

my. will and Testament of Bryant Avery deceased, late an inhabitant of this County; That said Bryant Avery 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 of each other: 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 aforesaid. Affiants further state that said Testator, was on the day of the date of said will, of the full age of twenty one years and upwards.

Sworn to and Subscribed before
me this 23^d Novr 1868,

O. Gayle Smedecor
Clerk Probate Court

A. J. Robinson
H. T. Hood

John M Bryan dec^d } In the name of God; Amen.
Last Will and Testament } I, John M Bryan of the State of North
Carolina and County of Craven being in good health and
of sound mind, memory and understanding but considering
the uncertainty of this transitory life do make and declare
this as and for my last will and testament in manner and
form as follows
First I direct that all my just debts be paid and that my
Executor sell on a credit of six months all my stock and
all I possess except my negroes and land that I may own
at my death First I give to my Cozen Sarah J. Lovemier
Six negroes Alexander and his wife Siller and three Children
Sylvester, Rhody & Sam and Girl Rose to her and her heirs
all the rest of my negroes I direct to be hired out for two years
I give my Cozen Sarah J. Lovemier five thousand dollars in money
I also give my Executor one thousand Dollars in money.
I direct my Executor to use the money that arises from the
sale of property directed to be sold by this will and all the
money, notes and accounts that I may have at my death to
pay to Sarah J. Lovemier five Thousand dollars given as
above to her, and one thousand given to him. then at the end
of two years I loan to my niece Elizabeth Dudley, the fol-
lowing negroes, negro man Ben Smith, negro man Tom negro boy
Dilas negro boy Miles negro boy Dick negro boy Alex brother to
Dick and allen negro boy Allen negro girl Amy negro girl
Cassy negro girl Crissy. and after her death my will is that

Bryan.

all the negroes loaned to Elizabeth Dudley be equally divided among her children to them and their heirs. I give to my niece Sally Ann Bryan four negroes named Jack and his wife Lemmy and her son Bill and her daughter Harriott to her and her heirs. Should the sale of my property directed to be sold by this will and the hire of my negroes money notes and accounts fall short of paying legacies directed to be paid in money, then and in that case I direct my Executor to sell as much of my property not heretofore given away as will pay the legacies directed to be paid. All the rest of my negroes and all the rest residue and remainder of worldly goods and effects I give and bequeath to my niece Elizabeth J. Pearce and her six children, to wit; - Eliza Ann Augustus & Sarah & Mary B. Lydia S. & Louisa Pearce to be equally divided among them. I nominate and appoint my worthy and trusty friend Hardy B. Lane Executor to this my last will and Testament hereby revoking all former will or wills by me made. February the 15th A.D. 1850.

Signed & Sealed in the
presence of
Jerch N. Allen
Z. Slade

John M. Bryan (Seal).

Commission

The State of Alabama } Probate Court
Hale County } Nov. 16th 1868.

To Alexander Justice Esq, Alonzo J. Jenkins and Fredrick Jones Sr. of Newbern, State of North Carolina.

Know ye, That we, reposing especial trust and confidence in your ability, integrity and prudent circumspection, do, by these presents, constitute and appoint you Commissioners to take the deposition of Z. Slade of Newbern North Carolina to be read as evidence in a matter now pending and undetermined in the Probate Court of Hale County State of Alabama in which an instrument in writing, purporting to be the last will and testament of John M. Bryan dec^d is propounded for probate, to be heard on Tuesday the first day of December 1868. - You will therefore call and cause to come before you, or either one of you, the said witness who, after being by you first sworn, to speak the truth, the whole truth and nothing but the truth, you will diligently examine him touching and concerning his knowledge in relation to the said matter, and reduce the answers of the witness to the interrogatories herunto annexed, to writing, as near as may be in the language of said witness and such deposition when completed you will send Certified as required by the Statute, enveloped, together with the Commission and said interrogatories, and any document which may have been deposed to, sealed and directed to the Judge of the Probate Court of Hale County, Alabama, with all practicable speed.

with the title of the cause endorsed on the envelope.

Witness W. T. Blackford Judge of said Court this 16th day of November 1868

W. T. Blackford
Judge of Probate

State of Alabama } To Special Term
Hale County } December 1st 1868.

In the matter of the application of Augustus J. Pearce }
for the Probate of the last will and testament of John M. }
Bryan deceased late of said County and State

Interrogatories to H. Slade of New Berne North Carolina, the answers to which when taken are to be read in evidence in favor of the application for the admission to Probate of a certain paper offered into Court by Augustus J. Pearce, as the last will and testament of John M. Bryan deceased of Hale County, Alabama.

Indy 1st - Were you acquainted with John M. Bryan formerly of New Berne North Carolina and afterwards of Hale County State of Alabama? If "Yea", - when and where did you know him, and is he at this time alive or dead to the best of your knowledge and information?

