

# Humphry Warren Will

In the Name of God Amen. The fourteenth day of August in the year of our Lord one Thousand six hundred eighty and nine I Humphry Warren of Charles County in the province of Maryland being sick and weak in body but of good and perfect memory thanks be to Almighty God and calling to remembrance the uncertainty of this Transitory life and that all flesh must yield unto Death when it shall please God to call I do make Ordain Constitute and Appoint this to be my last Will and Testament in manner and form following revoking and annulling all former Will and Wills Testament and Testaments by me hertofore made either by word or writing and this only to be taken for my Last Will and Testament.

First I do give and bequeath my soul to Almighty God that gave it humbly desiring pardon and forgiveness for all my sins hoping in and through the merit of Jesus Christ that my body with my soul shall rise again at the last day of judgment and inherit the Kingdom of heaven prepared for his that are Chosen and my body to be decently buried and interred at the discretion of my Exec hereafter named and as for what worldly estate it hath pleased Almighty God far above my deserts to bestow upon me I do give bequeath order and dispose in manner and form following Viz..

Second That all my Just debts and desire that in right or conscience I do owe to any person or persons be well and truly satisfied Contents and paid within Convenient time after my decease by my Exec. hereafter named do give and bequeath unto my natural born son Notly Warren all that Tract of Land called Hattons Point Containing five hundred acres lying situate and being in Charles County afore said on the West side of Wicomico River to have and to hold unto him the said Notley Warren and his heirs the said Tract of land forever that is to say two hundred and fifty acres of Land where my Quarter is when he shall arrive at the age of twenty and one years and the other two hundred fifty acres where I do now live I do give and bequeath unto my well beloved wife Margery Warren to have and to hold the same with the appurtenances there unto belonging unto her the said Margery Warren for and during her natural life and after her decease then to my said son Notley Warren aforesaid but in care after the intent of the said two hundred and fifty acres of land be expired my brother doth come in and she be forced remove of the Same then my said wife Margery Warren shall have and hold part of a Tract of Land Called the hills Containing one hundred and ninety one acres with the appurtenances for and during the term of her natural life and in Case my said son Notley Warren shall happen to die without heirs then I do give and bequeath the above said five hundred acres of land unto my natural born son Benjamin Warren to have and to hold the said five hundred acres of land with the appurtenances unto him the said Benjamin Warren and his heirs forever and in case my said Son Benjamin Warren shall happen to dye without heirs then I do give and bequeath the above said five hundred acres of Land unto my natural born son Charles Warren to have and to hold the said five hundred acres of land with the appurtenances unto him the said Charles Warren and his heirs forever and in case my said Son Charles Warren shall happen to dye without heirs then I do give and bequeath the said five hundred Acres of Land unto my natural born son John Warren to have and to hold the said five hundred acres of Land with the appurtenances unto him the said John Warren and his heirs forever and in case my said son John Warren shall also happen to dye without heirs then I do give and bequeath the above said five hundred acres of Land to the Child that my wife now is with Child of whether Son or Daughter to have and to hold the said five hundred acres of Land with the appurtenances to the said Child and its heirs forever.

Third I do give and bequeath unto my natural born Son Benjamin Warren part of a Tract of Land Called the hills lying situate and on the west side of Wicomico River in Charles County aforesaid containing one hundred and ninety acres and one Tract adjoining to the same Called Warren's Discovery containing two hundred and eighty acres to have and to hold the said Two tracts of land with appurtenances unto him the said Benjamin Warren and his heirs forever and in case my said son Benjamin Warren shall happen to dye without heirs then I do give and bequeath the above two Tracts of Land unto my aforesaid son Notley Warren and his heirs forever and in Case my said son Notley Warren shall happen to dye without heirs then I do give and bequeath the above said Two Tracts of Lands unto my aforesaid Son Charles Warren and his heirs forever and in case my said son Charles Warren shall happen to die without heirs I do give and bequeath the above said two Tracts of land unto my aforesaid son John Warren and his heirs forever and in case my said son John Warren shall also happen to die without heirs then I do give and bequeath the above said two Tracts of Land to the said Child that my wife is now with Child of whether Son or Daughter to the said Child and its heirs forever as aforesaid. I do give and bequeath unto my natural born son Charles Warren fifty acres of land the other part of the aforesaid Tract of Land called the Hills and one Tract of Land purchased of Edward Smoot called Smoots purchase containing one hundred acres adjoining the aforesaid fifty acres and also one hundred acres of land purchased of William Smoot - part of a Tract of Land called Weccacomico Fields to have and hold the said three tracts of land with the appurtenances unto him the said Charles Warren and his heirs forever and in case my said son Charles Warren shall happen to die without heirs then I do give and bequeath the aforesaid Tracts of Land unto my aforesaid son Notley Warren and his Heirs forever and in case my said Son Notley Warren shall happen to dye without heirs then I do give and bequeath the aforesaid Tracts of Land unto my aforesaid son Benjamin Warren and his heirs forever and in case my said son Benjamin Warren shall happen to dye without heirs then I do give and bequeath the aforesaid Tracts of Land unto my aforesaid son John Warren and his heirs forever and in case my son John Warren shall happen to dye without heirs I do give and bequeath the above said Tracts of Lands unto the Child that my wife is now with Child or whether Son or Daughter to the said Child and its heirs forever as aforesaid. I do give and bequeath unto my natural born son John Warren all that Tract of Land lying on the west side of Wicomico River in Charles County aforesaid captaining four hundred acres formerly belonging to Mr. John Gooch to have and to hold the said Tract of Land with the appurtenances unto him the John Warren and his heirs forever and in case my said son John Warren shall happen to dye without heirs then I do give and bequeath the said Tract of Land unto my aforesaid son Notley Warren and his heirs forever and in case my said son Notley Warren shall happen to dye without heirs I do give and bequeath the said Tract of Land unto my aforesaid son Benjamin Warren and his heirs forever and in case my said son Benjamin Warren shall happen to dye without heirs I do give and bequeath the said Tract of Land unto my aforesaid son Charles Warren and his heirs forever and in case my aforesaid son Charles Warren shall also happen to dye without heirs I do give and bequeath the said Tract of Land unto the child that my wife now is with child of whether Son or Daughter to the said Child and its heirs forever aforesaid. I do give and bequeath unto the Child that my wife is now with Child of two Tracts of Land containing above one hundred and twenty acres called the Tannyard adjoining to the above said Tract of Land to have and to hold the said two Tracts of Land and the house thereon Erected with all an erectings other the appurtenances thereunto belonging unto the said Child whether Son or Daughter and its heirs forever and in case the said Child shall happen to dye without heirs then I do give and bequeath the two above said Tracts of Land unto my aforesaid son Notley Warren and his heirs forever and in case my said son Notley Warren shall happen to dye without heirs I do give and bequeath the said two Tracts of Land unto my aforesaid Son Benjamin Warren and his heirs forever and in case my said son Benjamin Warren shall also happen to die without heirs then I do give and bequeath the

