

Copyright. All rights reserved.
<http://www.usgwarchives.org/copyright.htm>
<http://www.usgwarchives.org/al/alfiles.htm>

File contributed for use in USGenWeb Archives by:
Eva Williamson Bisshi@aol.com June 13, 2008, 3:04 pm

Source: Bibb County Alabama Court House Written: March 19, 1873

Last will & testament at which time you can attend and contest the same if you should think proper to do so.

Witness my hand the 19th March 1873

Jackson Gardner

Judge of Probate

The State of Alabama } To the Honorable Jackson Gardner Judge of Probate in and
for the Bibb County } county and State aforesaid. The Petition of Alexander Avery sen and Arthur
Avery sen. [brothers of Henry Avery] respectfully represent unto your Honor that the late Henry Avery
who was an inhabitant of this county at the time of his death departed this life on the 1st day of March
1873 leaving a last Will and testament duly signed and published by him and attested by Alexander H.
James William P. Raglan and N. H. Thompson residents of Bibb County Alabama in which Will your
petitioners are named as the Executors there of and petitioners herewith produce said Will and
propound the same for probate and record in this court your petitioners further state that . That the
following is a correct list of the next of kin of said decedent together with their ages and residence
Towit. Alexander Avery Sen and Arthur Avery Sen your petitioners both of full age and residents of
Bibb County Alabama. William Avery of full age and resident of Georgia. Mary Cutts wife of James
Cutts both of full age and residents of Tuscaloosa County Alabama. The children of Thomas Avery
decd. Towit Henry Avery, William Avery, Alexander Avery, Jr. John Avery, Mary James, wife of C. F.
James. E.L. Avery F. M Avery all of full age and residents of Bibb County Alabama. The Children of
Samuel M. Avery deced. Towit Brooks Avery, Sarah Jane Avery, Della Avery all minors under
twenty one years of age and reside with their mother in Bibb County Alabama. The children of Samuel
Avery decd Towil Henry Avery of full age and resident of Baton Rouge La. The children of Sarah
WhiteHead decd all residents of Mississippi. Caroline Murf wife of Alexender Murf both of full age
and residents of Winston County Mississippi. Samuel Avery Thomas Avery and John Avery all of full
age and residents of Mississippi, Winston County. The heirs of the Estate of Catherine Cutts deced
Towit, Henry Cutts Ann Fulcher wife of Morgan Fulcher, Mary Golden wife of James Golden
_____ Avery wife of Nathaniel Avery, Jane Cutts, Paling Williams all of full age and
residents of Mississippi, Winston County. The heirs of the estate of John Avery decd Towit Henry
Avery, Bradley Avery , John Avery, Permelia Ducenberry all of full age and residents of Putnam
County Georgia, Mary Hill wife of John Hill. Catherine Little wife of Helop Little, Adaline Chapel
wife of Nathaniel Chapel. The heirs of the Estate of Ann Hudson all minors and residents of the State
of Mississippi. Wherefore your petitioners pray that a day be set for hearing this petition that due notice
thereof as required by law be given to the next of kin of said deceased and that such other proceds
ordered and decrees may be had and made in the premises and may be requisite and proper to effect the
due Probate and record of said Will according to law.
Sworn to and subscribed } Alex Avery

before me this the 18th day of March 1873 } Arthur Avery
Jackson Gardner Judge of Probate }

Alexander Avery and Arthur Avery Sens as the Executors of the last Will and testament of Henry Avery Sen deceased in account current on final settlement of their administration upon said Estate towit:
1873

July 23 To appraised value of property as contained in the Inventory 1650.00
To amount of cash on hand as contained in the Inventory 2150.00
1875 To amount recd. of J. L. Davidson in payt of Note Due Feby January 1st 1875 150.00
1875 To amount recd. of W. P. Ragland in part payt. of Note dated Jany Decr, 28th 1872 50.00
To amount reced of J.L. Davidson in part payt of Note due Jany 1st 1871 for \$2000.00
1335.60
To amount recd of J. L.Lightsey in part payt. of Note for \$300.00 Due Decr 25th 1873 150.18
To amount reced in part payment of court order dated May 1866
To amount reced in part payment of Note on James Clark dated Feby 20th 1869 for \$542.90
34.90
1874 To amount reced in part payment of Note on J.D. Cooper dated Jany 20th 1871 Jany 3rd for
\$1000.00 203.50

