State of Alabama Greeting

You are hereby commanded without delay to Cite W. A. Wright & his wife Helen Wright, if to be found in your County, to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in Linden, for the County of Marengo on the 3rd Monday of December 1863 and contest, if they think proper, an alleged Will of Wm H Watkins deceased proponded for Probate by H W Watts.

Herein fail not, and have you then & there, this Citation with your endorsement thereon.

Witness J A Young Clerk of said Court at office, this 9th day of Nov 1863

J A Young, Clerk

Endorsed:
Received in Sheriff office 13th day of Nov AD 1863
J D Royston, Sheriff

Executed Nov 30th 1863 J D Royston Sheriff

The State of Alabama Probate Court
Marengo County Nov Term AD 1863

To any Sheriff of the State of Alabama; Greeting

You are hereby commanded, without delay, to Cite, Reuben Pickett & Jemima Pickett his wife, Junior D Watkins and Watt Henderson, if to be found in your County, to be and appear before the Honorable Judge of the Probate Court, at a Court to be holden in Linden, for the County of Marengo, on the 2nd Monday of February 1864 and contest an alleged will of W H Watkins deceased, proponded by H W Watts for Probate if they think proper

Herein fail not and have you then and there this Citation, with your endorsement thereon

Witness J A Young Clerk of said Court at Office this 9th day of Nov AD 1863. J A Young, Clerk

Endorsed "Executed on Reuben Pickett & wife & W Henderson for Watt Henderson & J D Watkins"
Sim E Chapman Sheriff
By Will J Parker Dep Sheriff

In the matter of the Probate of the last Will & testament of W H Watkins dec'd See Minute H Page 535, 550

Will

State of Alabama } In the name of God, Amen.
Marengo County } I Wm H Watkins of the State & County afore said being of sound mind & memory do make & ordain & publish this to be my last Will & Testament in manner and form as follows

Item 1st. It is my will that all my just debts be first paid

Item 2nd. I Will and bequeath unto my beloved wife Pattie J Watkins and to the lawful heirs of her body all my right, title, claim or interest in any property that I may possess - or have any interest or claims upon Either divided or undivided, which are or may be of right my own Either by Inheritance or purchase both real and personal.

Item 3rd. I hereby appoint my friend H W Hinton to be my Executor to this my last Will & Testament

In testimony whereof I have hereunto set my hand & Seal this 22nd day of March AD 1862

In presence of (Signed) Wm H Watkins (Seal)
S J Threadgill
F A Robinson
J P Agee

Testimony

Probate Court Marengo County
March Term AD 1862

Estate of
Wm H Watkins dec'd } Testimony of F A Robinson one of the subscribing witnesses to said Will being first sworn in open Court deposes & states that he was present on the day and Will bearing date thereof said Wm H Watkins signed & published said instrument as his last Will & Testament in the presence of deponent and S J Threadgill & J P Agee the other subscribing witnesses & said Will bears that he & the other witnesses were in presence & at the request of said Testator and in the presence of each other & witnessed the Will & further states that said testator was of sound & disposing mind at the time he Executed said Will

Sworn F A Robinson

The State of Ala Marengo Co
Probate Court March Term AD 1862

Estate of
Wm H Watkins dec'd } See Minutes H Page 591

The State of Alabama Marengo County
Probate Court January 27th AD 1864

Order on filing Will

Estate of
J B Goodwyn dec'd } See Minutes A Page 563.

Citation:

The State of Alabama } Probate Court
Marengo County } Jany Term AD 1864

To any Sheriff of the State of Alabama, Greeting:

You are hereby commanded, without delay to cite Elizabeth E Goodwyn, Tabitha Goodwyn, & E G Fortner if to be found in your County to be and appear before the Honorable Judge of the Probate Court at a Court to be holden in Linden, for the County of Marengo on the 3rd Monday of February 1864 and contest if they think proper the probate of a certain writing purporting to be Mary F Goodwyn, as the last Will & Testament of John J. Goodwyn dec'd.

Herein fail not and have you then & there this Citation with your endorsement thereon.

Witness James A Young Clerk of said Court at office this 29th day January 1864. J A Young Clerk

"Endorsed" Executed in full
S E Chapman Shff by Will T Parker D.S.

Subpoena

The State of Alabama
To any Sheriff of the State of Alabama, Greeting:

You are hereby commanded to summon Jesse W Reese & others to appear before the Honorable the Judge of our Probate Court of the County of Marengo at the Court House thereof in Linden on the 3rd Monday of February 1864 and on the 1st day of said Term from day to day of said Term of Court to testify & give Evidence in a certain cause pending in said Court between Mary F Goodwyn Plaintiff & E G Fortner Exr Defendants in the matter of the last will & Testament of John J Goodwyn dec'd, on the part & behalf of said Plaintiff & have you then & there this Writ with your endorsement thereon

Witness J A Young Clerk of said Court at Office this 29th day of January AD One thousand Eight Hundred & Sixty four. Ja A Young Clerk

"Executed & executed Feby 4th 1864 S E Chapman Shff by Will T Parker D.S.

Minor or Gen ad litem

In the matter of the Probate of the Will of John J Goodwyn dec'd } Proceedings in the Probate Court of Marengo County State of Alabama April 11 AD 1864

Proceedings come on appointing by said Court Gen dean ad litem for Elizabeth E Fortner a minor heir at law of said Estate, to defend her interest on the trial of the above case Come, and freely accepts said appointment & for answer on behalf of said minor says that he denies that said paper is the last will & testament of said J J Goodwyn

and prays the Court, to require such legal proof of the same
H A Woolf Guardian Litem &c.

Will

The State of Alabama } Know all men by these presents that
Marengo County } I John C Goodwyn of the State & County aforesaid being duly impressed with the uncertainty of life and having become a Soldier in the Confederate Service for and during the present War do make and publish this my last Will and testament thereby revoking all Wills heretofore made by me
Sec 1st I give and bequeath to my Mother Elizabeth Goodwyn all my property of every description for and during her natural life and at her death it be divided between my Sisters Bettie A. Tabitha A. and Mary F Goodwyn share and share alike
Sec 2nd I appoint my sister Mary F Goodwyn the Executrix of this my Will and direct that she shall enter into A. bond without security to be bound
Witness my hand and seal this the 16th day of April A.D. Eighteen hundred and Sixty Two
Signed John C Goodwyn (Seal)
Lee W Reeves
R T Chambers

The State of Ala Marengo County
Probate Court April Term 1862
Est Jno C Goodwyn dec'd } See Minutes A Page

Testimony

Testimony of L W Reeves one of the subscribing witnesses to the foregoing will, who having been first duly sworn in open Court deposes and states that he was present and saw said Jno C Goodwyn sign and publish said instrument as his last Will and testament, that he and Robert T Chambers the other witness signed their names thereto as witnesses at the request of said Testator and in his presence and in the presence of each other. He further states that said testator was of sane mind at the time. He further states that R T Chambers the other witness is dead
Subscribed before me (Signed) L W Reeves
April 11th 1862 J A Young Judge

The State of Ala Marengo County
Probate Court February 1st 1864

Order on filing Will

Estate of S Wheeler dec'd } See Minutes 26 Page 579

Petition Proponding Will

The State of Ala } Probate Court
Marengo County }

To the Hon Jas A Young Judge of said Court
The undersigned would respectfully represent unto your Honor that Simeon Wheeler late of said County departed this life at Demopolis on the 24th day of February A.D. 1864, leaving your petitioner, Anna Wheeler as his widow and the following surviving him. That the said Simeon Wheeler left the paper hereto appended marked "Exhibit A" as his last Will and testament which is prayed to be taken as a part of this petition and that the said paper is witnessed by Leo W. Lawler of . County in said State and W L Baker of . County in said State. That the said Simeon Wheeler has two half sisters Children of his Father supposed to be living viz Mrs Hannah Corbin the wife of Austin Corbin of Davenport State of Iowa and Mrs Lucy Stephens wife of . Stephens of the State of Wisconsin in the United States of America who are his next of kin. And your petitioner prays that such order may be made and steps be taken to establish the said paper as the last Will and testament of said Simeon Wheeler as the law directs. as in duty bound &c (Signed) Anna Wheeler

Subpoena

The State of Alabama
To any Sheriff of the State of Alabama: Greeting:
You are hereby commanded to summon W L Baker to be and appear before the Honorable the Judge of our Probate Court at the Court to be holden for the County of Marengo at the Court House thereof in Linden on the Second Monday of April 1862 on the 1st day of said term from day to day of said term of Court to testify & give evidence in a certain Cause pending in said Court between Anna Wheeler Plaintiff and the Heirs of S Wheeler defendants on the part and behalf of said plaintiff and have you then & there this writ with your endorsement thereon
Witness Jas A Young Clerk of said Court at office this 7th day of March A.D. One thousand Eight hundred and Sixty four J A Young, Clerk
Endorsed: "Received March 15th 1864
and executed March 31st 1864 John N Hight Sheriff
By Leonie Elmore D.

Subpoena

The State of Alabama
To any Sheriff of the State of Alabama: Greeting:
You are hereby commanded to summon Leo W Lawler to be and appear before the Honorable the Judge of our

Probate Court at a Court to be holden for the County of Marengo at the Court House thereof in Linden on the second Monday of April 1864 on the 1st day of said term and from day to day of said term of Court to testify and give evidence in a certain cause pending in said Court between Mrs A Wheeler Plaintiff and the Heirs of S Wheeler Defendants on the part and behalf of said plaintiff about the Probate of the Will of S Wheeler dec^d and hereof fail not and this writ with your endorsement thereon

Witness J A Young Clerk of said Court at office this 7th day of March A D one thousand eight hundred & sixty four

J A Young Clerk

Endorsed "Rec^d in office & Executed March 25th 1864 J C Henderson Shff

Will

I Simeon Wheeler of Demopolis Marengo County in the State of Alabama do make this my last Will and Testament in manner and form following, to wit

First I direct all my just debts to be paid

Second, All the rest and residue of my Estate of every kind and description whether real personal or mixed and wherever situated, I give bequeath and devise to my dearly beloved Wife Anna Wheeler to her and to her heirs forever

Third, I appoint my beloved wife Anna Wheeler sole Executrix of this my last Will and Testament and exempt her from giving bond

In testimony whereof I have hereunto set my hand & seal this 25th day of January eighteen hundred & sixty one

Signed S Wheeler Seal

The above writing was signed in our presence by the Testator S Wheeler as and for his last Will and testament and we hereunto subscribe our names as witnesses in his presence and at his request Signed Lee W Lawler

W L Baker

Commission to R Fuller & T A Hamilton

The State of Alabama

To Rush Fuller Thomas A Hamilton Esq^rs

We reposing full confidence in your prudence & fidelity do appoint you Each of you Commissioners to take the testimony of Lee W Lawler & W L Baker to be read on the trial of a certain cause pending in the Probate Court for the County of Marengo in the matter of the Probate of the last Will & Testament of Simeon Wheeler, late of said County deceased

We therefore hereby authorize & require you or any one or more of you, that you cause the said Lee W Lawler & W L Baker to come before you or any one or more of you at such time & place as you may appoint for the purpose and after causing them to be duly sworn as witnesses in said cause that you then proceed to take their examination & continue from day to day until the same be completed and the said examination so reduced into writing send to us to be signed by the witnesses and certify the same to us under the hand & seal of each of you as may take the same; and the said examination so taken on oath as certified as aforesaid, and this Commission you will then close up & seal & direct, and transmit the same to the Clerk of said Court with all convenient speed

Witness James Young Judge of said Court at office this 25th day of March A D eighteen hundred & sixty four

J A Young Judge

Interrogatories

The State of Alabama
Marengo County

Probate Court

Interrogatories to be propounded to Lee W Lawler & W L Baker the answers to which are to be used on the hearing of the cause pending in the Probate Court of said County in the matter of the Probate of the paper writ appended purporting to be the last will & testament of Simeon Wheeler late of said County deceased

Int 1st Were you acquainted with Simeon Wheeler in his lifetime state fully and how long did you know him & are he living or dead and if dead when died he & where?