aforesaid Two Tracts of Lands unto my aforesaid son John Warren and his heirs forever with the appuntenarcees as aforesaid. I do give and bequeath unto my aforesaid son Notley Warren in full and in stead of a legacy given and bequeathed unto him by the Honorable Thomas Notley Esq. two Negroes the one called Cesar and the other Ceo to him and his heirs forever. I do give and bequeath unto my aforesaid son Benjamin Warren one Negro called Fisher to him and his heirs forever. I do give and bequeath unto my aforesaid son Charles Warren one Negro boy called Seaboy to him and his heirs forever. I do give and bequeath unto my son John Warren one Negro boy called Harry to him and his heirs forever. I do give and bequeath one third part of the remaining part of my estate Viz. Servants Negro slaves horses mares cattle hogs sheep house hold stuff or utensils of house hold and all other goods and Chattels of what nature or kind soever and in what place soever to my well beloved wife Margery Warren and after his third part taken out and deducted the remaining part to be equally divided between my aforesaid sons Notley Warren, Benjamin Warren, Charles Warren, John Warren and the Child that my wife is now with Child of and in case any of them dye before they arrive to the age of twenty and one years then to be equally divided among the survivors of them Lastly I do hereby constitute appoint and ordain my well beloved wife Margery Warren to be my whole and sole Executrix of this my last Will and Testament in witness whereof I have hereunto set my hand and put my seal the day and year first above written

Signs seals declared and published        }  
In the presence of us here under written    }

January 21st., 1694

I do hereby give and bequeath unto my son Humphrey Warren The two Tracts of Land herein bequeathed to the Child which my wife was supposed to be with Child of to have and to hold the said two Tracts of Land with all houses and erectings thereunto belonging in as full and simple manner as the Child my wife supposed to be with Child of to him the said Humphrey Warren and his heirs forever. I do also give and bequeath unto my said son Humphrey Warren and his heirs forever a Negro girl named Sarah and one Negro boy named George and an equal part of all my personal Estate and in case my said son Humphrey Warren should dye before he arrives to the age of twenty one years of age then his part or portion to be equally divided among the survivors. I do also give my son Benjamin Warren and his heirs forever one Negro woman named Cate. I do also give and bequeath unto my son Charles Warren a young Negro girl (Cates Child) not yet named to him and his heirs forever. I do also Constitute and appoint my son Notley Warren Joint Executor with my wife of this my Last Will and Testament. I do also Confirm all herein mentioned In Testimony I have hereunto set my hand and seal the day and year last above written

Signed Sealed Declared and Published }	
In the presence of -- their mark	Humphrey Warren
Thomas Benford -- Elizabeth E. Dutton }	(S.S.)
John Wilder -- John Gooch }	

Amended to the foregoing Will was endorsed the following probate to wit;  
Memorandum That on the 25th day of February in the year of our Lord 1694 the within written Will was in Common form proved at Port Tobacco in Charles County by the oaths of Thomas Benford John Wilder and John Gooch that they did see the within named Humphrey Warren sign and seal the Same and herd him publish and declare the Same to be his Last Will and Testament.

P.C. Thomas Deputy Com Charles County

Whereas my deceased husband Humphrey Warren hath by his Last Will and Testament left me Exec. of his said Testament joined with his son Notley Warren I do hereby refuse to accept or join with the said Notley Warren in the administration but do totally relinquish my right of my Executor ship In Testimony whereof I have hereunto set my hand seal this 25th day February 1694.

	her
Thomas Benford	Margery M. Warren(S.S)
	mark

22 1/2 Sides

# Thomas Warren Will

page 38

Charles County Maryland: In the name of God amen, I Thomas Warren of the past above said being sick in body but of sound & perfect mind & memory praised to almighty God for the same and considering the uncertaninty of this transitory state of life do therefore make this my last will and testament in manner following: I will that all my just debts be duly and honestly paid to my creditors as far as my personel estate will extend. Secondly I will desire & bequeath unto my loveing and dear wife Jane Warren all and every part of the plantation whereon I now dwell being part of a tract called Frailty containing in the whole three hundred acres as by patent for the same but the said herby bequeathed plantation containing but fifty acres more or less unto her my said wife during the whole time of her natural life to have and to hold the same without hinderance interuption disterbance or molestation from any person whatsoever and after and after her decease then I will the said above bequeathed land with the appurtenances be & rebound to my dear son Thomas Warren and his heirs forever and in case my said son Thomas Warren should die with out lawfull issue then I give and bequeath the same to the child my wife now goes withall provided the same be a son & to his heirs forever & in case the said child should be a son & die without lawfull issue then I guve the same to my son Barton Warren & his heirs forever. Thirdly after my said just debts be duly satisfied then the remaining part of my personal estate be equally divided & disteributed amongst my dear & loveing wife & children according to such proportions & dividedend as the law in such cases has provided. Fourthly I do herby revoke disannull and make void all former wills & testaments by me heretofore at any time made. Lastly I do nominate & appoint my well beloved wife Jane Warren my sole executor to see this my will performed & to look after & bring up all my children as also that my daughter Sarah do stay with her mother the mourning year and then to be at liberty likewise my son Barton to be at age & liberty at eighteen years as also my son Thomas be at Age and Liberty at eighteen years as aforesaid & in case the plantation whreoon Mrs Hannah Willson now lives should expire cease & end its lease brfore my son Barton should die then I give the same to my said son Barton & his heirs forever. I also give to my daughter Elizabeth Warren one black heifer calf to her & her heirs forever. In witness whereof I have hereunto set my hand and seal this sixth day of January anno 1708. Signed sealed delivered acknowledged published & declared as his last will and testament in the presence of :

John Harris, John Lofton and Joseph Dwell.                      Thomas Warren (SS)

