

Lowndes County Archives Wills.....Tyson, John Adams August 17,

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Archives by:Carolyn Golowka lowndesgengal@gmail.com April 1, 2010, 7:13 pmSource: Lowndes County

Will Book C, Pages 193-195Written: August 17, 1881Recorded: May 20, 1884The State of

AlabamaLowndes County, John A. Tyson, of Fort Deposit, being of sound disposing mind and

memory,make and declare this my last will and testament, revoking all others.I direct my decent,

Christian burial, at the discretion of my beloved wife.Item: My beloved wife, Matilda M. Tyson, has a

statuary separate Estate inmoney on deposit, a certificate of deposit in her name, which will be

foundamong my papers, will show the amount and where deposited. I have never claimedit, but have

increased it by putting it at interest. The certificate of depositwill show its amount at my death. This is

hers.Item: I give to my beloved wife the sum of Ten thousand dollars for and duringthe term of her

natural life, provided she remains a widow. At her death ormarriage the principle of the said sum to fall

into my estate for division amongmy children. My Gilmer plantation lying west of Calhoun I give in

undivided,equal enjoyment to my wife, Matilda M. and our youngest child, Shem Labon Tysonfor and

during the term o my wife's life, or widowhood, and when my said wife'sinterest ceases, to the son

Shem Labon in fee.My house and lot in Fort Deposit, in which I live, and all the furniture onhand, at my

death, I also give to my beloved wife, during her life or widowhood,and at her death or marriage, to

become the equal property of my children afternamed.Item: The bulk of my Estate consists in moneys

on deposit, notes for money,generally secured by a mortgage; and notes given me for lands sold,

secured by alien on the lands. All the reminder [sic] of my Estate of whatever it consists,over and above

the devises bequests in equal parts to my four children, John R.Tyson, Virginia Norwood, Silas Tyson and

Shem Labon Tyson, to them and theirheirs or descendants forever. And should any of them died during

my life,leaving lineal descendants, take and have the share of such deceased child wouldhave taken

under this will if living. Should any of them die before or after mydeath, leaving no lineal descendants,

then the share or shares of such child orchildren so dying, to fall back into my estate for equal division

my otherchildren, and the descendants of such as may have died, if any, leavingdescendants, the

descendants in such event to take per [stripes?] my intentionbeing, not to die intestate as to any of my

property.Item: Should I advance any of my children during my life, either in money orproperty, and

make a note or change thereof against them, the same is to beregarded as an ademption pro tante, and

past payment of the legacy hereinbequeathed to such child or children, so advanced, and the same is to

be chargedagainst them in division, in the nature of a hatch pot. And if I set a price onvalue on the

advancement, that is to determine the amount with which they are tobe charged, moneys, presents or

things not charged as gifts and not to beaccounted for.Item: The bulk of my estate, as above shown,

being in money, dues, purchasemoney of lands bought from me and not paid for, and other dues

secured mostly bymortgages. I clothe my Executor after named with a large discretion in thematter of

collection or indulging such indebtedness when dues are perfectlysafe, and the security perfectly

satisfactory, they are authorized to indulge,as the interest of my estate and the realization of interest

may be promotedthereby, the intentions being to make the assets of my estate active andproductive as

realizing interest on money dues.I have many debts due me secured by mortgages and liens, which are

past due, andyet the interest is kept down and the security good. As to debts of this class,I give my

Executors discretion to indulge the debtors, provided interest is kept down, and the security remains ample. In collecting dues to me or my estate, should it become necessary to save the debts, I authorize my executors to buy property sold in payment thereof, whether under Chancery or mortgage sale, or otherwise, and to take titles in their names as executors and the same to sell again for cash, or on credit and to convey, when purchase money is paid in full. I also authorize them, as executors, to make title to and to lands sold by me, when the purchase money is paid, and to enter satisfaction on the mortgages, when the debts secured by them are paid. These powers are conferred upon such of my executors as may be in life and acting at the time. Item: In so much as the power and discretion conferred on my executors by this will may require a considerable time to reduce my entire estate to cash assets, I authorize and expect my Executors to pay the pecuniary legacy given to my beloved wife as soon after my death as convenient. The shares of the children, I direct to be paid to them, or their guardians, as the same may come in hand, and can be spared from the purposes of the administrations; and to this end, I direct that the administration be kept up and open as long as may be necessary to carry out the purpose of this will. Item: Should my money or property fall back or return to my estate, under the provisions of this will, the same is to be administered and distributed by my Executors under this will, as other property of my estate is, and as property of my estate. In making sales of property under this will, real or personal, should the same become necessary, they are authorized to sell at private or public sale, as they may deem best for the Estate. Item: I select my wife Matilda M., and my son John R. Tyson and my son-in-law, Joseph Norwood to be guardians for my children, Silas, Shem Labon Tyson and request that they be appointed as such. I appoint my beloved wife Matilda M. Tyson, and my son John R. Tyson and my son-in-law Joseph Norwood to be the Executors of this my will. In testimony whereof, I have hereunto set my hand in the presence of the subscribing witnesses whose names are signed to this will, and who shall attest and sign the same at my request, in my presence, and in the presence of each other, on the 17th day of August, A.D. 1881. Attest: Jno. A. Tyson T. P. Lightfoot W. H. Reynolds. In Lowndes Probate Court, at Hayneville. In the Matter of the Probate of Will of John a. Tyson deceased. Into open Court came W. H. Reynolds, who being duly sworn, deposes and says, that on the 17th day of August 1881 he was a clerk in the store of Lightfoot and Norwood at Fort Deposit, Ala., and that the testator, Jon. A. Tyson occupied apart of their store as his office. That on the day above named he was called on by said Testator Jno. A. Tyson to witness his signature to a paper, that he saw said named testator sign said paper which is now exhibited to affiant, remarking at the time that it was his will, that said paper was the will of said J. A. Tyson, and that he has been shown the same since the death of said Tyson, and it is the same will which he saw the Testator, Tyson, signed on the 17th day of August 1881, in his presence and in the presence of the other subscribing witness, that affiant attested said will in the presence of the testator, J. A. Tyson, and the other subscribing witness, T. P. Lightfoot, and that the other witness, T. P. Lightfoot, attested the same in the presence of the testator and affiant on the day the same bears date, that this is the only will having been attested for said John A. Tyson, that at the date of the execution of said paper, which is now shown him, the said testator was over the age of twenty-one years, and in the opinion of affiant, of sound mind and memory. Subscribed and sworn to in open Court W. H. Reynolds on the 20 day of May 1884 H. W. Judge the State of Alabama Lowndes County File at: <http://files.usgwarchives.net/al/lowndes/wills/tyson61nwl.txt> This file has been created by a form at <http://www.genrecords.net/alfiles/> File size: 8.4 Kb