

Lowndes County Archives Wills.....Tyson, Archibald August 5,

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Archives by:Carolyn Golowka lowndesgengal@gmail.com March 28, 2010, 5:41 pm, Source: Lowndes

County Will Book C, Pages 132-135Written: August 5, 1872Recorded: August 3, 1874The State of

AlabamaLowndes County, In the name of God, Amen.I, Archibald Tyson, of the County and State

aforsaid, being of sound, disposing mind and memory do make, constitute, ordain and publish this my

last will andtestament and hereby revoking all others.Item 1st: I will and direct that as soon after my

death as may be, myExecutors, hereafter mentioned, shall pay all my legal and just debts, out ofany

funds belonging to my Estate that may be in their hands.Item 2nd: I give and bequeath to my beloved

wife, Sarah J. Tyson, my residenceand all out buildings at Lowndesboro, and the parcel or lot of land

theretoattached containing fifty acres, more or less, and known as the Beasleypurchase, together with

all my household and kitchen furniture (except thepiano, one set of bedroom furniture) my carriage and

double buggy, a pair ofharness, horses of the value of four hundred dollars, and ten thousand

(\$10,000)dollars in five twenty-United States Bonds, all of the above property both realand personal to

be her free, sole and separate property to dispose of as she maythink best. I also give to my beloved

wife, a one-half interest in myplantation near Lowndesboro, known as the Hearne place, containing five

hundredand ninety acres, more or less, also the same one-half interest in all thestock, horses, mules,

plantation tools and farming implements in the place, saidhalf-interest to be held in common with my

son John Caius Tyson, each to shareand share alike in the profit and loss of the plantation for the period

offifteen years to commence on the first day of January eighteen hundred andeighty-eight, but in case

my wife should die before the expiration of fifteenyears as above stated, then all her interest in said

property, both personal andreal shall descend and rest in and to my son, John Caius in fee.Item 3rd: I

further give and bequeath to my son Archibald Pitt Tyson, Fivethousand (5,000) dollars of stock in

Second National Bank of Montgomery,Alabama, also my iron safe or chest, and relinquish to him all my

right andsupposed right, title and claim to the place known as the Simms place, and allthe stock,

plantation tools and farming implements thereon of every kind.Item 4th: I further give and bequeath to

my son, W. Lowndes Tyson, my house anlot near Lowndesboro, known as the Williams place, containing

fifty acres, moreor less, together with all buildings, improvements or appurtenances

thereuntobelonging; also two thousand (\$2,000) dollars in currency and four thousand(\$4,000) in five

twenty-United States Bonds; also my single buggy and harnessall to his use in fee. Item 6th: I further

give and bequeath to my son, Labon W. Tyson, five thousand(\$5,000) dollars in bonds of the North and

South Rail Road Alabama; Fourthousand (\$4,000) dollars, in stock of Second National Bank,

Montgomery,Alabama, and one thousand (\$1,000) in currency, also one-half interest and titlein my tract

of land known as the Warren & Caldwell place in Lowndes County,Alabama, containing eleven or twelve

hundred acres, also one-half right andinterest in all the stock, plantation tools and farming implements

on the place,also one-fourth interest in the steam mill on the place all to his use in fee.Item 7th: I further

give and bequeath to my daughter, Sallie M. Tyson, for herown sole and separate use Five Thousand

(\$5,000) Dollars in currency to beinvested for her use in some good and safe paying stock or bonds, also

sixthousand (\$6,000) dollars in five twenty-United States Bonds, also the piano inmy parlor, also the set

of bedroom furniture purchased for her and now in myresidence. I also give and bequeath to her (Sallie)