On the back of the foregoing will was endorsed the following probate to wit November the 23rd 1710 These are to certifie that on the day & year abovesaid the above witnesses John Harris and John Lofton made oath on the holy Evangalist that the above instrument in writing was in their presents signed sealed & delivered by the above said Thomas Warren and was in their hearing published pronounced & declaired by the said Thomas Warren to be his last will & testament and also that Joseph Dwell was there present and signed as an evidence to the same sworn.

before me Joseph Manning Dep. Clk. Charles County

# Barton Warren Will

Maryland : In the name of God Amen I Barton Warren of Charles County & Province aforesaid planter, being weake in body but of sound mind & memory & calling to mind the uncertainty of this life am willing as far in my power lies to settle my worldly affairs which after Recommending my Soul to the mercy of almighty God and my body to the earth to be decently buried at the Discretion of my Eexecutors hereafter named do make ordain constitute & appoint this my last will in form following Impremis. I give and bequeath to my well beloved wife Elizabeth as full satisfaction of her Dower of all my lands one third part of the plantation whereon I now Dwell, Commonly Called & known by the name of Frailty to her during her natural life -- Item, I give and bequeath to my Said wife one third part of all my personal Estate, I give and Devise unto my two Sons Notley and John my said Dwelling plantation Called Frailty to be divided as follows Viz my Son John to have two hundred Acres of the said land next adjoining the land of Robert Yates to be laid off in along Square as broad on the river as in the woods and my Son Notley the residue to them & the heires of their bodys lawfully begotten. I give and divise to my Son William Barton Warren all that tract or parcell of land Situate lying and being in total one hundred known by the name Strife to him & the heirs of his body lawfully begotten. I give and the name of Strife to him & the heirs of his body lawfully begotten. I give and bequeath to my son Edward one feather bed & furniture one pweter dish on table and seventy five pounds currency to be paid to him out of the stock of negroes according to appraisment likewise two cows & calves one horse or mare under ten years old. I give and bequeath to my son Robert one feather bed & furniture one pweter dish & sex pweter plates and a table likewise seventy five pounds currency to be paid to him out of the stock of negroes according to appraisment likewise two cows & calves one mare or horse under ten years old. My will and desire is that my just debts be likewise paid and discharged then the remainder part of my personal estate to be divided between my eight children hereafter named Jane Hungerford, Mary Musgroves, Notley Warren, John Warren, William Barton Warren, Susannah Warren, Edward Warren & Robert Warren. Lastly I constitute & appoint my sons Notley and John sole executors of this my last will & testament hereby revoking all former wills by me heretofore made. In witness whereof I have hereunto set my hand and affixed my seal this third day of February Anno Dom 1757.

Signed sealed & published in presence of Charles Bruce, John Ford, and William Brown.

Barton Warren (SS)

Annexed to the foregoing will was the following probate to wit. Charles County The 9th of March 1757. Charles Bruce, John Ford and William Brown the three subscribing witnesses to the foregoing being duly & solemnly sworn on the holy Evangelists do declare and say that they saw the testator Barton Warren sign and seal the same will and heard him publish and declare the same to be his last will and testament and that at the time of his so doing he was to the best of their apprehensions of sound & disposing mind & memory and that they suerally subscribed their resputive names as witnesses to the said will in the presence of the testator & at his request which probate was taken in the presence of the heirs at law who did not object to the same.

before Dan Jenifer D.C. Charles County

# WILL OF ROBERT WARREN

Will Book 1 page 160

In the name of God Amen - I Robert Warren of Blount County and State of Tennessee being weak of body but of perfect mind and memory thanks be given to God calling to mind the mortality of my body and knowing that it is once appointed for all men to die do make and ordain this my last will and Testament, that is to say, principally and first of all, I give and recommend my Soul into the hands of Almighty God, that gave it and my body I recommend to the earth to be buried in decent Christian Burial at the discretion of my executors, nothing doubting but at the general resurrection, I shall receive the same again by the mighty power of God, and as touching such worldly estate where with it hath pleased God to bless me in this life, I give desire and dispose of the same in the following manner and form: First I give to my Son James L. Warren One hundred Acres of land on the lower end of my plantation likewise I give to my Son Notley M. Warren One hundred Acres of land on the upper end of said plantation to be laid off by my Executors the balance of my plantation at my death I give to my Son Joshua W. Warren and one horse worth Seventy dollars in trade, at my death I desire that my Negro woman Nancy be Set free likewise at my death I desire that my four Negroes namely One Girl named Dazy three boys Viz. Smith, Ackburn and Newton, be equally divided by my executors between my three daughters, Viz. Pamela L. Pitman, Elizabeth K. Warren and Nancy W. Warren, and Elizabeth and Nancy is to have each of them a horse worth Seventy Dollars in trade, and a Saddle for each of them out of my estate, the balance of my Estate I desire to be sold immediately after my death, and after paying all just debts and funeral expenses the remainder to be equally divided between my six children namely James L. Warren, Notley M. Warren, Pamela L. Warren, Joshua L. Warren, Elizabeth K. Warren , and Nancy W. Warren, and I likewise give and bequeath to my first wife's Children namely as follows: Charles H. Warren, William

B. Warren, Martha Conaway, Susanah Sevier, Thomas S. Warren, Samuel D. Warren, Edward V. Warren, Jane Kitchens, Lidia Holland, John F.W.A. Warren, Elizabeth G. Holland, Mary Yearnest and Robert W. Warren, Edward V. Warren, Jane Kitchens, Lydia Holland, John F.W.A. Warren One Dollar each to be paid Out of my estate by my executors - Lastly I do hereby constitute and appoint my friends James Wilson and Samuel George Executors of this my last will and Testament, to have full power of all Sales and divisions, Revoking all other or former wills or testaments by me heretofore made In witness whereof I have hereunto set my hand and Seal this Twenty Second day of May in the Year of Our Lord, One Thousand Eight Hundred and Twenty Six.

Robert Warren (seal)

Signed Sealed and declared  
to be the last will and testament  
of him the Said Robert Warren the  
testator in presence of us

Richard Chandler  
Davis Chandler

A Copy Attest  
Jack Fonte Clk.  
By his Dep. D. L. Fonte

# Probate Record of Notley Marcus Warren

PROBATE RECORD BOOK J PAGE 192  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Vacation)  
DEKALB COUNTY : November 13th 1875

Be it remembered that on this day came into open court William A. Mitchell and makes application for letters of administration on the estate of N. M. Warren deceased and shows to the court that said N. M. Warren died in this county intestate leaving real and personal property therein and that more than forty days have elapsed since the death of said deceased and those having a prior right to administer said estate have failed and neglected to do so and that petitioner is a son in law of decedent and a resident of said county and state over the age of twenty one years and a fit and proper person to administer said estate and his wife who is a daughter of decedent being desirous that he should administer said estate and he having entered into bond in the sum of five hundred dollars it being double the supposed value of said estate with F. M. Baxter as surety which said Bond is approved. It is therefore ordered and judged and decreed by the Court that Letters of administration issue to said William A. Mitchell.