Int 2nd Look upon the paper writ appended marked "Exhibit A" and say whether you ever saw it before & give when & where did you first see it, who wrote it, did you or not see Col Simeon Wheeler sign it and are you not yes or no if a witness to a real white signature and in whose presence who else signed it as a witness state all the parties sign it & the place & time & what other circumstances attended the execution of the instrument by Col Wheeler since the time he is supposed to have signed the same & state the condition of his health at that time?

Signed Lyon & Lyon Attys for Petitioner

Testimony

The State of Alabama
Marengo County

Expositions of the Commissioners named in the Commission issued from the office of the Probate Court of said County for the County of Marengo in the State of Alabama to me Rush Fuller or other of the Commissioners named, this first day of June 1864 Came and called William L Baker to come before me, at his residence in said County of Mobile for the purpose of taking his deposition to be used as evidence in a certain cause pending in said Probate Court touching the matter of the probate of a paper purporting to be the last will & testament of Simeon Wheeler late of said County of Marengo deceased; upon the same Wm L Baker being by me first duly sworn to speak the truth the whole truth & nothing but the truth in the premises, to the interrogatories to him propounded and which are hereto attached answer and says:

To the first Interrogatory he answers and says: He was acquainted with Simeon Wheeler in his life time. He knew him well and knew him for several years probably as many as six or eight years. Said Simeon Wheeler is not now living he is dead. Witness understood he was killed at Demopolis think it was early in the year 1863.

To the second Interrogatory Witness answers & says: He

at the paper referred to in the interrogatory marked exhibit A. He has seen it before. He saw it in the office of Baker, Lawler & Co. in the City of Mobile where Col. Wheeler wrote it at the time it was written. This was as witness believes on the day the paper bears date viz the twenty first day of January AD 1864. Col. Wheeler wrote the said paper himself. Witness saw Col. Simeon Wheeler sign her name to the said paper & witness signed it as a witness at her said Simeon's request & in his presence. Sam W. Lawler also signed it as a witness. Gen. Lawler & witness both signed the will in the presence of Col. Simeon Wheeler & witness believes the testator will signed it in the presence of each other. It was signed in the office of Baker, Lawler & Co. in the City of Mobile.

To the Third Interrogatory the witness answers & says: that Col. Simeon Wheeler was in good health of body & mind at the time he executed the said paper. Col. Wheeler told this witness before executing the will that he was going to write his will & the back the paper upon which it was then executed. Col. Wheeler at the time was perfectly aware of what he was doing & was entirely himself in all respects.

Given H. L. Baker

Subscribed & sworn before me this 1st day of June AD 1864

Signed Thomas A. Hamilton Commissioner

And I, Thomas A. Hamilton Commissioner as aforesaid duly do hereby certify that I have personal knowledge of the personal identity of the witness; that the foregoing deposition was taken by me at the time & place for the purposes set forth in the caption; that the witness was duly sworn; that the testimony of it is hereinbefore set down; that his testimony was reduced to writing in my presence as practicable in the language of the witness; that the witness signed his name to his testimony in my presence after the same had been first read over to him by me & by him approved. I further certify that upon inquiry I have not been able to find the other witness Geo. W. Lawler in the City of Mobile & am satisfied he is not either in that City or County of Mobile. In testimony whereof I have hereunto set my hand & seal as Commissioner aforesaid at Mobile this first day of June AD 1864. (Signed) Thos. A. Hamilton Com. Commissioner

The State of Ala. Marengo County
Probate Court. July 4th 1864.

Estate of Simeon Wheeler dec'd. See Minutes H. Page 629

The State of Alabama Marengo County
Probate Court. May 28th 1864

Order on filing Will

Estate of P. M. Kinney dec'd. See Minutes H. Page 614

Petition

The State of Alabama Marengo County. To the Hon. James A. Young Judge of the Court of Probate of said County

The petition of Charles Doby and Henry A. Wood respectfully represents unto your Honor that the late Pinnel McKinney who was an inhabitant of this County departed this life on the day of May AD 1864 having a last will & testament duly signed & published by him and attested by H. M. Johnson, S. Matlock & J. H. Grayson as witnesses, in which your petitioners are jointly believed to be named as executors, true copy of which said will is herewith produced to your Honor and prayed for probate and record in this Court.

Your petitioners further state that all of the next of kin of deceased known to your petitioners are as follows, to wit:

1st Zachariah McKinney a brother of full age, sane mind & residing in the State of South Carolina.

2nd Ann Brown a sister (living) of full age, sane mind and residing in the State of South Carolina and if she be dead leaving children or their descendants, their names, age and residences are unknown to petitioners.

3rd The children of Benjamin McKinney dec'd who was a brother of said testator, to wit: Amelia Adams wife of Martin Adams of Macon County Georgia, William McKinney of Macon County Georgia, L. G. McKinney of Houston County Georgia, John McKinney, Benjamin McKinney and Peter McKinney all of full age residing in Talbotton County Georgia all said parties of full age & sane mind and the children of Zachariah McKinney dec'd who was a son of the said Benjamin McKinney dec'd residing in the State of Georgia whose names, ages & residences are unknown to your petitioners.

4th The children of Darcus Brown dec'd who was a sister of said Testator but the number, ages or residences of said children or their descendants are unknown to your petitioners.

5th The children of Nancy Spinsby dec'd who was a sister of said Testator but the number, ages or residences of said children or the descendants of such as may be dead are unknown to your petitioners.

6th Wm McKinney if living is a brother of testator & if he be dead his children or descendants or children but ~~[illegible]~~ persons all ignorant of the ages residences or names of said parties and do not know the residence of said William of aline

7th The children of Frances McKinney dec'd. Who was a sister of testator, but their names & residence

Mary E. Taylor, Martha A. Gaw and John B. McKinney all of full age
Dans Mind and residing in the State of Georgia except last
John B. who is temporarily in Marengo County Alabama
and your petitioners would further state that of said
testator's left any other next of kin their names ages and
residences all unknown to your petitioners.

In consideration of all which, your petit-
ioners pray that a day may be set for the hearing of
the matter of this petition, that subpoenas may be
issued to bring the said witnesses who reside in this county
to testify on said appointed day that due notice of
application may be given to the heirs at law
of said deceased, and that such other proceedings
orders and decrees may be had in the premises as may
be requisite and proper to effect the due probate and
record of said will according to law and in duty
bound &c

G. H. Woolf
Chas Irby

The State of Alabama } Probate Court
Marengo County } June Term A.D. 1864

To any Sheriff of the State of Alabama Greeting:
You are hereby commanded without delay to cite
John B. McKinney
if to be found in your County to be and appear to
appear before the Honorable Judge of the Probate
Court at a court to be holden in Linden for the
County of Marengo on the 1st day of July 1864
and show cause if any they have why an alleged
Will of B. M. McKinney &c. propounded by
G. H. Woolf & Chas Irby should not be admitted
to Record &c
Herein fail not, and have then and there this
Citation, with your endorsements thereon
Witness, J. A. Young Clerk of said court at
office this 1st day of June 1864 and in the year
of the Independence of the United States

Jas A. Young Judge

The State of Alabama } Probate Court
Marengo County } July (4) term 1864
Estate of } In the matter of the Probate
Bunel McKinney } of the last Will and testament
Decd } of Bunel McKinney deceased

George G. Lyon having been appointed the
Guardian ad litem of the minor heirs
mentioned in the petition proponding

the said paper executed on 1st day of May 1864
as the last Will of the said Bunel McKinney
Comes and accepts the appointment and for
answer says that the said paper was not executed
by said Bunel McKinney as set forth in said
petition and that it is not his last Will and
testament and moves the Court that petitioner
be required to make strict proof of all the facts
set forth in the said petition

George G. Lyon
Guardian
ad litem

In the name of God! Amen

I Bunel McKinney of the County of Marengo in the State
Alabama being of sane and disposing mind and memory
do make this my last Will and testament in words follow-
ing viz. Whereas a suit in Equity was instituted against me for
a large amount of the property now owned by me by the
administrator of Seneca Cox for the benefit of Mrs McCoy
and others in the Circuit Court of said County in which sent
or suits a judgement has been rendered against me which
said sent or suits has been enjoined by the Chancery Court held
for said County on a bill filed by me against the said ad-
ministrator and Mrs McCoy and others and in which Chan-
cery suit a decree has been rendered as I am informed in my favor
Whereas it is my desire and intention to litigate during
my life and have litigated after death the claims above
said and by all manner of means to the loss of my
County defeat a recovery of the property in said as above said
now therefore with a view to carry out my just intentions
First I do nominate my friend Dr. Charles Irby and Henry H. Woolf my executors to execute my
Will and intentions as herein more particularly set forth
Second I do my will that my executors immediately after
my death take possession of all of my estate whether real
personal or mixed and fix the same together and continue to
work the same as nearly in manner as I have kept and worked
the same during my life, as can be done until such period shall
have elapsed as shall render wholly improbable that the
suits aforesaid can be renewed or in any manner prosecuted
Third this my will and I do hereby impose upon my execu-
tors that they resist a recovery of the said administrator
Seneca Cox McCoy and others to the very last for the
purpose of enabling them to do so I hereby vest in them
full and ample power to apply any and all the proceeds
of my said estate both real and personal of the same
be making for that purpose
Fourth I further my will that when in the opinion and
Government