for and during the term of her natural life, and after my death, to her legal heirs, a certain house and lot in the City of Montgomery, Alabama, in Northwest corner of Washington and Bibb Streets, fronting Two hundred feet on Washington Street and one hundred and sixty feet on Bibb Street, bounded on the south by a brick wall, two hundred feet and on the east by a brick wall one hundred and sixty feet, and known as the Bibb or Harrison place, together with the residence and all out building on said lot. Item 8th: I further give and bequeath to my son, Shem Arthur Tyson the one-half right and interest in my plantation known as my Swamp place in Lowndes County, Ala., containing about seventeen hundred acres, more or less, together with one-half of all the stock, mules, horses, plantation tools and farming implements of every kind on the place also give and bequeath him Eight thousand (\$8,000) dollars in currency to be invested in some good and safe paying stock or Bonds, also Three thousand (\$3,000) dollars in five-twenty United States Bonds, all to be his separate use. Item 9th: I further give and bequeath to my son Jones Archibald Tyson the other one-half of my Swamp place as described in Item Eight, above, and the other one-half interest in all the stock, horses, mules, plantation tools and farming implements of every description on the place, also give him Eight thousand (\$8,000) dollars in currency to be invested in some sound and safe-paying stock or Bonds, also three thousand (\$3,000) dollars in five-twenty United States Bonds, and also my gold watch, all for his separate use. Item 10th: I further give and bequeath to my daughter, Mary Elizabeth Tyson, a certain lot or parcel of land in the city of Montgomery Alabama, lying and situated in the southeast corner of Melton and Bib Streets, fronting two hundred feet on Walton street on the west, bounded on the north by a brick wall two hundred feet in length separating the lot from the one bequeathed and described in Item seventh above, bounded on the east by a wall one hundred and forty feet in rear from Walton Street together with all buildings, improvements of every kind thereon, for and during the term of her natural life, and after her death to her legal heirs I further give and bequeath to her (Mary Elizabeth) as her own sole and separate property in fee, six thousand dollars (\$6,000) in currency to be invested in some safe and sound interest bearing stocks or Bonds for her use. Item 11th: I further give and bequeath to my son John Caius Tyson, the other one-half right and interest in the plantation near Lowndesboro, known as the Hearne place, also one-half interest in all the stock, horses, mules and plantation tools of every description the place in common with his mother and according to the limitations and conditions annexed and stated in Item second above. I further give to him (Caius) one thousand (1,000) dollars in stock of Second National Bank of Montgomery, Ala., also five thousand (5,000) dollars in five-twenty United States Bonds and then thousand (10,000) dollars in currency to be invested for him in some safe and solvent interest, bearing stocks or bonds also I desire he should have and give unto him my gold-head cane or walking stick. Item 12th: Knowing the transient and uncertain nature of all earthly things, and being desirous that no act of mine shall deprive any of my children from their due share and enjoyment of my Estate, I therefore will and direct that in the event that the title to any of my property herein bequeathed shall prove defective or bad and thereby prove a loss or value or amount to either or any of my children, the value or amount so lost shall be made good to him or her by a proportionate share from each of the other distributees. Item 13th: I further will and direct that after payment my just debts and distributing and setting off the legacies herein above described and bequeathed, that the remaining portion of my Estate, if that should be, shall be equally divided among my children, to share and share alike. Item 14th: Having confidence in the integrity and judgement of my wife, Sarah J. Tyson and my son Archibald Pitt Tyson and my brother John a. Tyson, I hereby nominate them and appoint them as my Executors and it is

my will and desire and so direct that they be required not to give bond for the performance of their executive duties. Item 15th: I further will and direct so far as I can and request that my beloved wife, Sarah J. Tyson shall be appointed and act as the Guardian of the persons of all the minor children, and that my brother, John A. Tyson, shall act as Guardian of the property of my sons Arthur and Jones Tyson during their minority, and that my son, A. Pitt Tyson be appointed and act as Guardian of the property of Mary Elizabeth and John Caius Tyson during their minority. In witness whereof, and in the presence of two witnesses, I have hereunto set my hand and affixed my seal on this, the fifth day of August Eighteen hundred and seventy-two. In presence of Arch'd Tyson [Seal] Shemei Gresham C. C. Howard State of Alabama Lowndes County Whereas, I, Archibald Tyson, did make and sign the foregoing distribution of my property, after my death, as my last will and testament, at the date thereof, and since which time I have learned and known the uncertainty of collecting notes or bonds, the fluctuations and changeableness of each par value in shares, bonds, stocks, etc. and now being in like condition of mind and body for disposing I wish and desire and hereby make the following changes as an amendment or codicil to my said Will repealing or annulling the former distributions of these special items only. 1st: Where I have bequeathed to each of my distributees a certain specified amount of land, stock, shares, etc., I will and direct, 1st: That my Executor in the settlement or distribution of my property among my distributees shall ascertain at the time of settlement the current par value of all United States, or railroad bonds, bank stock or shares (specially bequeathed) and from said amount of current par value of said stocks or bonds, and distribute and pay as follows: To my wife, Sarah J. Tyson, the one-eighth part, to my son W. [A.] Pitt Tyson one-twentieth part, to W. Lowndes Tyson, one-sixteenth part, W. Labon Tyson, one-tenth part, S. Arthur Tyson, one-tenth part, Mary E. Tyson, one-eleventh part, to Jones A. Tyson, one-tenth part, to John Caius Tyson, one-eighth part, the remainder, each to share and share alike. Item 2nd: Having confidence in my son, W. Lowndes Tyson, I hereby nominate and appoint him as one of my Executors upon a like term and conditions of those heretofore selected and nominated. Given under my hand and seal this the eighth day of November, Eighteen hundred and seventy-three. Signed in presence of J. H. Howard Arch'd Tyson Shemei Gresham. The State of Alabama Lowndes County Having made and executed my last will, bearing date the fifth day of August, 1872, witnessed by Shemei Gresham, and C. C. Howard, and a Codicil annexed thereto bearing date the 8th day of November, 1873, witnessed by J. H. Howard and Shemei Gresham, I being still of sound disposing mind and memory, make and declare this to be my second Codicil to said Will, the same being intended as an explanation of my intention in certain clauses of my said will and first Codicil. Item 1: My intention in reference to the plantation known as the Hearne place, and the stock of horses and mules, plantation tools and farming implements thereon and mentioned and disposed of in Item 2 and 11 in my Will is that my beloved wife, Sarah J. Tyson, and my son John Caius Tyson shall each have and enjoy an undivided half-interest in said real and personal [property to use and enjoy in common until the first day of January 1888, unless my said wife shall depart this life before that time, and at the death of my wife, or the first day of January, 1888, whichever shall first occur, said property real and personal, shall rest absolutely in my said son, John Caius Tyson. Item 2: In item 3 and 5 and 11 of my said will, I speak and dispose of certain stock in the Second National Bank of Montgomery, Alabama, my meaning and intention act to express and dispose of stock in the Merchants and Planters National Bank, doing business in Montgomery, Alabama item 3: In dividing in Item 5 and 6 a plantation thereon described as the Warren and Caldwell place, my intention is to embrace and devise the entire adjoining tract, including about four hundred and twenty acres known as the Moore tract. Item