TOTAL FIRST PAGE \$5724.12

To Amount brought
forward \$5724.12
1874 To amount recd in full payment of Note on John Meggs Dated Jany 9th 1866 19.00
Interest on same 4.00
1874 To amount reced of O.S. Quinnin full payt of Note dated Decr Sept 1st 1869 & Due Jany
1st 1873 for \$100.00 100.00
Interest on same 16.00
July To amount reced. of E. Dobbins in full payt. of Note dated Decr. 2nd 1871 Due Jany 1st 1873
for \$860.00 860.00
Interest on same 100.00
Jany 12 To amount reced. of Jas M. Crawford in part payment of Note for \$300.00 dated Jany 21st 1869
40.00
To amount reced of J.N. Suttle in part payt of Note on J.N. Suttle & J.W. Suttle dated March
11th 1872 for \$250.00 300.00
Decr 22 To amount reced of Jas W.Crawford in full payt of Note on Jas w. Crawford & R.A. Steel for
\$1345.50 dated Jany 31st 1872 & due Feby 1st 1873 1345.50
Principle Interest on same 67.50
To amount recd of Jas W. Crawford in full payt of Note on Jas W. Crawford & R.A. Steele for
\$3300.00 dated Jany 1st 1872 & due Feby 1st 1873 3300.00 Principle Interest on same 499.04
To amount reced in part payment of Note on J. L. Davidson dated Many 26th/72 & due Decr
1873 for \$1000.00 1100.00
To amount recd. in part payment of Note on J N. Smith dated July 2nd 1868 Due April 1st 1875
for \$246.25
To amount reced of William McNeil in part payment of Note dated Decr 28th 1872 & Due Jany

1st 1874 for \$332.60

PAGE TOTAL 2nd
13,475.16

1874	To amount reced of J. N. Smith in part payment of Note for \$33.00 Dated February 2nd 1868 & due April 1st 1871.	33.00	
	Principle Interest on same	7.00	
	To amount received of R, McIlvain in part payment of Note dated Fery 3rd 1873 & due one day after date for \$11,00.00	617.25	
	To amount received of C. M. Avery on note dated August 1st 1866 for \$50.00	50.00	
	Interest on same	28.00	
	To amount recd of S.P. & C. P. Bambry on Noted on Note Jany 26th 1871 for \$200.00		69.69
	To amout recd of Jno. s. Gardner in part payment of notes	2.05	
	TOTAL RECED IN CASH	\$14,282.15	
	BY CREDITS TOTAL	1147.00	

TO TOTAL AMOUNT FOR DISTRIBUTION AMONG THE LEGATEES 13,135.15
To Total amont in notes on divens persons brought from page 5 for distribution \$6830.55

Said administrators Charge themselves with the following described notes
belonging to said Estate which have not been collected To wit

DATE

Dr-Feby 1st 1869	To 1 Note on L.W. & S. Frager for	100.00
Jany 17th 1871	To 1 Note on Charles Avery	27.00
Jany 1st 1871	To balance on Note of S. W. & J. L. Davidson Prin.	664.32
Feby 29th/71	To 1 Note on W. P. Ragland	50.00
Oct 29th/72	To balance on J. L. Lightsey & E. P. Cruise Note Prin	149.82
Mch 18th/72	To 1 Note on J. S. Gardner	33.34
" 18th 1871	To 3 Notes on J. S. Gardner \$50.00 each	150.00
Jany 21st 1869	To 1 Note on J. S. Gardner	153.50
	To 5 Notes on J. S. Gardner	225.68
	To balance one on County order	
Feby 20th 1869	To balance due on Note on Jas B. Clarke	508.00
Jany 20th 1871	To balance due on J. D. Cooper Note Prin	796.70
Mch 6th 1872	To 1 Note on J. C. Lee	200.00
" 1871	To 1 Note on S. W. Steel & O. S. Quinn Prin	40.00
Jany 26th/71	To 1 Note on P & C. P. Bambrey	200.00
	To 2 Notes on J.N.C. Brown \$50.00 each	100.00
Aug 6th 1866	To 1 Noted on B. Stevens	94.24
Jan 1st/69	To balance due on Note against Jas W. Crawford Prin	260.00
Mch 26th 1872	To 1 Note on Jas. G. L. & C.M. Henry	2500.00
July 2nd/68	To balance due on J. N. Smith's note	
Dec 28th/72	To balance due on Wm McNeil's note	
Dec 1st 1873	To 1 Note on P. Burdishaw	95.95
Feb 3rd 1873	To balance due on Robt. McIlvain's Note Prin	482.75