of Jaines and able legal counsel there is no I not given
to believe that the said administrator of Seven bar
& Upd M. Cooper or any other person for from accounting
of them. Can bother prosecute their claim against my
estate or to recover any part thereof the or my executors
shall cease my whole estate, except that herein specifically
disposed of) to be devided into three parts and shall del-
iver one part or half thereof to my brother Zacharah
McKinny if he be living. and when he dies or if he be dead
then two thirds or one half of my estate shall be delivered
to my nephew James C McKinny the only son of the said
Zacharah McKinny. and the daughters of my said brother
shall receive the remaining third of said half of my estate—
and it is other my Will that my executors shall
deliver the other half of estate, [illegible] decay & that herein
after is exclusively disposed of as above said) to my nephew John McCoy
Fifth. I do my Will and I hereby bequeath to my nieces
Harriet Mary and Caroline sisters of the said John McCoy one
fourth of my estate according to valuation at the division
exclusive of the specific legacies hereinafter named and set
forth. said fourth of my estate to be made up in each of
my slaves is have no or connection on my plantation, and
in Money in hand. proceed of crop by sale of perishable
property on the breaking up of my plantation any of either of
them should die without Children then her or them
shall go to the survivor or survivors.
I do hereby the purpose of clothing my said executors
with full and authority to carry out and execute
my intentions as herein before expressed and declared. I do
further bequeath and devise my estate above named to the
said Charles J. Doy & Henry Woolf my said executors in
first up to pay my just debts. and delivering the specific
legacies hereinafter named. to carry out execute the several
provisions of this my last Will and testament as before expressed
Seventh. This my Will and testament I hereby direct that the
My nephew John McCoy shall have charge as sub executor and
of my plantation under the direction and control of my said
Executors as long as my estate is kept together under the provi-
sions of this my Will. and for my executors shall pay
him reasonable wages—
Eighth. It is my Will that in the division of my estate as
provided for in this my Will. that My two old and beloved
slaves Cloe and Dolphy shall be first in the division of my
estate that shall be allotted to my brother J. McKinny or his
Children.
Ninth. I do and bequeath to my friend Dr Winchfield
Wolf my [illegible] Dolly and Child James and my
coursing Gray Mare. Nick Harris will all in his possession
this legacy is made without any request or solicitation of

My said friend. but I make it freely and voluntary on
account of his kindness and friendship to me for many years
many years that this bequeath to be delivered by my executors
immediately after my death
Tenth. I Will and bequeath to my friend H. A Woolf
All my Gold Coins. about nineteen hundred Dollars & if my
nephew James C McKinny survives the present war then
said H. A Woolf is to deliver and pay over to him or upon
said Dollars of said Coin, but if he should not survive
the war then said thousand Dollars shall be delivered
by said H. A Woolf equally amongst the sisters of the John
C — the balance of said Gold coin I Will and bequeath to said
friend H. A Woolf upon him to exercise economising
by and prudently said Gold coin to be retained by said
Woolf from my death
Eleventh. I Will and bequeath to my nephew John McCoy
My horse Bridle and Saddle in the possession of J. J. P.
Bridle. saddle and Bridle. My Gem Gold watch Gold
specticles. horses and dogs this bequeath to be delivered
by my executors immediately after my death
Given under my hand and seal this the first day of
May A.D. 1864 three thousand times & cancelled times on
2nd page second before signing

W. McKinny

W. W. Johnston
J. Mattock
W. W. Grayson

State of Alabama Marengo County July term 1864 1st day
of July 1864
Estate of W. McKinny } Testimony of W. W. Johnston one of the
Superintendent witnesses to the Will of said W.
McKinny deceased taken in open court this
day & the said W. W. Johnston being first duly sworn states
that he witnessed on the day that Will bears date & said
Barrell McKinny Executed said Will by subscribing his name
thereto that he signed his name with as witness as did also J. Mattock
& W. W. Grayson the other Witnesses at the request of
said Testator and in his presence and in the presence
of each other. and the said McKinny was sane mind & dis
posing Memory at the time he Executed said Will.

W. W. Johnston

Will of Jacob Breitling

The State of Alabama
Marengo County

I, Jacob Breitling of said County and State, being of sound mind and disposing memory, do hereby make and declare my last Will and testament in words and figures as follows:

1st I desire all my just debts shall be paid out of my Estate

2nd I give and bequeath to my wife Mary Catherine Breitling, all of my Estate both real & personal for and during her natural life, and at her death to be equally divided among my children Barbara Widmer, John Breitling, Mary Catherine Michael, Henry Breitling, Gottlieb Breitling and my Grandson Jacob Alfred Breitling son of Jacob Breitling decd. Share & share alike in the following manner, that is to say: that at the death of my wife I desire that three disinterested persons from among those being in my neighborhood be appointed by the Probate Court of Marengo County to appraise all of the said Estate & increase thereof, if any; and under said appraisement divide it equally among my children & grandchild as aforesaid, Share and Share alike - my said Grandchild Jacob Alfred Breitling taking a full child's share; and I desire that the share allotted to my said grandchild Jacob Alfred Breitling shall be paid in money over to his Guardian if he shall be under 21 years of age, and the interest thereof to be used by said Guardian for the support and education of my said grandson until he arrives at mature age and I desire that all my property shall remain with my family as aforesaid and not be sold to strangers. and to carry out this end, I direct that either or any of my children shall have the right, after said property is ~~allotted~~ appraised & allotted out to take any of said property at the appraised value and pay the money therefor which shall go to the one said property is intended for by said allotment and I desire and hereby direct that if my grandson Jacob Alfred Breiding shall die before he arrives at the age of 21 years, then and in that event I bequeath that part of my estate going to him, or so much of it as may not have been used in his education & support to be equally divided among the rest of my children that may then be living

I hereby nominate and appoint my son Henry

Breitling my Executor of this my last Will; and having confidence in his discretion and honesty, direct that he may not be required to give a bond for the faithful performance of his duties as such

In testimony whereof I hereunto set my hand and seal this 13 Sept 1854

Signed & sealed and published as the last Will of Jacob Breitling by him in our presence on this 13 Sept 1854

(Signed) Jacob Breitling

Alfred Breitling
Simeon Buford
Geo G. Lyon

Testimony

Estate of Jacob Breitling decd
Probate of Will

The State of Alabama Marengo County
The testimony of Geo G Lyon one of the witnesses to said Will who being first duly sworn deposes that he saw the said Will executed by said Jacob Breitling on the day of its date that he and Alfred Breitling & Simeon Buford the other witnesses subscribed their names thereto as witnesses, at the request and in the presence of said testator and in the presence of each other the further states that said testator was of sound mind at the time he executed said Will

sworn & subscribed in Open Court
Aug 4th 1864 Jas A Young Judge

Geo G Lyon

order of the Court See Minutes page

Order on filing Will See Minutes page

Petition Propounding Will

The State of Alabama
Marengo County Probate Court

To the Hon James A Young Judge of said Court

The undersigned respectfully represents unto your Honor that Jacob Breitling late of said County, died in said County on or about the 1st day of September 1863 leaving the paper hereto appended & marked Exhibit A as his last Will and Testament, that the said Jacob Breitling also left him surviving the following persons who are his heirs or next of kin viz Mary Catharine Michael, who is over 21 years of age and resides in said County, that his daughter Barbara Widmer died before said Jacob & she left three Children viz John Widmer and George Widmer who are both over 21 years of age & are now in the Confederate Army, and a daughter named Adele who has married one Jacob Pabley who resides in Mobile County in said State, Henry Breitling who resides in the State of Arkansas & is over 21 years of age, Jacob Alfred Breitling, who is the son of John Jacob (the son of said Jacob) deceased died

same year prior to said testator, that said John Jacob resides in the State of Mississippi & is over 21 years of age. And the undersigned who is over 21 years of age resides in said Marengo County that two of the witnesses to said paper Viz Alford Brittain and George B Lyon reside in said Marengo County and the other one Simeon Buford resides in the State of Texas and your petitioner prays that such proceeding be had in the premises as may be necessary to determine whether the said paper is the last Will and Testament of said Jacob Brittain according to law &c

John Brittain
pr Lyon Atty

Will of A. J. Crawford
Decd

In the name of God. Amen
I Andrew J Crawford of Marengo County and State of Alabama being of sound mind and of disposing memory do make and publish this my last Will and Testament, viz

First — It is my will that my funeral expenses and just debts shall first be paid

Second — I will devise and bequeath the whole of my estate of every kind and description to my wife Margaret W Crawford for and during her natural life for her support and for the support and education of my little grand son Willie Thorn, now living with me

Third — After the death of my wife and after the payment of all just and proper debts by her contracted. I will and devise all my said property divided into four equal parts, one part or share it is my will shall go to my son Andrew J Crawford Jr. one to my son Joseph E Crawford two to my daughter Sarah Alford wife of Warren Alford of the State of Mississippi. and the other remaining share to my said grand son Willie Thorn — And in account as I have already given to my daughter Frances Wilcox wife of Lucius Wilcox son of the State of New York more than I am able to bequeath to any one of my said Children & grand child. I do not think I ought in justice to them bequeath any of my present estate to the said Frances Wilcox and she is therefore hereby prohibited from receiving any part thereof

Fourth — It is my will and I hereby authorize and empower my Executors or either of them either to keep up and carry on my farm (by hiring labor) after the present year or to break up the same as they or either of them may think proper. Also to cut out any lands or sell all or any part of my estate real or

personal and convey titles to the purchaser or purchasers and must the proceeds as in their judgment will be most beneficial and which will make the most income for the purposes specified in the second Clause thereof — It being my will and wish that a sufficient amount of income may be applied for the purposes aforesaid without encroaching upon the Corpus of my estate; but if not then the proper amount may be raised by a sale of any portion of the same.

Fifth — I hereby nominate and appoint my wife Margaret W Crawford Executrix and my friend Henry A Wolf Executor of this my last Will and Testament hereby revoking any former will by me made. And I further declare it to be my will that no bond shall be required of my said wife or my said executor as such

Given under my hand and seal this the twenty first day of June A D 1866

A J Crawford (Seal)

Witnesses
W H Grant
Richard Drummond

State of Alabama
Marengo County

Probate Court of said County

In the matter of the Probate of the last Will and Testament of A J Crawford decd

Before me Thos Wolf Judge of the said Court personally appeared in open Court W H Grant and Richd Drummond who having been by me first respectively duly sworn & examined deed and do depose and say on oath that they are each subscribing witnesses to the instrument of writing now shown to them which purports to be the last Will and Testament of A J Crawford deed late an inhabitant of this County That said Crawford since deceased signed and sealed said instrument on the day the same bears date and declared the same to be his last Will & 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 & in the presence of each other and at his request. That said testator was of sound mind and disposing memory and in the opinion of deponents fully capable of creating his Will at the time the same was 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

Sworn to & Subscribed before me this 6 day of August 1866

W H Grant
Richard Drummond

Thos Wolf Judge

Will of Spencer Gorr decd.