P. A. Branden  
Judge of Probate

PROBATE RECORD BOOK J PAGES 203 AND 204  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Vacation)  
DEKALB COUNTY: December 21st 1875

This day came William A. Mitchell administrator of the estate of N. M. Warren deceased and files his written application properly verified praying on order of this Court to sell the following described lands belonging to said estate Viz.: the N.E. 1/4 of the N.E. 1/4 the N.E. 1/4 of the S.E. 1/4 the N.W. 1/4 of the N.E. 1/4 and the S.E. 1/4 of the N.E. 1/4 Sec 28 Township 6 Range 7 and it appearing to the satisfaction of the Court that said petition contained a statement of the names, ages, residence, sex and conditions of the heirs and distributor of said estate and it further appearing that Nick Whited, Thomas Whited and John Whited as minor heirs under the ages of twenty one years there upon the Court proceeds to appoint A. F. Payne who is a fit and proper person to act as guardian ad litem for said minors who comes into open Court and files his written consent to the same. It is therefore ordered by the Court that the 31st day of January 1876 be set for the hearing of said petition and it is further ordered that notice of the same be given by posting written notice one at the Court House door and three other public places in said county and by service of notice to the parties by the Sheriff and the guardian ad litem at least ten days before the day set for the hearing of said application.

P. A. Branden  
Judge of Probate

PROBATE RECORD BOOK J PAGES 219 AND 220  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Vacation)  
DEKALB COUNTY: January 31, 1876

Be it remembered that on this day came into open Court William A. Mitchell as the administrator of the estate of N. M. Warren deceased who on the 21st day of December 1875 filed in this Court his petition under oath alleging among other things that said decedent did seize and posses the following described lands to wit: the N.E. 1/4 of the N.E. 1/4 the N.E. 1/4 of the S.E. 1/4 the N.W. 1/4 of the N.E. 1/4 the S.E. 1/4 of the N.E. 1/4 Sec. 28 Township 6 Range 7 in DeKalb County, Alabama. That said decedent left as his heirs at law and distributors. Mary Warren widow of decedent, Adline Mitchell formerly Warren and her husband petitioner, Robert J. Warren, Mariah Bogle formerly Warren and husband P. G. Bogle children of the decedent. Joseph Galbraith, grandson of decedent whose mother is dead. Barbara Durham formerly Whited grand daughter of decedent and her husband Warren Durham, James Whited grand children of decedent and of full age. Thomas Whited, Nick Whited, John Whited grand children of decedent whose mother is dead minors and all residents of said County and State and alleging that said land can not be fairly and equitable and beneficially divided among the heirs at law and distributor of said decedent with out a sale thereof and further alleging that it is necessary to sell said lands to pay the debts an expenses of administration and for division and it appearing to the Court that this is the day set by a former order of this Court to him and determined said application and it also appearing to the Court that three weeks notice of said application has been given by posting written notice of same one at the Court House door and one at each of three other public places in said County as required by special statute for said County and it also appearing that the adult heirs and distributors of said decedent were regularly served by citation more than ten days prior to this day and it further appearing that A. F. Payne here to fore appointed guardian ad litiem for the minors above mentioned was also served with citation more than ten days prior to this day comes said administrator and moves the Court to

allow him to amend this said petition in by striking out of said petition the N.E. 1/4 of the S.E. 1/4 of Sec. 28 Township 6 Range 7 which said amendment the Court allows and census A. P. Payne guardian ad litem for Nick Whited, Thomas Whited and John Whited and denies in writing the allegations of said petition whereupon said administrator offered in evidence the depositions of F. M. Baxter and J. B. Horton taken as in changing cases to sustain his said petition and it appearing to the satisfaction of the Court that the truth of said allegations and proved by said witnesses. It is therefore ordered adjudged and decreed by this Court that said administrator be authorized to sell the lands as described in said amended petition at public out cry upon the promises of decedent one fourth of the purchases money to be paid in Court the remainder continued till the 25th day of December 1876 with notice and approved security after advertising the same as required by law and reports his proceedings to this Court within the time required by law.

P. A. Branden

Judge of Probate

PROBATE RECORD BOOK J PAGE 234  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Special Term)  
DEKALB COUNTY: February 22nd 1876

Be it remembered that on this day came into open Court William A. Mitchell as administrator of the estate of Notley M. Warren deceased and reports his proceedings under an order of this Court authorizing him to sell the lands belonging to said estate which said report is in writing and under oath aswell that said administrator on the 21st day of February 1876 after advertising the same for three weeks by posting written notice one at the Court House door and three other public places in the County he sold the following described lands belonging to said estate Viz.: the N.E. 1/4 of the N.E. 1/4 the N.W. 1/4 of N.E. 1/4 and the S.E. 1/4 of N.E. 1/4 Sec. 28 Township 6 Range 7 to the highest bidder one fourth for cash and the balance money to be secured by note with approved security payable on the 25th day of December 1876 that the same was bid off by Warren E. Durham at the sum of one hundred and five dollars he being the highest and last bidder for the same that the terms of said sail has been complied with that said sale was fairly conducted and that said lands sold for a price not greatly dis proportenant to its real value all of which is satisfactory shows to the Court. It is therefore ordered adjudged and decreed by the Court that said sale be in all things confirmed and that said administrator make to the same purchaser a deed to said lands conveying all the right title and interest that said intestate had in deed to said lands at the time of his death upon the payment of the balance of the purchase money.

PROBATE RECORD BOOK J PAGE 404  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Vacation)  
DEKALB COUNTY: 1st January 1878

Be it remembered that upon this day came into open Court W. A. Mitchell administrator of the estate of N. M Warren deceased and files in this Court his written report acknowledges the receipt of the purchase money for the lands sold by him as such administrator and bought by one W. E. Durham and asking and order to make titles to said land. It is therefore ordered by the Court that said administrator be authorized to make titles to said lands to said purchaser as required by law.