NOTES TO TOTAL AMOUNT IN
6830.55

The administrators Claims the following sums of money paid out for the use of said Estate. Towit -

Cr

By amount of Court Cost	Vo	
1	97.00"	Attorney fee for Probating Will "
2	25.00"	Executors Commissions "
4 "		Attorney's fee in final settlement "
5	25.00	

" Executors Commissions on \$20,000.00 which is less than the Total amount of the Estate as per acct. in cash \$14282.15 in Notes \$6830.55 which being added togethe makes the sum of \$21112.70 to say noting about the property which was distributed to the legatees which will more than make up for the insolvent notes mentioned and included above.
\$1000.00

By Total _____
Credits
\$1147.00

The following is a correct list of the legatees of said Estate together with their ages residences & amount paid each one To wit:

- 1 Arthur Avery of full age & a resident of Bibb County Alabama, Amount paid him under the Will 500.00
- 2 Henry Avery of full age & resident of Bibb County Alabama Paid in his own Note & Property
- 3 Mary Cutts wife of James Cutts both of full age & residents of Tuscaloosa County Alabama 500.00
- 4 Alexander Avery and John Thomas Avery both of full age & residents of Bibb county Alabama Paid in Property
- 5 Francis Marion Avery of full age & resident of Bibb County AL Paid in Property
- 6 Richard Samuel Avery over twenty one years of age and a resident of Bibb County Alabama Paid in Property
- 7 Nancy Jane Avery a minor under twenty one years of age & resides in Bibb County Alabama Paid in Property
- 8 Josephine Avery a minor under twenty one years of age& resides in Bibb County Alabama Paid in Propert
- 9 William Avery of full age & resident of Bibb County Alabama Paid in Property
- 10 Alexander Avery of full age & resident of Bibb County AL Paid in his own note
- 11 John T. Avery Sen. of full age & resident of Bibb Co. AL 250.00
- 12 Elber Lee Avery of full age & resident of Bibb Co. AL 150.00
- 13 Mary James wife of C F James both of full age & both residents 250.00 of Bibb County Alabama
- 14 James Avery of full age & resident of Winston County MS. 87.50
- 15 Nancy C. Murf & A.W. Murf both of full age & residents of Winston County Mississippi 87.50

16 John Avery of full age & Resident of Lafayette County MS 87.50
 17. T.M. Avery of full age & resident of County Mississippi 87.50
 18 Mary Hill wife of John Hill both of full age & both resident of Winston County Miss. 87.50
 19 Henry Avery of full age & resident of Baton Rouge Louisiana 87.50
 20 Adaline Chapel wife of Nat Chapel both of full age & residents Winston County Mississippi 87.50
 21 Catherine Liddell wife of Helop Liddell both of full age and residents of Winston County Mississippi 87.50
 22 Samuel W. Avery of full age & resident of County Miss. 87.50
 23 Emiline Spencer wife of J.U. Spencer & both of full ate & residents of Bibb County Alabama 250.00
 24 H.W. Avery of full age and a resident of Bibb County Alabama 200.00
 25 C.M. Avery of full ae & resident of Bibb County Alabama \$250.00 in money \$50.00 in note 300.00
 26 28 Catherine Avery of full age and resident of Winston Co. MS 250.00
 26 Mary A Golden of full age & resident of Winston County MS 83.33
 27 H. A. Cutts of full age & resident of Winston County MS 83.33
 28 Jane Cutts of full age & resident of Winston County MS 83.33
 29 Palina W. Williams of full age & resident of Winston Co. MS 83.33
 30 Ann E Fulcher wife of Fulcher both of full age & residents of Winston County Mississippi 83.33
 31 Caron Golden wife of William Golden both of full age & residents County Mississippi 83.33
 32 Permelia Jane Ducenberry of full age & resident of Putnam County Georgia 250.00
 33 William Avery of full age & resident of Fulton County GA 750.00
 34 Alexander Avery sen of full age & resident of Bibb Co. AL 2000.00

The State of Alabama } Personally appeared before me Jackson Gardner Judge of Probate Bibb
 County } in and for the County and state aforesaid Arthur Avery Sen one of the Executors of the
 last will and testament of Henry Avery Sen. deceased who being duly sworn says on oath that the
 foregoing account is a full and complete statement of all the assets which come into his hands as
 Executor as aforesaid belonging to said Estate & that he has not used any of the funds of said Estate for
 his own personal benefit --
 Sworn to & subscribed before me Arthur Avrea
 this the 29th day of March 1875
 Jackson Gardner
 Judge of Probate