I Spencer Gorr of the County of Marengo and State of Alabama being of sound mind do make my last Will and Testament as follows. to wit:

1st I desire my just debts paid

2nd I devise and bequeath to my friend John T Walton of said County all of my property of every description Real personal and mixed upon the following trusts. to Will that he sell as soon after my death as he deems most expedient sell in such manner and on such terms as he thinks proper all of my property (real and personal) excepting my female slave Mary Jane and her three children - Laura Thomas and William

3rd that he shall collect the proceeds of the sale of such property and loan it out as he may think best so as to bear interest

4th I request and desire the said John T Walton to take possession of the said Mary Jane and her said three children and to keep them until the said children or the survivor or survivors of them have all attained the age of twenty one years and to support the said Mary Jane & her children during the Minority of said children in as comfortable manner as they may require and to give the said children Laura Thomas William a good trade & a plain English education provided he can do so conscientiously with the laws of the State in which he may locate them and I hereby exempt and absolve the said John T Walton from any and all liability to account for the hires of the said Mary Jane & her children the said Laura Thomas & William whilst he may have them in his possession or under his control

5th After the said Laura Thomas and William or the survivors of them have attained the age of twenty one years I desire the said John T Walton to take them to such State or County where by the laws thereof they shall be entitled to enjoy their freedom and there and there emancipate them and after they are so emancipated to divide equally between them the said Laura Thomas & William or the survivor or survivors of them all of the moneys in his hands of my estate arising from the proceeds of the sale aforesaid as well as any other source which may remain unspent after educating supporting and removing the said slaves as aforesaid

6th After the said Laura Thomas & William are provided for as aforesaid I hereby authorize the said John T Walton to make such disposition of the said Mary Jane as he may in his discretion think proper. My object being to provide for her comfort in her old age and that he may not be embarrassed in carrying out my wishes in this particular I hereby

decree that he shall never be required hereafter to account to any one for the said Mary Jane or her value or hires

7th For the purpose of executing the foregoing trusts I hereby devise the said John T Walton to appropriate so much of the moneys of my estate as may be necessary either of the principal or interest thereof

8th As my principal object in making the foregoing disposition of my property is to provide for the happiness and welfare of my said slaves the said Mary Jane and her said children as far as I have the power to do by the laws of any State and to provide for the contingency which might happen by the death of the said John T Walton before he is able to perform the trusts hereinbefore confided to him I hereby authorize empower and request him to appoint by his last Will & Testament some suitable person or persons to execute the trusts herein before created in the event he the said John T Walton should die before performing and executing the same and for that purpose I hereby confer on any and all such persons so appointed by him as aforesaid all the powers herein and hereby conferred on him as aforesaid as fully and completely as if such appointment were made by me in person

9th I hereby constitute and appoint the said John T Walton Executor of this my last Will and Testament and having implicit confidence in his ability and integrity to execute the same I hereby request the Probate Court not to require a security of him in taking out letters testamentary thereon

In witness whereof I hereto set my hand and seal in the presence of the undersigned witnesses this 21st day of December A D 1858

Spencer Gorr (Seal)

We the undersigned witnesses hereto subscribed our names as witnesses to the foregoing instrument in writing as the last Will and testament of the above named Spencer Gorr in his presence at his request and in the presence of each other on the day he signed the same Dec 21 1858

W E Barke
J A Donaldson

State of Alabama } Probate Court of said County
Marengo County }

In the matter of the Probate of the last Will and testament of Spencer Gorr deceased.

Before me this 4th day of the said Court personally appeared W E Clarke who being sworn and examined saith & does depose & 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 & Testament

of Spencer Yost deceased, late an inhabitant of this County
that said deceased signed and sealed said instrument on the
day the same bears date in his presence, and in the presence of
of J. A. Donaldson the other subscribing witness. That said
Donaldson subscribed his name in his presence and the
presence of said testator at his request the said testator then
declaring that said instrument constituted his last Will
and testament 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 the said
testator was on the day of the said date of said Will of the
full age of twenty one years and upwards, affiant further states that the
said testator executed his said will without any undue
influence being exerted by any person, as far as affiant knows.

Sworn to & subscribed
before me this 18 Day of August
1866

W. E. Clarke

Thos. Woolf Judge Probate

Will of Alice G Vaughan decd

I Alice G Vaughan of the County of Marengo
and State of Alabama being of sound and disposing mind
memory and discretion do hereby make and declare this
my last Will and Testament in manner and form following
to Wit

1st I direct my funeral expenses & just debts to be paid

2nd I give and bequeath to my Grand daughter Susan W. third
daughter of my son Alfred G Vaughan decd the sum of five
Hundred Dollars

3rd To my Grand daughter Theodosia B. fourth daughter of
my said son Alfred G Vaughan I give and bequeath my
female slave Sally.

4th To my daughter Evelina E White I give and bequeath
the sum of One Thousand Dollars and my female slave
Margarito (Called Peggy) the daughter of Darby & Margaret

5th To my son Saml Watkins Vaughan I give and bequeath
the sum of One Thousand Dollars and my female slave
Joanna

6th To my Grand daughter Susan A. the daughter of my son
Saml Watkins I give and bequeath the sum of five hundred
Dollars

7th To my daughter Martha V Gargent I give and bequeath
the sum of fifteen Hundred Dollars I also give devise to
her my house and lands where I now reside that is
to say all my real estate - on condition that she pay

therefor to my estate sixteen Hundred Dollars (which is the
price I heard for the same) and upon the further condition
that she allow my servants Tom Todd and his wife Clarissa
to live and have a home on the said lands during their
natural lives and that of the survivor of them and I give
and bequeath my said servants Tom Todd and his wife
Clarissa to my said daughter Martha V Gargent with the
request that she will control and manage them as will
be most conducive to their comfort & happiness and I
also give and bequeath to my said daughter the sum of two
Hundred dollars in horses, one Cow & Calf, and one sow
and pigs for the use and benefit of said Tom & Clarissa and
I request my said daughter to apply the sum of two Hundred
Dollars thus given to the support and maintenance
of said Tom & Clarissa should their condition require it

8th To my Grand daughter Victoria V Gargent I give and
bequeath my female slave Clara and her future increase

9 To my daughter Emily G Montague I give and bequeath
my negro man Wyatt and all the money that may be
due and owing me at my death from Robert V
Montague her husband.

10th To my Grand daughter Susan A Duncan wife of Benj
F Duncan I give and bequeath my female slave Patsy
& her children with all their future increase to have
during said Susans lifetime and at her death said
slaves and their descend and are hereby given to
the heirs of her body.

11th To my Grand daughter Virginia Kidd I give and
bequeath my female slave Hornette and child Mary
together with their future increase

12th To my Grand son Reuben T Kidd I give and bequeath
my slave named Adolphus

13th To my daughter Alice G Duggan I give and bequeath
my slaves Darby & Margaret (his wife) and all the children
which the said Margaret now has or may hereafter have
(except the child Margaret (Called Peggy) which I have
bequeathed to my daughter Evelina E White

14th All my property not herein specifically bequeathed I direct
to be sold by my Executors on such times as they may
deem best for my Estate

15th All the residuum of my Estate after defraying the
expenses of selling the same and complying with all the
foregoing provisions of this Will I direct to be divided
into seven equal shares and I bequeath one share to
the two children of my son Alfred G Vaughan decd to be
divided equally amongst them - and one share
to the three children of my daughter Virginia G Kidd
decd and the remaining four shares to my son
Saml W Vaughan and his daughter Evelina E White - Martha

V Gargnet. Emily G. Montague and Alice G. Dagger
shown and shore alike

16 I hereby appoint my son Samuel Walker Vaughan and my friend Wm Waverly Dagger Executors of this my last will and testament, hereby revoking and annulling all wills by me heretofore at any time made and I desire that my said Executors be not required to give security upon qualifying as such

In testimony whereof I have to this my last will and testament set my seal and subscribed my name this (9th) ninth day of October (1866) Eighteen Hundred and Sixty

Alice G. Vaughan (Seal)

We the undersigned do hereby certify that Alice G. Vaughan signed her name to the foregoing instrument of writing as her last Will & Testament in our presence and that we now sign our names as witnesses and in the presence of each other and that she was at the time of signing the same of sound ~~sound~~ and disposing mind

As witness our hands this seventeenth day of October in the year Eighteen Hundred and Sixty

Henry A Taylor
Francis R Hanson } Witnesses

State of Alabama
Marengo County } Probate Court of said County

In the matter of the Probate of the last Will and Testament of Alice G Vaughan late of said County deceased

Before me Thos J Woolf Judge of said Court personally came and appeared in open Court Henry A Taylor who ~~being~~ having been by me first duly sworn and examined and and does depose & 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 & Testament of Alice G Vaughan deceased late an inhabitant of the County That said Vaughan since deceased signed & executed said instrument on the day the same bears date in his presence and in the presence of Francis R Hanson the other subscribing witness that said Hanson subscribed her name in his presence & in the presence of said Testatrix and at her request & that said testatrix subscribed her name in the presence of said Witnesses on the day of the date thereof she then declaring that said instrument constituted her last Will & Testament

That she in testatrix was of sound mind & disposing memory and in the opinion of deponent 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 the full age of twenty-one years & upwards

Sworn to & subscribed before me
this 17th day of October 1866

Henry A Taylor

(Certificate indorsed on will of Alice G Vaughan dec'd)

The State of Alabama } I Thos J Woolf Judge of the Court
Marengo County } of Probate in and for said County and State do hereby certify that the within instrument of writing has this day 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 Alice G Vaughan deceased and that said Will together with said proof thereof has been recorded in my office in Book B of Wills page Given under my hand this 17 day of September A D 1866

Thos J Woolf Judge

Will of J. McAlexander.