P. A. Branden

Judge of Probate

THE STATE OF ALABAMA ( Probate Court Vacation  
DEKALB COUNTY: January 1st 1878

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Be it remembered that on this day came into open Court W. A. Mitchell as the administrator of the estate of N. M. Warren deceased and filed his accounts current and vouchers for final settlement of said estate all property verified. It is ordered that John K. Hoge who is a fit and proper person and who comes into Court and files his written consent thereto be appointed guardian ad litem for Joseph N. Whited who it is shown is a minor heir of said estate. And it is further ordered that three weeks notice of said settlement be given by posting written notice one at the Court House door and three other public places in said County. And it is further ordered that Saturday January 21st 1878 be set for making said settlement.

P. A. Branden

Judge of Probate

PROBATE RECORD BOOK J PAGE 408  
DEKALB COUNTY, ALABAMA

THE STATE OF ALABAMA ( Probate Court Special Term)  
DEKALB COUNTY: January 21st 1878

Be it remember that on this day came into open Court W. A. Mitchell  
as the administrator of the estate of Notley M. Warren deceased who heretofore filed his accounts  
and vouchers for final settlement of said estate and this being the day set to make said settlement  
and notice of said settlement having been given as required by law and now comes said  
Administrator moves the Court to audit pass and allow said account as stated. And comes the  
guardian ad litem and denies in writing the credit side of said account whereupon said administrator  
properly chargeable with the sum of one hundred and five dollars and entitled to credits to the  
amount of seventy eight and 70/100 dollars as so much money duly expended in said administration  
leaving a balance in his hand for distribution the sum of twenty six and 30/100 dollars and it  
appearing that said amount is to be divided into six shares as follows Viz.: the widow who takes a  
child's part one share. It is ordered adjudged and decreed that Mary Warren have and receive of said  
administrator the sum of four and 38/100 dollars for which let executor issue. It is ordered adjudged  
and decreed that Robert Warren have and receive of said administrator the sum of four and 38/100  
dollars for which let executor issue. It is ordered adjudged and decreed that Adaline Mitchell and  
her husband W. A. Mitchell have received of said administrator the sum of four and 38/100 dollars.  
It is ordered adjudged and decreed that Mariah Bogle her husband P. G. Bogle have and receive of  
said administrator the sum of four and 38/100 dollars for which executor may issue. It is ordered  
adjudged and decreed that Joseph Gilbrath have and recover of said administrator the sum of four  
and 38/100 dollars for which let executor issue. It is ordered adjudged and decreed that Barbara E.  
Durham and her husband W. E. Durham, James Whited, Thomas Whited, Nick Whited have and

receive of said administrator the sum of four and 38/100 dollars for which let executor issue. It is further ordered that this settlement be final and conclusive.

P. A. Branden

Judge of Probate

**MINUTES PROBATE COURT DEKALB COUNTY  
1900 BOOK M**

THE STATE OF ALABAMA Probate Court, special term June 28, 1900. DEKALB COUNTY

In the matter of the Estate of Robert Warren deceased, sale for division among heirs of said Estate. This being the day appointed for hearing application of Roxie Painter for order to sell certain real estate belonging to the Estate of said decedent for division, and no service having been had on G. W. Warren one of the heirs of said Estate. It is ordered that an alias citation be continued to and set down for hearing July 9, 1900.

W.C.D. Cook Judge of Probate. page 207

THE STATE OF ALABAMA Probate Court, regular term July 9, 1900. DEKALB COUNTY

In the matter of sale of lands of the Estate of Robert Warren deceased, for division among the joint owners. Order of Continuance. This being the day to which this cause was continued and no service having been had on G. W. Warren one of the heirs of said decedent who lives in Cullman County, Alabama. It is ordered that an alias citation issued to said G. W. Warren an that this cause be and the same is hereby continued to and set down for hearing July 23, 1900.

W.C.D. Cook Judge of Probate. page 209

THE STATE OF ALABAMA Probate Court, special term July 23, 1900. DEKALB COUNTY

In the matter of sale of land of Robert Warren deceased, for division among the joint owners. Order of Continuance. This being the day to which this cause was regularly continued and no service having been had on G. W. Warren one of the joint owners in said lands, it is ordered that this cause be continued to and set down for hearing August 13, 1900 and that alias citation issue to said G. W. Warren.

W.C.D. Cook Judge of Probate. page 212

THE STATE OF ALABAMA Probate Court, regular term August 13, DEKALB COUNTY

1900. In the matter of the Estate of Robert Warren deceased, sale of lands for division. Order of Continuance. This being the day to which this cause was regularly continued, and George W. Warren one of the joint owners in the lands of said decedent, sought to be sold for division not having had notice of the proceeding being a resident of this state. It is ordered that the hearing of this cause be continued to and set down for September 10, 1900. And that said G. W. Warren be made a party that by personal service of citation upon him ten days or more before said 10 th of September 1900.

W.C.D. Cook Judge of Probate. page 215

THE STATE OF ALABAMA Probate Court regular term October 8, DEKALB COUNTY

1900. In the matter of sale of lands of Estate of Robert Warren deceased for division among joint owners. Order of Continuance. This being the day to which this cause was regularly continued and G. W. Warren, one of the joint owners and tenants in common in the lands of said Estate, and a resident of the State of Alabama. Not having been brought into Court by citation as required by law and in accordance with the former order of this Court. It is therefore ordered that alias citation issue to said G. W. Warren, and that said cause be continued to and set down for hearing November 12, 1900.

W.C.D. Cook Judge of Probate. page 225

THE STATE OF ALABAMA Probate Court regular term November 12, DEKALB COUNTY

1900. In the matter of the Estate of Robert Warren deceased. Order of Continuance in the matter of application to sell lands of said Estate for division. This cause having been regularly continued to this day and G. W. Warren, one of the heirs at law of said Estate and a resident of the State of Alabama, not having had notice of said proceeding. It is ordered that said cause be continued to and set down for hearing December 10, 1900, and said G. W. Warren have notice thereof as required by law.

W.C.D. Cook Judge of Probate.

page 232

THE STATE OF ALABAMA Probate Court regular term December 10, DEKALB COUNTY

1900. In the matter of sale of lands of the Estate of Robert Warren deceased for division among joint owners. Order of Continuance. This being the day to which this cause was regularly continued and G. W. Warren who is a resident joint owner in the lands of said decedent, not having been brought into Court by citation as the law requires. It is ordered that the hearing of said application be continued to and set down for hearing January 14, 1901, and that said G. W. Warren be brought into Court by citation to be personally served upon him not less than ten days before said 14th day of January 1901.

