Thorington Jack, deceased.

Last Will and Testament.

The State of Alabama,
City and County of Montgomery. } In the name of God, Amen.

I Jack Thorington of the City and County of Montgomery aforesaid being admonished of the uncertainty of the present life, do hereby make and publish this my last will and testament, hereby revoking and making void all former wills by me at any time heretofore made.

Item First: I direct that all my Debts, and Funeral Expenses (which I wish to be of moderate expenditure) to be paid so soon as may be reasonably done. Item Second. I own a policy in the Aetna Life Insurance Company of Hartford, Conn. for the sum of Ten Thousand Dollars, also, a Policy of Insurance for the sum of Ten Thousand Dollars, in the Equitable Life Assurance Society of New York, both of which policies it is my intention, if able, to perpetuate, and keep alive for the term of my life, and both of which are for the benefit of my Wife Mary L. and payable to her at my decease. Item Third. I give and bequeath unto dearly beloved wife Mary L. during her widowhood all of my entire estate, real and personal and mixed, which I now have, or may have, or be entitled to, at the time of my decease. Item 4th. It is my will and desire that at the time of my decease, if I should not leave sufficient means on hand to pay within a reasonable time all of my present indebtedness now secured by a mortgage on real estate, that my wife should pay the same out of any funds received from the policies of Life Insurance described in Item second, upon the party holding & owning said indebtedness & mortgage, transfering and assigning the same & other as her individual property, and as for her sole and separate use & benefit, clear of all other claims and demands, whatsoever. Item Fifth. If the issues increase, rents and profits of my estate shall exceed, the expenditures of my wife it is my desire, the surplus become and form part of the principal of my estate.

Item Sixth. If my wife shall not marry again it is my will and desire, she sall have the power and authority, and she is hereby invested therewith to dispose of all the estate and property she may have, or die possessed of, or be entitled to, by her will, to our beloved children, Robert D. Jack, and William S. and on such shares and proportion to them, or the survivors, and under such safeguards in trust or otherwise as under the circumstances then existing she may deem just and wise and best for them, and in the event of her dying intestate, the said estate and property to be distributed to our said three children, equitably, and share and share alike, or to the survivors, or survivor of them.

Item Seventh. It is my will and desire that should my wife marry again that in that event there shall be an immediate division of all my estate into four equitable parts or shares, that my wife shall receive one of said parts or shares, and that the three other parts, or shares shall be immediately paid over to my said three children, Robert D., Jack, and William S. or the survivors, or the survivors of said children.

Item Eight. I hereby ordain my beloved wife Mary L. Thorington, and my son William S. Thorington my executrix and executor of this my last will and testament, and hereby, by express provision to that effect, exempt them from giving securety on their bond. In testimony whereof I have hereunto set my hand and affixed my seal this 12th day of April A. D. 1870.

Jack Thorington (Seal)

Signed, sealed, published, and declared by the said Jack Thorington testator as for his last will and testament in the presence of us who have hereunto subscribed our names as witnesses thereto, in the presence of each other, and in the presence of the said testator on the day and year above written, to-wit on the 12th day of April A. D. 1870.

W. D. Wadsworth
W. S. Graves
Jno. W. Chilton

State of Alabama, } Probate Court.
County of Montgomery. } In the matter of the probate of the last will and testament of Jack Thorington, deceased.

Before me George Ely Judge of the Probate Court of said County of Montgomery personally appeared in open Court W^m

W. Wadsworth who having been by me duly sworn and examined did depose and say that he and W. H. Graves and Jno. W. Chilton are each subscribing witnesses to the foregoing instrument in writing now shown to him and which purports to be the last will and testament of Jack Thorington, deceased that said Jack Thorington 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 deponent and the said W. H. Graves and Jno. W. Chilton set their signatures thereto on the day the same bears date, as subscribing witnesses to the same, in the presence of said testator and at his request and in the presence of each other. That said testator was at the time of signing the same of sound & disposing mind, memory and understanding, and in the opinion of deponent capable of making his will at the time the same was made as aforesaid, and deponent further states that the said testator was on the day of the date of said will of the full age of Twenty years and upwards.

W. W. Wadsworth

Sworn to & subscribed in my presence the 25th day of September A. D. 1871.

George Ely, Judge Probate Court, Montgomery County.

U. S. Revenue Stamps # 15.00

The State of Alabama, } Probate Court.
Montgomery County. } I, George Ely, Judge of the Probate Court in and for the County and State aforesaid do hereby certify that the within instrument of writing has this day in said Court and before me as the Judge thereof been duly proven by the testimony of W. W. Wadsworth one of the subscribing witnesses to be the genuine last will and testament of Jack Thorington deceased, and the said will together with the proof thereof have been recorded in my office in Book 5 of wills page 112. In witness whereof I have hereunto set my hand and seal of the said Probate Court this twenty fifth day of September One thousand eight hundred and seventy one.

George Ely,
Judge Probate Court
Montgomery County.

The State of Alabama,
Montgomery County, Probate Court. } I, John B. Gaston, judge of Probate in and for the said County, in said State, hereby certify that the within and foregoing pages are a full, true and complete copy of the last will and Testament of Jack Thorington, deceased, with the testimony admitting same to probate and record as fully and completely as the same appears of record in this office in Book No 5 of Wills at page 112.

Given under my hand and office seal this 10th day of July A.D. 1905.

J. B. Gaston Judge Probate Court
Montgomery Co., Ala.

Filed for record May 13th 1904 and recorded.

A. P. Longshore, Judge of Probate.