I Joseph McAlexander of the County of Marengo and State of Alabama being of sound mind and disposing memory hereby make my last Will and testament as follows to Wit,

1st I desire my just debts and funeral expenses to be paid and a suitable monument or tombstone to be erected over my grave to be selected by my Executor hereinafter named

2nd Having heretofore partially provided for my two sons by giving each of them a plantation and some negroes and wishing to place my grand children - the children of my late deceased daughter Violet in a condition to ensure them a good education and to provide well for their future comfort and maintenance particularly Albert and David I give and bequeath to my said grand children Albert and David the following slaves: to Wit Jordan Adam Noah and Andy and the sum of Eight thousand dollars in Cash the profits and hire of said slaves and the interest arising from said money or so much thereof as may be necessary to be applied to the maintenance and education of the said Albert and David until the elder of them attains the age of twenty-one years when I devise the whole of said property with any profits or proceeds accruing thereon which shall remain unexpended to be equally divided between them the said Albert and David and should either of them the said Albert and David die before attaining the age of twenty-one years I will and devise that the whole of the property herein before bequeathed to them jointly shall go and be to the survivor who shall survive his said brother

3rd To my loving daughter Susan R. Anderson in addition to what I have heretofore given her I give and bequeath my slaves Nancy and Ellen and the sum of two thousand Dollars in Cash

4th To my son David Clinton I give and devise forty acres of land adjoining the lands of William H. Paulling and William F. Tripp in said County of Marengo

5th The residue of my property of every description I devise and bequeath to be equally divided into three shares one of which shares I give & devise to my son David Clinton One to my son John D. and the remaining share to be equally divided between my said grandchildren viz: the said Albert, David and Susan R.

6 I hereby Constitute and appoint my sons David Clinton and John D. and my grandson in law Dr William L. Anderson Executors of this my last Will and testament and exempt them from giving bond in taking out letters testamentary hereon

In witness whereof I hereto set my hand and seal this 16 day of May A.D. 1861

J. M. Alexander (Seal)

Witness
W. E. Clarke
R. D. Gilbert

As the law does not authorize or allow slaves to choose a master I hereby request my legatees mentioned in my foregoing Will to permit my faithful slaves Amos & Charlotte to reside with either of my children or grandchildren that the said slaves shall prefer what they may be kindly treated as long as they shall live.

J. M. Alexander

State of Alabama } Probate Court April Term 1865
Marengo County }

The testimony of William E. Clarke a subscribing witness to the last Will and testament of Joseph M. Alexander, deceased

The witness being duly sworn says Joseph M. Alexander signed the within instrument of writing as his last Will and testament on the day the same bears date in presence of this deponent and Robert D. Gilbert the other subscribing witness – that this deponent and the said Gilbert signed their names as subscribing witnesses to said instrument at the request and in the presence of the said Joseph M. Alexander as his last Will and testament and in the presence of each other on the day the same bears date

Deponent further says that the said Joseph M. Alexander was of sound mind at the time he signed said instrument and that he did so of his own free will without as he said being influenced by any person to sign the same.

W. E. Clarke

Sworn to & Subscribed before me in open Court April 24 1865

J. A. Young Judge &c

And upon the foregoing testimony it is ordered that said written instrument be received established & Recorded as the last Will & testament of said Joseph M. Alexander

Jas. A. Young
Judge &c

Will of D. C. Alexander

I DeWitt C. Alexander of the County of Marengo being of sound and disposing mind and various works an equitable and just disposition of my property, and Conscious of the uncertainty of human existence as makes publish and execute this my last Will and testament

1st I wish all my just debts paid and charges and expenses against my Estate.

2nd I will and bequeath that all the balance of my estate both real, personal and mixed which I now have or may hereafter become entitled to shall be equally divided between my wife Julia Alexander and the children I now have living and such as may hereafter be born to me by my marriage with the said Julia share and share alike. Making no difference in the parts each shall take. and intending hereby to provide for not only my said Wife and my children now living but such children as may be born hereafter of the said Julia by my present marriage with her and intending to make all of them equal in the amount each shall secure – I am thus particular because my wife is pregnant & I wish to provide for such child or children as may be born of her by my marriage

If As I am informed that the law may not provide for keeping up and cultivating a plantation I hereby leave it to the judgment and discretion of my

Executor hereinafter named to keep up my plantation in the said County so long as he may deem it best not to exceed five years - unless it is kept up after that time under an order of Court. I further authorize him to purchase all things necessary therefor and to receive and pay all proper expenses in carrying out the same without obtaining the order of any Court for the same. That he may also have authority for all labor necessary to work and keep up the said plantation.

I hereby constitute and appoint my brother J. DeWitt Alexander to execute all the provisions of this my Will and vest him with full powers as Executor of my estate and of this Will. Given under my hand & seal this 26th day of October 1865

J. DeWitt Alexander

Witness
E. A. Alexander
W. E. Pierson
W. F. Terrell

The State of Alabama } Probate Court January 22 1866
Marengo County }

Before me S. B. Jackson as Judge of the said Court in the said County personally came W. F. Terrell in open Court who having been duly sworn & examined says on oath that he is subscribing witness to annexed instrument of writing now shown to him and which purports to be the last Will & testament of DeWitt C. Alexander deceased. That the said Alexander is dead. That at the time of his death he was an inhabitant of the said County. That he signed and executed the said instrument in the presence of affiant & each subscribing witness on the 4th day of October 1865 and declared the same to be his Will & testament that the said Alexander knew the contents of the said instrument that affiant set his signature thereto on the day the same bears date as subscribing witness thereto in the presence of the testator & of the other two subscribing witnesses W. E. Pierson and E. A. Alexander each of whom signed it at the same time in the presence of the said testator & in the presence of each other at the request of the said testator as said witnesses - That the said testator was of sound mind capable of making a will & over 21 years of age.

W. F. Terrell

Sworn & subscribed to in Open Court January 22 1866

S. B. Jackson
Judge of Probate.

Upon the foregoing testimony it is ordered that the said written instrument be recorded & filed as the last Will & Testament of the said DeWitt C. Alexander

Will of Jacob Williams

State of Alabama } I Jacob B. Williams of the County
Marengo County } and State aforesaid being mindful of the uncertainty of life and being now in my proper mind and senses and sound in mind and memory. In the name of God Amen! make this my last Will and testament and I hereby revoke all other Wills. My Will and desire is that after my death that my body should be decently interred. First that my executors hereinafter named shall sell all my personally and real estate in such parcels or quantities as may seem to them best for the interests of the estate. to the highest bidder upon a credit of twelve months taking notes for the same bearing interest from date with good securities -

Second that after paying all my just debts and liabilities I will and desire that my executors make an equal division of my estate between my daughter Mary Pritchett and her bodily heirs except to Jacob W. Pritchett. they give two thousand Dollars over and above an equal share with the other heirs. And I hereby nominate and appoint as my Executors to this my last Will and Testament Mr William Buckner Sr and David Hoor as I have confidence in their integrity and ability to attend to the duties and believe that they will do their duty. And I hereby revoke and publish this as my last Will and testament on the twenty-first day of July in the year of our Lord one thousand eight hundred and sixty-six

J. B. Williams

We the undersigned subscribing witnesses hereby certify that we saw J. B. Williams sign the foregoing & that he declared the same to be his last Will & that we signed the same as witnesses at his request and in the presence of the testator July 21st 1866.

N. Cornish
R. M. Williams
A. R. Christian

State of Alabama } Probate Court of said County.
Marengo County } In the matter of the Probate of the last Will & testament of J. B. Williams deceased

Before me Thos J. Wooldridge Judge of the said Court personally appeared in open Court R. M. Williams and A. R. Christian witnesses to said instrument of writing who having been by me first duly sworn and examined did said on oath 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 J. B. Williams deceased late an inhabitant of this County that said Williams

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 and in the presence of each other. That said testator was of sound mind & 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.

Sworn to & Subscribed before me this 27 day of September A D 1866
Thos J Woolf Judge

R M Williams
A R Anderson

State of Alabama
Marengo County

I Thos J Woolf Judge of the Court of Probate in and for said County and State do hereby certify that the within Instrument of writing has this day in said Court & before me as the Judge thereof been duly proven by proper testimony to be the genuine last Will and testament of J D Williams deceased & that said Will together with said proof thereof have been recorded in my office in Book of Wills B pages 59 & 60
In witness of all which I have hereto set my hand this the 27th day of September A D 1866
Thos J Woolf Judge

Will of Martha Taliaferro Decd

I Martha Taliaferro of the town of Demopolis County of Marengo and State of Alabama do make, publish & declare my last Will and testament in manner & form following to Wit: Being advanced in years - in feeble health but of sound and disposing mind & memory I deem it best now to make a disposition of such property and Estate as I now or may be entitled to and to give such directions as I deem shall be performed after my death. -

I desire therefore in the first place that my just debts I may owe at the time of my death shall be paid by my Executor hereinafter named.

2ndly. Any and all property and Estate of every kind and description I may own or be entitled to at the time of my death including my entire of one fifth part in the property owned by my late husband Benjamin

Taliaferro at the time of his death, I give devise and bequeath as follows, to Wit:

To my daughter Emily Dorcas I give and bequeath out of my property and estate the value of four slaves of the average value of negro slaves generally valued in families or stocks upon a plantation including all descriptions and to be valued by persons hereafter named.

3rdly. To my grand daughter Elizabeth Drummond I give and bequeath the value of one negro slave to be ascertained in like manner above.

In order to ascertain and adjust what may be the value of negroes slaves referred to in the bequests herein made to my daughter & granddaughter above named I hereby appoint Wm G Cornish & Alf Shorpe to enquire & determine what may be the average value of negro slaves at the time this my Will shall take effect & to apply such value & the value so assigned by the parties named or either of them should one not act shall be paid out of my Estate to my daughter & said daughter as herein provided and such decision & valuation shall be final & binding upon all parties interested in my estate. All the rest residue & remainder of my estate of every kind and description which may be left after paying the bequests herein made to my daughter & grand daughter above named I give and bequeath to my son David Taliaferro now in the army of the Confederate States but if I should survive him or he should die or be killed in battle before obtaining possession of the Estate & property herein left to him then & in that event I give & bequeath the same to my daughter Elmira Blackshear as her sole and separate property.

I hereby appoint my son David Taliaferro Executor of this my last Will and exempt him from giving security as said Executor. In witness whereof I have hereunto set my hand this 20 day of June 1862.

Signed & sealed by the testator in presence of the undersigned witnesses
John D Fisher
T J Lyon

Martha Taliaferro

State of Alabama
Marengo County

Probate Court of said County
In the matter of the Probate of the last Will and Testament of Martha Taliaferro deceased

Before me Thos J Woolf Judge of the said Court personally came in open Court John D. Fisher who being sworn by me first duly sworn and examined did and does depose

and says 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 Martha Valiefero deceased late an inhabitant of this County. That said Valiefero since deceased signed and executed said instrument on the day the same bears date in his presence and in the presence of A B Lyon the other subscribing witness. That said Lyon subscribed his name in his presence and the presence of said testator & at her request – the said testator then declaring that said instrument constituted her last Will & testament. That said testator was of sound mind and disposing memory and in the opinion of deponent fully capable of making her 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 & upwards.