W.C.D. Cook Judge of Probate.

page 240

THE STATE OF ALABAMA Probate Court regular term January 14, DEKALB COUNTY

1901. In the matter of the Estate of Robert Warren deceased, sale of real estate for division among joint owners. This being the day to which this cause was regularly continued and G. W. Warren who resides in the State of Alabama, not having been brought into Court by citation as required by law. It is ordered that alias citation issue to said G. W. Warren and that said cause be and the same is hereby continued to set down for hearing the 11th day of February 1901.

W.C.D. Cook Judge of Probate.

page 254

THE

STATE OF ALABAMA  
DEKALB COUNTY

PROBATE COURT  
In the matter of the Estate of

Robert Warren  
deceased

Sale For Division

THE STATE OF ALABAMA Probate Court, February Term 1900  
DEKALB COUNTY February 25, 1902

In the matter of the estate of Robert Warren Sale of Lands for Division.

To Earl Cochran Esquire of Fort Payne, in the State of Alabama or such one or more of you as shall act herein ----- Greeting: KNOW YE, That we, reposing confidence in your integrity, skill and ability, have appointed you Commissioner to take answers to the interrogatories and cross interrogatories hereunto attached of James Freeman and Benjamin Brown material witness for the Plaintiff in a certain cause or proceeding now pending and undetermined in our said Court of Probate, entitled as set forth in the caption hereof.

And we do hereby authorize and empower you, the said Commissioner to call and cause to come before you the said witness at such time and place as you shall appoint, and their deposition on oath to take, touching their knowledge of the matter and things in controversy in said cause or proceeding; and the said deposition when so taken by you, shall be subscribed by said witness, and the same you shall, together with this Commission, return to us, with all convenient speed; and you shall likewise certify the same to us, under your hands and seals, in all things fully and explicitly, how you have executed this Commission.

Witness my hand, this 25th day of February 1902

W.C.D. COOK Judge of Probate

**THE STATE OF ALABAMA, DEKALB COUNTY  
PROBATE COURT**

estate of Robert Warren deceased  
Citation to Heirs of Devises on Application to sell Land.  
Notley N. Warren

Returned and filed June 30, 1900

W.C.D.Cook

Judge of Probate

Received this 21 day of June 1900 R.W.Frazier sheriff

Executed this 20 day of June 1900 by handing a  
copy to the within names. R.W Frazier sheriff

W.P.Nation

Citation to Heirs or Devises on application to sell Land

The State of Alabama }

Probate Court

DeKalb County }

}

**TO THE SHERIFF OF SAID COUNTY - GREETING:**

**WHEREAS,** Roxie Painter

has filed her application in said Court, for a sale of the lands described therein, belonging to the Estate of Robert Warren deceased, for division among the heirs at law of said deceased and the 25 day of June 1900 has been appointed for the hearing of said application.

You are, therefore, hereby commanded to cite Notley N. Warren and George W. Warren to appear before the said Court on said 25 th day of June 1900 to contest said application, if they think proper.

Witness, this 16 day of June 1900.

W.C.D.Cook

Judge of Probate

The State of Alabama

DeKalb County

To Honorable W.C.D.Cook, Judge of the Probate Court. The undersigned, Roxie E. Painter, respectfully shows unto your Honor:

1. That she is a married woman over the age of 18 years and a resident of said DeKalb County, Alabama.
2. That she owns an undivided one-twentieth interest in the following lands in said County and State to wit the N.W.1/4 of Sec. 18, Township 4 of Range 10 East except three acres off the South side of said quarter section.
3. That the owners of the other interests in said land are as follows to wit. Robert A. Phillips, Lula A. Phillips and George D. Phillips, each under the age of twenty one years and residing in DeKalb County, Alabama, each owns a one twentieth interest. Ellen Hill, a married woman over the age of 21 years and residing at Mineral Wells, Texas, owns a one fifth interest. Notley N. Warren over 21 years of age and residing in DeKalb County, Alabama owns a one fifth interest in said lands; George W. Warren over 21 years old and residing in Morgan County, Alabama, Cedar Post Office, owns a one fifth interest; and Robert J. Warren, over 21 years of age and residing in the State of Arkansas when last heard from, Post Office is unknown, owns the remaining one fifth interest in said lands.
4. That said lands cannot be equally divided or petition among said joint owners thereof without a sale.

Wherefore the premises considered, petitioner prays your Honor to set a day for the hearing of this application and that notice thereof be given the other owners as required by law, that a guardian ad litem be appointed for said minors to represent and protect their interest on the hearing of said petition, and for all such process, orders and decrees as may be necessary to the end that said lands may be sold and the proceeds divided among said joint owners as their interests may appear and will ever pray JCT

May 22 1900 Roxie Painter. Sworn to and subscribed before me this 22 day of May 1900.  
A.J.Chadwick Justice of the Peace

**Roxie Painter }  
vs. }  
Notley N. Warren }**

**IN PROBATE COURT  
DeKALB COUNTY  
ALABAMA**

Application to sell lands for division among joint owners.

Interrogations to be propounded to James Freeman and Benjamin Brown who both reside in DeKalb County, Alabama near Sulphur Springs in said County, who are nuteral witnesses for the Petitioner in the above stated cause and whose evidence when taken will be offered on the final hearing of same.

1st Interrogatory to both witnesses.  
What is your age and where do you reside ?

2nd Inty. to both.  
Do you know the N.W.1/4 of Sec. 18, Twsp. 4, Rge. 10 East in DeKalb County, Alabama, except three acres on the South side thereof, and known as the Warren lands? How far do you live from said lands and how long have you known them ?

3rd Inty. to both  
Do you know the owners of said lands to wit: Roxie Painter, Robert A. Phillips, Lula A. Phillips and George D. Phillips, Ellen Hill, Notley N. Warren, George W. Warren and Robert J. Warren ? Do you know what interest each owns in said lands ? If so, state it.

4th Inty. to both.  
From your knowledge of said lands the owners thereof and of the respective shares of each, can said lands be equally divided or petitioned among said joint owners without a sale thereof ? If not, why not?

Leachman & Isbell  
Attys. for Petitioner

To Ellen Hill, Notley N. Warren, George W. Warren, Robert J. Warren and J. G. DeShields, Guardian ad Litem for Robert A. Phillips, Lula A. Phillips and George D. Phillips minors.

