

at a Court held for the County of Southampton the 17th day of August 1829.

Mr. Justice Kerrings purporting the last will and Testament of Thomas

Morris and was presented in Court on date the 31st March 1829 and the other date the 25th July 1829 were offered for probate. The Court after examination of Henry White not respecting the said writings are of opinion that the Testator at the time of executing the writing bearing date the 25th July 1829 was not of full legal mind and memory. Therefore it is considered that the said writing bearing date the 25th July 1829 is null and void and it appearing to the said Justice of the Court that at the time of executing the writing bearing date the 31st March 1829 was found and appearing mind. And the said writing being proved by the oath of James W. Parker and Richard Darden two of the Witnesses thereto it is ordered to be received as and for the true last will and Testament of the said Thomas Morris and in the making of 1829 James Darden the Executors therein named (James W. Parker the Executors therein named appeared in Court and refused to take upon themselves the burden of the execution of said Will who made said will and together with Richard Darden and Peter Edwards his heirs and assigns and acknowledged a Will in the penalty of dollars and above as the Law directs Certificate is granted him for obtaining a probate thereof as and from

Wm. James Parker & Co.

Feb. 18th 1829 The State of Alabama

Will

Morris County

Be it remembered that I John Ely of the State and County aforesaid do declare and pronounce this to be my last will and Testament, declaring of my Estate in the following manner.

Item 1st I give unto my relation and particular friend Ely Atkinson my two negro boys one and Henry and my horse saddle and bridle and all my tools and effects which I have about me.

Item 2nd I give to my brother Will Ely all the money arising from the sale of my tract of land in the State of Virginia except two hundred dollars which my brother aforesaid must give unto my agent James Clayton of Virginia exclusive of his commissions for his services. If my land is not sold it is my wish that my brother aforesaid have his choice either to keep the land and pay the two hundred dollars to my aforesaid agent or have the land sold.

Item 3rd I do hereby constitute and appoint my friend and relation Ely Atkinson my lawful Executor of my last will and Testament. In Witness whereof I have hereunto set my hand and affixed my seal this 9th day of October 1828.

Witness

Francis L. Latta

Wm. L. Waller

(Signed) John Ely. (Read)

State of Alabama November 8th 1829

Morris County

Then personally appeared before me John W. Taylor Judge of the County Court for said County the above named Francis Latta who being duly sworn deposed and said that he saw the above named John Ely sign and publish declare and deliver the above and foregoing Testament at his last Will and Testament. That the said John Ely at the time of signing and delivering the same was of legal mind and memory and that he signed the same as a subscribing Witness in the presence of some persons and an expresser of said William L. Waller the other subscribing Witness and that the said Waller sign the same as a subscribing Witness and that he likewise had the same as the request of said John Ely.

Given to hand, subscribed the day and

Year above written

John W. Taylor Judge

County Court at C.

(Read)

(Sg.) James Latta