John D. Fisher

Sworn to & subscribed before me this 8 day of October 1866

Thos J Woolf Judge

The State of Alabama } I Thos J Woolf Judge of the
Marengo County } Court of Probate in and for said County & State do hereby certify that the within instrument of writing has this day in said Court and before me or the Judge thereof been duly proven by the proper testimony to be the genuine last Will and testament of Martha Valiefero deceased and that said Will together with said proof thereof have been recorded in my office in Book of Wills B pages 61 & 62.

Given under my hand this the 8 day of October A.D. 1866

Thos J Woolf Judge

Will of Charles Raley deceased

I, Charles Raley of Marengo County of State of Alabama being now in my proper sense and sound in memory do make this my last Will and testament.

I hereby give and bequeath to my beloved wife Susan W. Raley all my property both real and personal which I now have or may hereafter acquire to have and to hold during her natural life or widowhood for her support and after her death or if she were to marry again then I order and direct all my property both real and personal which may be left or remaining to be equally divided among all my children and their at law – I hereby nominate and appoint my son Jackson Raley and my friend & brother Green Cox to my this my Will and last testament in case that they do not deem it wise I wish the Orphans Court to appoint some suitable person to act as my Executor. I hereby authorize my Executors to manage my property as they may think best for the interest of my wife and my children and their at law I wish after my decease to be decently interred and I wish my executors to pay out of my estate all my just debts and liabilities of any – In testimony of which I have hereunto subscribed my name this May 21 1863

Charles Raley

Signed and acknowledged in presence of us
A B Hood
T L Hood

State of Alabama } Probate Court of said County
Marengo County } In the matter of the Probate of the last Will and Testament of Charles Raley deceased

Before me Thomas J Woolf Judge of the said Court personally appeared T L Hood who having been by me first duly sworn and examined did and does depose & says on oath that he is a subscribing witness to the instrument of writing now shown to him marked purports to be the last Will and testament of Charles Raley deceased, late an inhabitant of this County. That said Raley since deceased signed and executed said instrument on the day the same bears date in his presence and in the presence of A B Hood the other subscribing witness. That said other subscribing witness subscribed his name in his presence and the presence of said testator at his request. The said testator then declaring that said instrument constituted his last Will and testament. 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 & upwards.

T L Hood

Sworn to & subscribed before me this 8 day of October 1866

Thos J Woolf Judge

The State of Alabama } I Thos J Woolf Judge of the Court
Marengo County } of Probate in & for said County and State do hereby certify that the within instrument of writing has this day in said Court & before me or the Judge thereof been duly proven by the proper testimony to be the genuine last Will & testament of Charles Raley and that said Will together with said proof thereof have been recorded in my office in Book of Wills B pag. 63.

Given under my hand this the 8 day of October A.D. 1866 Thos J Woolf Judge

Will of J. M. Anderson

In the name of God Amen I Jesse M. Anderson of the County of Marengo State of Alabama being infirm in body but of sound mind and memory do make and constitute this my last will and testament in the following words and figures. 1st I desire that all my legal debts shall be paid. 2nd I will and bequeath all my property both personal property, and real estate to my beloved Wife Eliza Anderson to use and dispose of as she may think but for her self and her children during her life time, and at her death, or after to be disposed of as she may wish or direct it to be disposed of, or distributed. 3rd I hereby leave nominate and appoint my beloved wife Eliza Anderson the executrix to this my last will and testament. In testimony of which I have signed my name and affixed my seal October 13th 1865. Jesse M. Anderson (Seal)

In the presence of
O. B. Croker
Shield Jackson
J. K. P. Jackson

State of Alabama } Marengo County.

Probate Court of said County In the matter of the Probate of the last Will & testament of Jesse M. Anderson Deceased.

Before me Thos J Woolf Judge of the Said Court personally appeared in open court Shield Jackson & J. K. P. Jackson who having been by me first respectively duly sworn & examined, did on oath do depose & 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 & testament of Jessie M. Anderson late an inhabitant of this County. That said Anderson since deceased signed & executed said instrument on the day the same bears date & declared the same to be his last Will & testament and that affiants did set their signatures thereunto on the day the same bears date as subscribing witnesses to the same in 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 made as aforesaid affiant further state that said testator was on the day of the said date of said Will, of the full age of twenty-one years & upwards.

Sworn to & Subscribed before me this 11th day of December A.D. 1866
Thos J. Woolf
Judge.

Shield Jackson
J. K. P. Jackson

Will of Jno. J. Westbrook

I John J. Westbrook of the State of Alabama and County of Marengo do make and constitute this my last will and testament in manner and form following. 1st I give and bequeath unto my wife Susan A. Westbrook all of my estate consisting of my lot of land, houses and entire free hold property with all my household property in the Town of Jefferson and the following named negroes. Nathan, Tony, Sam Bryant, Winy, Margaret and Caroline, and my horse and buggy with my entire Stock of hogs and cattle. all debt accounts notes due and owing to me and my entire interest in the estate of Moses Westbrook deceased. This property is all given to my Wife Susan A. Westbrook for the intent and purpose, for her to have, hold and enjoy the same for the support and schooling of my children Mary W Westbrook and Sarah E Westbrook and such other child or children as my said wife may have as my heir or heirs up to the time they may marry or become of age; then the above named and bequeathed property and its increase if any; is to be equally divided into three parts or into as many parts as my said Wife may have children to be considered as my legal heirs counting my Wife as an heir and to devolve to and be equally divided to my Wife and my heirs, and, after the death of my Wife the portion of property hereby given to her will devolve to and be equally divided amongst my heirs, I make and appoint my Wife Susan A. Westbrook executrix of this my last will and testament,

and I desire that no security be required of him as such. In testimony of which I hereunto affix my name thereby making and
John J. Westbrook
former Wills
April 2nd 1862
J. W. Ellis
S. D. Smith

The State of Alabama } Marengo County

In the matter of the Probate of the Will } Probate Court May Term 1866

John J. Westbrook Decd. } The testimony of Dr. S. D. Smith one of the Subscribing witnesses to said will who being first duly sworn in open court deposes that he was present on or about the 2nd day of April 1862 & saw said John J. Westbrook execute said will by signing & publishing the same as his last will and testament. And that he subscribed his name as a witness to said will at the request and in the presence of said John J. Westbrook but does not remember seeing John Ellis the other witness subscribed his name thereunto He further state that Westbrook was of sound disposing mind & memory at the time
Sworn to & Subscribed before me in open Court
S. D. Smith
Jas. A. Young
Judge of Probate.

State of Alabama } Marengo County
Probate Court of said County.
In the matter of the Probate ~~Court~~ of the last Will and Testament of John J. Westbrook, Deceased

Before me Thos. J. Wood Judge of the Said Court personally came in open Court J. W. Ellis who having been by me first duly sworn says 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 & testament of John J. Westbrook deceased late of Said County that said Westbrook Since deceased signed and executed Said Will on the day the same bears date in his presence & in the presence of the other subscribing witness that such other witness subscribed his name in his presence & in the presence of said testator – the said testator then declaring that such instrument constituted his last Will & testament affiant further states that said testator was on the day of the said date of said will of sound and disposing mind & memory & in the opinion of deponent fully capable of making the same at the time the same was so made as aforesaid & was of the full age of twenty one years & upward
Sworn to & subscribed before me this 12 Nov 1866
Thos. J. Wood
Judge } J. W. Ellis

Will of Thos. D. Neall.

I Thomas D. Neall being of sound and disposing mind and in good health but considering the uncertainty of human life and the certainty of death, do make this my last will and Testament; That is to say First that after my death my funeral expenses if any, shall be paid out of my moneys that I may have on hand or otherwise at my death. Secondly it is my will that all my estate both personal and real, except as herinafter provided shall be kept together and conducted and carried on by my Wife Ann Neall, as she may think best until my oldest child me surviving, becomes twenty one years of age unless an earlier sale of the estate as I have above described would be more to the interest of my estate in that event it may sold earlier.
Thirdly – It is my will that my two tracts of land, not adjoining my home tract, The one lying near Pinnacolia and the other near McKinley be sold at private sale whenever an opportunity offers. Fourthly – that all my just debts shall be paid as early as they can be out of the proceeds of and debts due my estate. Fifthly – If my Estate is kept together till my oldest child becomes of age, then it is my will that all be sold and divided equally among my children then living or if it shall be sold earlier as above provided then in that event it be divided in the same way

It is also my will that until my estate is sold and divided as I have before provided the entire support of my family and the Education of my children shall be defrayed and paid out of the proceeds and money of my Estate. It is my meaning and intention in providing for a division of my estate among my Children. that my Wife Ann shall have an equal share with my Children share and share alike.

It is also my will that Rev James Beverly and T. C. Crudup be and they are hereby appointed my Executors of this my last will and Testament.

In witness whereof I have here unto set my hand and seal, this 1st day of March A.D. 1862 in the Presence of

John Henry
Witness
T. H. Bradford

Thomas D. Heall

State of Alabama } Marengo County
Probate Court of Said County.

In the matter of the Probate of the last Will and Testament of Thomas D. Heall dec.

Before me Thos. J. Woods Judge of the Said County personally appeared in open Court T. H. Bradford who having been by me first duly Sworn and examined deposes and says 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 Thomas D. Heall deceased late an inhabitant of this County; That Said Heall 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 thereunto on the day the same bears date an subscribing witness to the same, in the presence of said testator the said testator then declaring that Said instrument constituted his last will and Testament. Affiant further State that the other subscribing witness John Henry is now dead that he is acquainted with the signature of the said Henry and say that his signature thereunto as a witness is genuine and the own proper handwriting of the said Henry. and said deponent further says 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 and that on the day of the Said date of Said Will the said testator was of the full age of twenty One years upwards

Sworn to and Subscribed before me this 26 Nov. A.D. 1866
Thos. J. Woods
Judge.