4: In directing in Items 7, 8, 9, 10, and 11 of my will that currency therein bequeathed, shall be invested in stock or bonds, my meaning and intention are that my Executors or whoever of them may be acting in that capacity are to execute these clauses of my will and are to use their discretion therein: and may, from time to time change the investments, as their judgement of the safety or productiveness of the fund may dictate, and they are not to be held accountable for losses that may accrue from errors in judgement.

Item 5: My intention in Item 12 of my will is that in the event of loss to any of my children as therein provided, then the shares of each of my children provided for in said Will, including the one or more so losing, shall be assessed a proportional share of the loss or losses so as to equalize the same among my children.

Item 6: When I used the expression in my first Codicil, "bonds, stocks, shares, etc.:" my intention is not to impair or change the disposition of land or personal property, proper. The intention is to provide for and redispense only of stocks, shares, bonds and other choices in action, all esse; in (?) said will devised and bequeathed is left without the operation of that clause in the Codicil aforesaid.

Signed, sealed and declared as a second Codicil to my said Will this 12 day of March, A.D. 1874. In presence of Shemei Gresham Arch'd Tyson C. C. Howard State of Alabama Lowndes County In the Probate Court of said County, August 3rd, 1874 In the Matter of the Probate of the Last Will and Testament of Archibald Tyson, dec'd. This day personally appeared before me, J. V. McDuffie, Judge of the Probate Court in and for the said County, Shemei Gresham, a subscribing witness to a paper purporting to be the last Will and testament and also a subscribing witness to two Codicils (other papers) to the last will and testament of Archibald Tyson, deceased, who being duly sworn, says on oath, that he together with C. C. Howard did on the 5th day of August, 1872, sign as subscribing witnesses to paper now shown to him, in the presence of Archibald Tyson, since deceased, and in the presence of each other, that the said Archibald Tyson signed and published the same as his last will and testament in their presence, that he was, in the opinion of the affiant, of sound mind and disposing memory, and at the full age of twenty-one years and upwards, and the said Shemei Gresham further swears, that he together with J. H. Howard, signed as subscribing witnesses on the 8th day of November, 1873, a paper purporting to be a codicil of the last will and testament of Archibald Tyson, since deceased, and that he signed it and published in their presence as a codicil of his last will and testament, that at the time of publishing and signing of said 2nd Codicil, the said Archibald Tyson was of sound mind and memory, and in the opinion of affiant, fully capable of making the same, and the said Shemei Gresham further swears that he together with said C. C. Howard signed the before mentioned paper purporting to be the last will and testament of the said Archibald Tyson, since deceased, at the request of the said Tyson. Sworn To subscribed before me this Shemei Graham 3rd day of August, A.D. 1874. J. V. McDuffie Judge of Probate

Additional Comments: Archibald Tyson, born September 05, 1803, died June 23, 1874, was a son of Shem & Lucretia Adams Tyson. He married Sarah Jane Warren, daughter of Labon & Parthenia Jones Warren, on June 08, 1843. She was born January 29, 1823 and died August 29, 1899. File at: <http://files.usgwarchives.net/al/lowndes/wills/tyson334gw1.txt> This file has been created by a form at <http://www.genrecords.org/alfiles/> File size: 16.7 Kb