Take notice that the above and forgoing interrogations are on file in the office of the Judge of Probate of DeKalb County, Alabama, and ten days after service of notice of same an your Commission will issue to Earl Cochran who resides at Fort Payne, Alabama and who is suggested as a suitable person to act as Commissioner to take and certify the testimony of the witnesses therein named.

Leachman & Isbell  
Attys. for Petitioner

The State of Alabama } Probate Court DeKalb County }

Roxie Painter } DeKalb County  
VS Alabama

Notley N. Warren etAls } Fort Payne, Ala. March 10, 1902

Depositions of James Freeman and Benjamin Brown.

By virtue of the commission hereto attached, issued from the office of the Probate Judge for the County and State aforesaid I Earl Cochraen the Commissioner therein named have called and caused to come before me the said James Freeman and Benjamin Brown the witnesses named in said Commission, on this 10 th day of March 1902 at the Court House in Fort Payne, Alabama and having duly cautioned and sworn them to speak the truth the whole truth and nothing but the truth James Freeman the first named deposeeth and saith as follows:

To the first Inty. he saith.

I am 24 years old and reside near Sulphur Springs, DeKalb County Alabama.

To the second Inty. he saith.

I Know the lands described in Inty. I live 1/4 mile from said land and have known them for 12 or 14 years.

To the third Inty. he saith.

I know Notley Warren, Robert Warren and Mrs. Ellen Hill and have seen the Phillips children.

I do not know what interest each own in said lands.

To the fourth Inty. he saith.

From my knowledge of the land and the owners thereof and of the respective shares of each I do not think said land could be equitably divided or partitioned among said joint owners without a sale thereof.

It could not in my openion be equitably devided without a sale because the heirs do not all share alike because some of the farm is broken, two creeks running through it, because there are some improvements on the place a house, orchard and some cleared land.

J.W. Freeman

Benjamin Brown being also sworn disposes as follows:

To the first Inty. he saith:

I am 44 years old and reside near Sulpher Springs, DeKalb County, Alabama.

To the second Inty. he says:

I know the owners of said land as set forth unless it is the three younger Phillips children.

Roxie Painter, Robert A. Phillips, Lula A. Phillips and George D. Phillips; I am informed jointly own 1/5 interest in the place, the remainder own 1/5 each.

To the fourth Inty. he says:

I have my knowledge of the land and the owners thereof and of the respective shares of each I do not think said lands can be equitably divided without a sale thereof.

They can not be divided without a sale because part of the land is broken part level, part improved and part unimproved and because the heirs do not share alike.

B.F. Brown

I Earl Cochran, the commissioner in said commission named, do hereby certify that the foregoing testimony and answers, taken down and written by me in the words of the witnesses were read over to them, that they assented swore to and subscribed the same in my presence at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witnesses, that I am not of cause or kin to the parties to the cause or interested in the result thereof, and I enclose all of the testimony and commission and interrogatories to the office of the Judge of Probate, whereas the law initiate as my full execution of said commission.

Earl Cochran  
Commissioner

Commission fee	\$7.50
Witness fee	
James Freeman	3.00
Benjamin Brown	3.00

\$13.50

In Matter of Estate of Robert Warren deceased sale for division.  
Amended Petition filed in office February 25, 1902.

W.C. Cook  
Judge of Probate

THE STATE OF ALABAMA }  
**DEKALB COUNTY** }

In the matter of the estate of Robert Warren deceased, sale of lands for division comes petitioner by her Atty. Howard & Isbell and amends the original petition so as to make Notley Warren the owner of an undivided two fifths interest in the lands petitioned to be sold. It appearing that George Warren has sold his entire interest to Notley Warren and is not a proper party to said suit.

Howard & Isbell  
Atty. for Petitioner

## WILL OF SAMUEL D. WARREN(SR.)

Record of Wills  
DeKalb County  
Book B pages 3 & 4

The State of Alabama } In the name of God Amen I Samuel D. Warren Sr. of the County De Kalb County } and State afortosaid being of sound mind and disposing memory and in view of the shortness of life and certainty of death do make ordain and publish this as my last Will and Testament. I Will my Soul to God who gave it.

Second It is my Will that all of my just debts be paid at my death.

Third I hereby Will that all of the land which I now own including my dwelling house in which I now live together with all of the out houses thereunto belonging and all of the rights privileges and interests thereunto belonging to vest in my beloved son Samuel D. Warren Jr. in fee simple charged with the following encumbrance to wit. That my said son the said Samuel pay to my beloved son Henry Warren the sum of one hundred dollars. Martha Ryan wife of William Ryan one hundred dollars. John Warren one hundred dollars. Permelia Buster wife of Charles Buster one hundred dollars and to the two children of my son Edward Warren deceased fifty dollars each. These amounts to be paid one half to the respective parties after the expiration of the period of two years from my death and the other and remaining half after the expiration of the time of three years from my death and the further sum of four hundred dollars to be paid by my said son Samuel D. Warren to my beloved daughter Sarah Jane Warren payment to be made at such time as they may fit arrange.

Fourth It is my Will that all my house hold and kitchen furniture be divided between my son Samuel D. Warren Jr. and my daughter Sarah J. Warren in equal part to be by them divided.

Fifth I further Will all of my beds my buggy, farming implements and stock (except the black mare) to my son the said Samuel D. Warren Jr. This bequest is made in part to pay him the sum of three hundred dollars which I was indebted to him the balance having been considered by me in estimating the value of my land which is by this Will given to him.

Sixth It is my Will that my black mare or her worth be given to my beloved daughter Parmelia Buster and to be left to her choice to take the mare or her worth that arrangement to be made between her and my Executor.

Seventh I hereby constitute and appoint my beloved son Samuel D. Warren Jr. as Executor of this my last Will and Testament. Given under my hand and seal this March the 4th 1870.

Samuel D. Warren seal

Witness

W. J. Haralson  
Joseph Hoge

The State of Alabama } Probate Court of DeKalb County 19th day of October 1870  
DeKalb County } On this day the 19th of Oct. 1870, before the Probate Court of DeKalb County personally came Samuel D. Warren who produced a paper purposing to be the last Will of Samuel D. Warren Sr. late of said County and it appearing that Citation issued to all of the heirs and legatees the only persons interested in said Will to appear and show cause why the same should not be admitted to Probate and letters issue thereon. And I have caused to come

before me on this day William J. Haralson and Joseph Hoge subscribing witnesses to said Will who being each duly sworn says they were each present when said Will was signed by the said Samuel D. Warren Sr. that the signature to said Will was signed by said Samuel D. Warren in presence and that he signed published and declared the same to be his last will and Testament and that the said Testator at the time of signing the same was of sound and disposing mind and over the age of twenty one years and that they and each of them signed as witnesses in his presence and in the presence of each other at his request. It is ordered and declared that the said Will of the said Samuel D. Warren Sr. be admitted to Probate as the last Will and Testament of Samuel D. Warren Sr. and the same be recorded and registered in this Court.