T. H. Bradford

Will of T. A. Beverly. Dec'd

I Thomas A Beverly of Dixon Mills Marengo County Alabama being of Sound mind and ordinary Memory & having recently Volunteered for the entire War in the Service of the confederate States of America. and considering the casualities of War, the uncertainty of living through the campaign, to enjoy the liberty and independence which I pray God we of the south may achieve for our posterity & not for ourselves - do therefore make ordain publish and declare this to be my last Will and Testament - That is to say First If I should die away from home upon the battle field by Violence, or by same disease in the Hospital erected for for sick and wounded Soldiers - It is my will and desire that my mortal remains be brought back to Marengo and buried at the Family burying grind near my Fathers present residence. and that the expenses of transportation &c be paid out of the funds due me by the Government if there be a sufficient amt due me - if not I desire My Captain to furnish the amt and my Executor herein after mentioned, to collect out of my effects and pay back to the Captain the amt of funds he may furnish for the above specified purpose

Second – I do hereby nominate, constitute and appoint my old true, and well tried friend E. W. Dinney executor of this my last Will and Testament, hereinafter written, and as my estate is small and my family needy – I do not wish my estate to be administered on in the usual way. That is to have one or two Lawyers employed, get the Will into Probate Court, keep it there two or three year, pay out $500, Court cost $500, attorney fees $600, for Guardian ad litem, Printing fees Commissioners &c &c, and at the expiration of five years, declare the estate insolvent and turn my widow and Orphan children out upon the world, Cold charity, after the Husband & father having lost his life in defence of liberty, Justice and equality, for his posterity! – But that my executor immediately after my death simply have this instrument recorded in its proper place in the probate office of the County, and he the said E. W. Dinney as my executor is thereunto authorized and I do hereby authorize and impower him to proceed to collect all debts due me, by note, account or otherwise, and out of the same to pay all my just debts – the same being proven and presented according to Law – and should there not be a sufficiency to pay my just debts – he will, with the assistance of two or three disinterested persons proceed to set a side the out of property allowed my Wife and children and sell the balance to the highest bidder in such a way as will be to the best advantage for my family and creditors, or at least enough thereof to pay all just demands against Me and my Estate the Executor compensating himself amply for his trouble – and the balance of my estate real and personal of any and all discriptions I will and bequeath to my beloved wife Paulina Townsend, during her natural life, or widowhood, and at her death or Marriage it is my Will that the entire of my Estate be equally divided between my Children by the said Paulina Townsend

It is further more my will that she during her natural life or widowhood, have the power and she is hereby impowered and authorized to sell all or any part or parcel, of any property personal or real – which it may be to the interest of her and the Children to dispose of provided however that the proceeds of such sale be reinvested advantageous to Her and her Children by me – and her title and conveyance in such sales shall be lawful and good – It is furthermore my will, that my Executors E. W. Dinney, shall not be required to give Bond and Security for his faithful carrying out of this my last will and Testament, I require no such guaranty from so faithful a friend – But in case of his death before mine, or the provisions of this will is carried out – It is my will and desire that my Brother in law Thomas H. Skinner administer upon my estate and proceed to carry out my will as above written, In testimony whereof, I have hereunto subscribed My Name this 20th day of March in the year of our Lord Eighteen hundred & sixty Two, in presence of

Jos. A. R. Dinney
W. T. Dixon

Thos. A. Beverly Seal

State of Alabama } Probate Court of said County
Mascogo County }

In the matter of the Probate of the last will and Testament of Thos. A Beverly Deceased Before me Thos. J. Woolf, Judge of the said Court personally appeared in open Court James A. R. Dinney who having been by me first duly sworn and examined did and does depose & 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 Thomas A Beverly deceased, late an inhabitant of the county, That said Beverly did sign and executed said instrument on the day the same bears date in his presence and in the presence of the other witness that such other witness subscribed his name as a witness in the presence of testator & in the presence of deponent

on the day the same bears date as subscribing witness to the same in said testator then declaring that said instrument constituted his last will and Testament. 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 said date of said will, of the full age of twenty one years and upwards.

Sworn to & Subscribed
before me this 24 day of
November 1866
Thos. D. Woolf
Judge.

Eanus A.K. Bunny

Will of Eli Swearengen

State of Alabama Marengo County

Know all men by these presents that I Eli Swearengen of the State and County above written in consideration of the love and affection I bear them, do hereby give grant and convey unto my two sons Eli Swearengen and Martin Van Swearengen the following described property to wit— "the slaves Old Bristol 1 Nancy 2 Alexander 3 Sold 4 Nat 5 Jim 6 Fed 7 Henry 8 Darkey 9 George 10 Bristol 11 Tom 12 Sold 13 Hemritta 14 Lendrid 15 Vicy 16 Nathan 17 Robert 18 Lucy 19 John 20 Susan 21 Sarah 22 Sold 23 and Sold 24 Also all my horses, mules cattle, hogs, farming tools & house hold and kitchen furniture, to have and to hold the same to their joint use until my youngest son Martin Van is twenty one years old and then to be equally divided between them share and share alike I hereby appoint my trusty friend Eli N. Morgan Trustee and authorize him to take possession of the above named property immediately after my decease. Keep the same together and manage it to the best advantage for the joint use of my two sons as above until the youngest is twenty one years old and then cause the same with its increase to be equally divided between them share and share alike.

The above named trustee is hereby authorized to apply so much of the profits of the above named property as may be necessary for the maintenance and education of my two sons; and the remainder if any he may invest at his discretion in the way he believes most beneficial to them. Witness my hand and seal this day of

I Eli Swearengen gave to my Wife Arena Swearengen my wife all the property that she had when I married her namely, one Negro Name Bill and her husband. Said—
witness my hand & seal
This the twentieth day of
September Eighteen hundred
& sixty three

Eli Swearengen
B. F. Dunn
W. T. Haddox

State of Alabama } Probate Court of said County
Marengo County
In the matter of the Probate of the last will and testament of Eli Swearengen deceased.

Before Thos. D. Woolf Judge of the said Court personally appeared in open Court B. F. Dunn and W. T. Haddox who having been by me first duly sworn and examined did on oath 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 Eli Swearengen deceased late an inhabitant of this county: that said Swearengen deceased signed and executed said instrument on the day the same bears date and declared that he executed the same for the purpose therein contained and that affiant set their signature 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 affiant 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.
Sworn to and subscribed
before me this 2 day of
December 1866
Thos. J. Nash
Judge.

R. F. Dunn
W. F. McAddoy

Will of M. Jamison Decd

I, Mary Jamison of Marengo County and State of Alabama being of feeble health but of sound mind and disposing memory but conscious of the uncertainty of life and design of disposing of all my worldly effects, do hereby make and publish this as my last will and testament, hereby revoking and annulling all other heretofore made.

1st I direct that all my just debts be paid as soon as possible.

2d I hereby appoint John Grund of the of Demopolis my executor and I direct that he shall as my executor shall not be required to give any bond for the discharge of his duties as such executor as I depend and trust entirely to his honesty and individual responsibility.

3d – I give and bequeath to my friend William S. Gilmer of Clarke County all my stock of cattle in said County of Clarke

4th – I give to my said executor John Grund the amount due from Marion York the amount I do not know but John W. Figures of Clarke County does and will furnish the proof of that debt I further give to will John Grund my dark bay mare and also the money due me M. M. Wadsum amounting to about $1300 Thirteen hundred dollars – 4th I give and bequeath unto the persons now living on my lands in said County of Clarke, all of said lands to have and to hold to themselves and their heirs forever, I make this request because the parties living on said lands are poor and I do not wish them interfered with in any way. I do not know their names but give it equally to each family to be held for the benefit of said families and not to be sold till the youngest child of each family has arrived at the age of twenty one, when the then claimants may dispose of it as they please –

5. I give to John G. Olds the mare he now has and I release said John G. Olds of the debt he owes me.

6. I hereby make my said executor John Grund residuary legatee of my estate and do hereby give will bequeath to him all the balance of my property not herein before disposed of to have and hold to himself and heirs forever.

witness my hand this
17th day of November A.D. 1866
Signed and acknowledged
in presence of

M. Jamison

J. C. Ackerman

John Parr.
Z. D. Bitter

State of Alabama
Marengo County. } Probate court of said County

In the matter of the probate of the last Will & Testament of Mary Jamison Deceased
Before me Thos. J. Nash Judge of the court of Probate of said county personally appeared in open court J. C. Ackerman and John Parr, who having been by me first respectively duly sworn and examined did on oath 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 M. Jamison deceased, late and inhabitant of this county that said Jamison since deceased signed and executed said instrument on the day the same bears date, and declared the same to be his last Will & Testament and that affiants set their signatures thereunto 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 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
testator was on the day of the said date of said
Will of the full age of twenty-one years
& upwards.

Sworn to & Subscribed
before me this 14 Jany
1866
Thos. J. Woody
Judge

J. C. Ackerman
Ackerman Bruce
John Parr

Estate of
S. R. Ferrell
Will

To the Hon Thos J Woody as Judge
of the Probate Court of the County of
Marengo the State of Alabama.

The Petition of William F. Ferrell as Executor named
in the last Will of Leigh R. Ferrell. Respectfully
represents to your honor that the said Leigh R
Ferrell died during the year of 1864 – that at the
time of his death he was an Inhabitant of the said
State – left Property in the said County that by an
act of the legislature of the said State approved on the
9th day of December 1864 which is specially referred
to and prayed to be taken as a part of the Petition
your petition was fully authorized and empowered
to Probate the will of the said Leigh R. in the said
Probate Court and to take out letters testamentary
thereon and your honorable Court was vested
with Jurisdiction over the estate of the said Leigh
R. in all things in reference to the administration
thereof – that prior to his death on the 27th day
of May 1864 the said Leigh R Made executed and
Published a last Will and testament attested by
Jas T. Jones – Wm T. Turner and T K Coleman
as subscribing witness thereto – which is hereto
attached Marked as "Exhibit A" and prayed to
be taken as a part of this Petition that at that
time he was over 21 years of age and of sound Mind
the only surviving next of kin and his Brothers
your Petitioner George P Ferrell and sister Ann
H. Ferrell who reside in said County and Robert
A. Ferrell who resides in Perry County all over
21 years of age your Petitioner prays and
order & decree of your Honorable Court admitting
the said Will to Probate in manner and form
as by law required and that letters testamentary
thereon issue to him as Executor aforesaid W. F. Ferrell

Given under my hand this
Thos J Woody
Judge

Estate of
L. R. Ferrell
Will

In the name of God amen I Leigh R. Ferrell being of sound
body and mind but knowing the uncertainty of human life
do make and publish this my last will and testament hereby
revoking all others that I may have heretofore made. 1st I will
all my just debts to be paid 2nd I will and bequeath all my
property of every character and description whether real personal
or mixed either in possession or expectancy to my beloved Brother
William F. Ferrell in fee simple and forever to have and to
hold unto himself and his heirs without any limitation or
condition whatever 3rd I hereby nominate constitute and
appoint the said William F. Ferrell sole Executor of this my
last will and testament and require that he shall give no
Bond whatever for the execution of this my said will and
testamentary whereof I have hereunto set my hand and
affixed my seal this the 27th day of May one thousand Eight
hundred and sixty two

L. R. Ferrell (Seal)

attested by us in the presence
of the Testator & of each of us
Jas Taylor Jones
Wm T. Turner
T. K. Coleman