Indy 2nd - Were you ever called upon by John M. Bryan, in his life time, to witness the execution of any paper, purporting to be the last will and testament of the said John M. Bryan deceased? If "Yea", did you do so? and when and where? Have you ever seen that paper since that time? If you have, when and where? Examine the paper attached to these interrogatories, and say, whether or no, the same is not signed by John M. Bryan? And, whether or no, you did not see him sign it? And, whether or no, he signed the same in your presence, and in the presence of Jere N. Allen? And, whether or no, you and Jere N. Allen did not sign the said paper as witnesses to the signature of John M. Bryan, and at his request? State, whether or no, John M. Bryan, did or did not declare to you and Jere N. Allen, that this said paper was his last will and testament and request you to witness the execution of the same, as such last will and testament, and if you did not do it?

Indy 3d. Were you acquainted with Hardy B. Lane? If "Yea", is he dead or alive? If dead, when did he die? Were you acquainted with Jere N. Allen? If "Yea", is he alive or dead? If dead, when did he die?

Indy 4th - Do you know any further circumstances or facts tending to show that the paper hereunto annexed, was

Bryan.

written, signed, witnessed and published by John M. Bryan deceased, in his lifetime, as his last will and testament? If "yes" state them as fully as if you were specially interrogated

McGee & Foster Attys
for probate of the will.

Deposition.

John M. Bryan dec'd
In the matter of the
Probate of his will.

Deposition of L. Slade

By virtue of the Commission hereto annexed, issued from the office of the Judge of Probate of Hale County, Alabama, we Alonzo J. Jerkins and Frederick J. Jones two of the Commissioners therein named have called and caused to come before us the said L. Slade, (to us personally known) the witness named in said Commission between the hours of three and four o'clock this day at the office of Alexander Justice in the City of Newbern and State of North Carolina and having duly cautioned and sworn the said witness to speak the truth the whole truth and nothing but the truth, he the said witness deposeth and said as follows:-

To 1st Interrogatory he answers; I was. - I have known him in Newbern North Carolina since the year 1817. He is dead.

To 2nd Interrogatory. Yes, I did, in the store of Jeremiah N. Allen in Newbern North Carolina about the year 1850. I have seen the paper since, in September last I think. I saw it in this City at my house. The paper attached to the interrogatories is signed by John M. Bryan. I did see him sign it. He signed the same in my presence and in the presence of Jeremiah N. Allen. I and Jeremiah N. Allen did sign the same as witnesses to the signature of John M. Bryan and at his request. John M. Bryan declared to me and Jeremiah N. Allen that the paper was his will and testament and requested us to witness it as such, and we did so.

To 3d Interrogatory. I was acquainted with Hardy B. Lane. He is dead. He died about ten years ago. I was acquainted with Jeremiah N. Allen. He is dead. He died in the Spring of 1866.

To 4th Interrogatory. No.

Signed by

L. Slade

Now we Alonzo J. Jerkins and Frederick J. Jones the said Commissioners do hereby certify that the foregoing testimony and answers taken down and written by us in the words of the witness, were read over to him, that he assented, swore to and subscribed the same in our presence at the time and place herein mentioned, that we are not of Counsel, or kin to either of the parties to said Cause, nor interested in the event thereof. And we enclose the said

testimony, together with said Commission and the interrogatories direct and cross to the Judge of Probate whence the same emanated as our full execution of said Commission.

Given under our hands and seals this 25th day of November A.D. 1868.

A. T. Jenkins (L.S.)

Frederick J. Jones (L.S.)

Office Probate Court Craven Co

N.C. New Berne Sep 26th 1868. }

Personally appeared before the Subscriber Judge of Probate for Craven Co. N.C. Z. Slade who being by me duly sworn according to law, deposes and says, that Hardy B. Lane the Executor named in the foregoing will is dead.

Sworn and Subscribed to before me this 26th day of Sept A.D. 1868.

Z. Slade

J. Edwin West

(L.S.) Judge of Probate for Craven Co. N.C.

The foregoing will was filed in my office for Probate on the 4th day of November 1868.

W. T. Blackford

Judge of Probate

Thomas M. Johnston dec'd? The State of Alabama }
Last Will and Testament. } Hale County }

I, Thomas M. Johnston of the Town of Greensboro, County of Hale and State of Alabama do make and publish this my last will and Testament in manner and form following, that is to say —

First — I hereby constitute and appoint my esteemed friends Caswell C. Huckabee, Gray Huckabee and Gaston Drake my Executors to carry out this my last will and Testament. — I hereby invest them with absolute and plenary powers to manage my real and personal estate to the best of their judgement according to their own discretion in the same way as I would do myself.

Second — Having full confidence in the integrity, honesty and ability of my said Executors, Caswell C. Huckabee, Gray Huckabee and Gaston Drake, I hereby exempt them from giving any bond for the faithful administration of my estate and execution of my will, and request the Court not to demand any bond or security of them whatever.

Third — It is my desire that my said Executors pay all of my just debts as soon after my decease as possible