State of Alabama
Marengo County

Probate Court of said County
Before me Thos J. Woody judge of the
Court of Probate in and for said County and State came
in open Court Jas Taylor Jones who being by me duly sworn
says 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 L. R. Ferrell deceased late
an Inhabitant of Perry County That said Ferrell since
deceased signed and executed said Instrument on the
day the same bears date in his presence and in the presence
of W. T. Turner and T. R. Coleman the other witnesses thereto
that such other witnesses subscribed their names as witnesses
in his presence & in the presence of said testator and in the
presence of each other on the day the same bears date
the said testator then declaring that said instrument
constituted his last Will and testament – that said testator
was of sound Mind and disposing memory at the date of
the execution thereof and fully capable of making his said
Will and that he was of the full age of twenty one years

Sworn to & Subscribed
before me this 2nd day
of March 1867

Thos J Woody
Judge

James T. Jones

State of Alabama } I Thos J Wooldy judge of the Court of
Marengo County } Probate in and for said County hereby
certify that the within Instrument was this day in said
Court and before me as the Judge of said Court duly proven
to be the genuine last will and testament of L. D.
Terrell dec'd and as such the same has been duly recorded
in my office in Book of Wills B at Page 75
Given under my hand this 20 March 1867
Thos J Wooldy
Judge

Will of Green E. Jones

I Green E. Jones of the County of Marengo and State of Alabama being of sound and disposing Mind Memory and Understanding do Make publish and declare this to be my last Will and testament hereby revoking and Making null and void all former last wills and testaments and writings in the nature of last wills and testament by me heretofore Made My will is first – that my funeral Charges and just debts Shall be paid with the money on hand (if any) at my decease or with the first Money that comes into possession of my Executrix hereinafter named – And it is further more my will that the remainder and ballance of my entire Estate and property both Real personal and Mixed which Shall not be required for the payment of my just debts and funeral Charges – with the expenses attending the recording and Execution of this my last Will and testament – Shall belong to my beloved wife Mary E A Jones having full Confidence in her Skill and ability in Managing my Estate and Property to the best advantage and Interest for the Children of our Mutual affection – I will and bequeath it all to her together with all the Profits issues rents and increase thereof to have and to hold to her and her heirs executors and administrators to her and their use and behoof forever – She having full right and Controll of the Same – to buy property both real & personal and Sell property both real and personal Make debts and Collect them in and be Sued in her own name to do just as she thinks proper without any let or hinderance from any person or thing whatever She having the full Power and right to give off the Property at such time and in such quantities and quantities to our beloved Children as may in her Judgement seem best – and I do hereby nominate constitute and appoint my beloved wife Mary A Jones my Executrix to carry out this my last will and testament and I do further more will and request that she shall not be required to regularly determinate on my Bond but simply have this will and testament registered recorded and then take full possession of my entire estate and further more that she shall not be required to give bond and security for her faithful performance of this my last will and testament I leaving full Confidence in her to carry out my intentions &c In testimony whereof I the said Green E Jones have hereunto subscribed my name and affixed my seal this ninth day of February in the year of our Lord One thousand Eight hundred and Sixty Eight
G. E. Jones (Seal)

signed sealed and delivered by the said Green E Jones to be his last Will and testament in presence of us who at his request and in his presence have subscribed our names as witnesses hereto in the presence of each other
John A McMillan
Thos A Beverly
W. B. Modawell
B. F. Shields

State of Alabama } Probate Court of said County
Marengo County } In the Matter of the Probate of the Will of Green E. Jones dec'd Before me Thos J Wooldy Judge of the Probate Court of said County Personally appeared in open Court John A McMillian who being by me first duly sworn and Examined does depose and say on oath that he is a subscribing witness to the Instrument in writing now shown to him purporting to be the last will and testament of Green E. Jones late a Citizen of said County deceased that the said Green E. Jones 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 and in the presence of Thos A Beverly W. B. Modawell and B. F. Shields the other subscribing witnesses to said will and that he also at same time saw said subscribing witnesses sign the same as witnesses that said Testator was of sound mind and disposing memory and capable of making his will at the time the same was made as aforesaid and that said Testator was of full age of Twenty one years
John A McMillan

Sworn to and subscribed
before me Jany 11th 1867
Thos J Wooldy
Judge

Will of Wm P. Clileland decd

State of Alabama } In the name of God Amen!
Marengo County } I, William P. Clileland of the County of Marengo in the State of Alabama being of sound mind and disposing memory but weak in body and mindful that life is short and uncertain in its duration do make this my last Will & Testament as follows, to Wit,

Item 1 I give devise and bequeath all my real estate and all my personal property of every description and kind unto my beloved wife and dear children, charging my property with the payment of my debts and funeral expenses.

2 It is my will and desire that my beloved wife Mary shall be executrix of this my will, that she shall keep all my property together and manage the same unless it shall become necessary to sell the same or some part thereof to pay debts or for some other purpose and in that event I hereby ordain that she shall have full power and authority by this my will to sell and dispose of all my property both real and personal, upon first having the written approval of the sale from my son James Clileland; and she is hereby empowered to sell the same or any part thereof as she and my said son shall think best as aforesaid without getting any order to do so from the Probate Court. Doubly enjoined her to report the sale or sales, when made, to the probate Court.

Item 3. And lastly, it is my will that my property both real and personal be equally divided between my wife and children or invested again, which she is permitted to do, that each of them for whom invested shall have an equal share in the same. In testimony whereof I hereunto set my hand and affix my seal this the 1st of August 1857, eighteen hundred and sixty seven.

W. P. Clileland his X mark

Attest R. F. May
W. R. McDuffie.

Testimony

State of Alabama } Probate Court of said County.
Marengo County } In the matter of the Probate of the Last Will and testament of William P. Clileland deceased.

Before me Thos J Woolf Judge of the Probate Court of said County personally appeared in open Court W. R. McDuffie who being by me first duly sworn and examined did depose on oath and say that he is a subscribing witness to the instrument in writing now here shown to him purporting to be the last Will and testament of W. P. Clileland deceased, late a citizen of said County, that said Clileland 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 at his request therefore 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 that he, affiant, also saw Dr R. F. May the other subscribing witness to said instrument sign the same as a subscribing witness at the same time and that he the said affiant and the said R. F. May signed said instrument as witnesses together at the same time in the presence of the said testator and in the presence of each other and that said testator was about fifty three years of age, and of sound mind

Sworn to & Subscribed before me Augt 21st 1867.

W. R. McDuffie

Thos J Woolf Judge

Will of John Drinkard Decd

State of Alabama Marengo County March 6th 1866.
Know all men by these presents that I Jno Drinkard do this day give and devise to my son S. R. Drinkard the within named property to Wit. Land 120 acres, Stock one mule, eleven head of cattle thirty head of hogs seven or eight tons hundred and fifty (250) bushels of Corn two thousand (2000) pounds of fodder household and kitchen furniture, also all notes and accounts held by me against any person or persons for and in consideration of the above mentioned real estate & notes & accounts I Jno Drinkard of the State and County aforesaid do give and bequeath to my son S. R. Drinkard his heirs and assigns during their live to protect and provide for me all respects myself wife and my daughter Fanny during our natural lives. All deeds of conveyance or will made or granted before or after this date is hereby revoked and is null and void and this will or deed of conveyance which I have now made or caused to be made is a true and correct one and made entirely by my will and concurrence and while I am in my proper mind

Witness O P Slater
T. R. Robison.

Jno his X mark Drinkard (Seal)

Testimony

The State of Alabama } Probate Court of said
Marengo County } County. — In the matter of the Probate of the last Will and testament of John Drinkard deceased. — Before me Thomas J Woolf Judge of the said Court personally appeared in open Court O P Slater who being by me first duly sworn and examined did and does depose & say on oath that he is a subscribing witness to the instrument of writing now shown to him

which purports to be the last Will and Testament of John Dunkard deceased late an inhabitant of this County. That said Dunkard since deceased signed and sealed said instrument on the day the same bears date and declared the same to be his last Will & testament, and that affiant set his signature thereto on the day the same bears date in the presence of said testator & in the presence of T R Robison the other subscribing witness. That said Robison signed his name in his presence and the presence of said deceased and at his request & that said deceased also signed his name by making his mark in the presence of said affiant & of said T R Robison. That said testator was of sound mind & disposing memory & 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 & Subscribed before me this 9 day of Sept 1867

O. P. Slater

Thos J Woolf Judge

Admitted to probate & Recorded 9 Sept 1867

Thos J Woolf Judge

Will of Wm E H Nelson Dec'd

In the name of God Amen — I Elizabeth H Nelson of the County of Marengo 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 & discharged the residue of my estate real and personal I give and bequeath to my two daughters Sally Harrison Nelson and Mary Minge Nelson to be divided equally between them share and share alike. I hereby revoke constitute and appoint my son Hugh Nelson to be executor of this my last Will and Testament — In witness whereof I have hereunto subscribed my name & affixed my seal this 8th day of June in the year of our Lord one thousand eight hundred and sixty-seven.

Elizabeth H Nelson (Seal)

The above written instrument was subscribed by the said Elizabeth H Nelson in our presence and acknowledged by her to be act of us and at the same time declared the above instrument to subscribed to be her last Will and Testament and we at the testators request and in her presence have signed our names as witnesses hereto.

David Minge

Robt H Minge

(over)

Testimony

State of Alabama } Probate Court of said County
Marengo County } In the matter of the Probate of the last Will and testament of Elizabeth H Nelson deceased, Before me Thomas J Woolf Judge of the Court of Probate in and for said County and State personally appeared in open Court Robt H Minge who having been by me first duly sworn and examined and doth depose and says 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 Elizabeth H Nelson deceased late an inhabitant of this County: That said Nelson testatrix deceased signed and sealed 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 a subscribing witness to the same in the presence of said testatrix and in the presence of David Minge the other subscribing witness thereto, that each other subscribing witness signed his name as a witness in the presence of said testatrix & of this affiant and that said Testatrix signed her name to the same in the presence of each other witness on the day the same bears date, That said testatrix was of sound mind & disposing memory and in the opinion of deponent 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 the full age of twenty-one years of age and upwards.

Robt H Minge

Sworn to & Subscribed before me this 1st October 1867

Thos J Woolf Judge

The forgoing will admitted to probate and recorded 1st Day of October 1867.

Thomas J Woolf Probate Judge
Marengo County Ala.

Will of Alexander Hausmier Dec'd —

Being fully aware of the uncertainty of man's existence, and being in full enjoyment of my mental faculties with the grace of God, the following is my last Will and testament and candid expression of my sentiments —

I leave this world with with friendly & kind feeling towards all and every person, wishing peace and contentment to all. I die with firm belief in the adorable tenets and admirable precepts of the holy Catholic Church, rendering my soul to God, and praying humbly for his pardon.

I give and bequeath to my devoted and beloved wife Adele, Baroness Westrodt Hausmier, for her life-time all and every kind of property either real or personal that may be my own at the time of my death, with full power and authority to sell, [illegible] dispose of, or any part or parcel thereof, and to