A. J. Horton  
J.P.C.

## Probate Court Records

S. D. Warren  
Executor of  
S. D. Warren Sr.

The State of Alabama } Probate Court  
DeKalb County        }

July 17th 1872

Be it remembered that on this day came into open court Samuel D. Warren as Executor of a last will of Samuel D. Warren Sr. dec'd and files his account and vouchers for an accurate settlement of his account an it appearing to the Court from a Statement filed under oath from the Said that the following are the Legatees Devises of said Estate Viz: Hannah E. Ryan formerly Warren and her husband William Ryan who resides in Jackson County, Alabama. Permelia Buster formerly Warren and her husband Charles R. Buster who's Post Office address is Paris, Lamar County, Texas. Henry P. Warren, John F. Warren, Sarah J. Warren, Martha Ryan formerly Warren and her husband Isaac N. Ryan and this Executor Samuel D. Warren Jr. all of whom reside in DeKalb County Alabama all over the age of twenty one years. And Ophelia Coker daughter of Edward Warren and grand daughter of decent and her husband James Coker and Ella Warren daughter of Edward Warren and grand daughter of decent the former resides in Cherokee County, Alabama and the latter in DeKalb County, Alabama both of which are under the age of twenty one years they are heirs and only heirs of Said Estate. It is therefore ordered by the Court that the Tenth day of August next be set for the hearing of said account and that three weeks notice be given by posting written notices one at the Courthouse and three other public places in said County and that John K. Hoge who is a fit and proper person consents in writing, be appointed guard ad litem to represent the Minors in said settlement.

## WILL OF SAMUEL D. WARREN (JR.)

Record of Wills

DeKalb County

Book C pages 4 & 5 Will Probated Thursday 11 day of April 1907. Recorded on Book J pages 383-384 and Fee book B

I Samuel D. Warren Sr. of De Kalb County Alabama, being of sound mind and memory and in view of the uncertainty of life do make, publish and declare my last Will and Testament follows, to wit :

Item 1. It is my will all my just debts be paid by my executors herein after named as soon as can be consistently done after my death.

Item 2. I will and bequeath to my beloved daughter Pearl Morris the piano now at my house and in my possession.

Item 3. It is my will that my executors shall give and turn over to my beloved son Charles W. Warren and Marvin L. Warren a good horse.

Item 4. I will and bequeath to my beloved wife Willie E. Warren and my children William Earnest Warren, Pearl Morris, Clarence L. Warren, Charles W. Warren and Marvin L. Warren all of my property, real personal and mixed, of every description that I may own at the time of my death, share and share alike, equally among them, except the property especially bequeathed in Items 2 and 3 of this will.

Item 5. My executors shall have and they shall hereby allotted with the power to sell any and all of my property, real and personal, except the real estate exempt to my wife and minor children (if any at m death) under the laws of Alabama for the purpose of paying my just and lawful debts, and to execute deeds of conveyance to the purchaser of the same; but before the real estate is sold for the payment of my debts, they shall first sell all my personal property, or so much thereof as is necessary to pay the debts except the personal property mentioned in Items 2 and 3 of this will and except such household property as my wife may desire to keep and is reasonably necessary for her use and comfort.

Item 6. If my wife and children can not for any reason agree upon a division of the property herein bequeathed to them equally, or if a division is desired before all my children all of age, my executors, in such event are hereby allotted with the power to sell all of said property, real and personal, for division among them and to execute deeds of conveyance to the purchasers of said property and divide the proceeds of sale among those intelled thereto under this will equally.

Item 7. If not a sufficient number o horses belong to my estate at my death to carry out my bequeath mentioned in Item 3 of this will there my executors shall purchase the number necessary to do so, or pay the equivalent thereof to said Charles W. Warren and Marvin L. Warren in cash if they prefer it, out of the assets of my estate and these purchases or payments in

costs as the case may be shall not be a part of my estate to be equally divided among all as set forth in Item 4 of this will.

Item 8. In case my sons Charles W. Warren and Marvin L. Warren are not educated during my life up to the same degree or extent as my son William Earnest Warren except as to professional education, then, in such event my executors shall use so much of the proceeds of my estate real or personal, as is necessary to educate said sons up to the same degree or extent of my said son William Earnest Warren, if they or either of them desire it; and whatever sum is necessary for said education of them or either of them as the case may be shall be paid before there is any division as is mentioned in Item 4 and 5 of this will and said sum so expressed shall not be a part of my estate to be equally divided as mentioned in Item 4 of this will.

Item 9. I nominate and appoint my sons William Earnest Warren and Clarence L. Warren as the executors of this my will.

Item 10. All former wills made by me are hereby revoked.

In testimony whereof I hereunto set my hand and seal in the presence of the witnesses named below on this the 12 day of January 1907.

Samuel D. Warren(seal)

Signed in the presence of

W. W. Harolson

John A. Davis

The State of Alabama }  
DeKalb County } PROBATE COURT I, Jas. A. Croley Judge of Probate in and for said  
county, do hereby certify that the written and foregoing instrument of writing has this day in said  
Court and before me as the Judge there of been duly proven to be the last will and testament of  
Samuel D. Warren, deceased; and that said Will and the proof thereof has been recorded in my  
office in Book "C" page (4) and examined in witness whereof I have hereto set my hand and seal  
of said Court this the 11 day of April 1907.

Jas. A. Corley, Judge of Probate

The State of Alabama }  
DeKalb County } Probate Court, Special Term, April 11th, 1907,  
In the matter of the Probate of the last Will and Testament of Samuel D. Warren deceased,  
before me, J. A. Croley, Judgr of Probate, in and for said County, personally appeared in open  
Court, John A. Davis who, having been by me first duly sworn and examined, did and does  
depose and say on oath, that he is a subscribing witness to the instrument of writing now shown  
to him and which purports to be the last will and tesyament of Samuel D. Warren deceased, late  
an inhabitant of this County, that said Samuel D. Warren 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 affiant set his signature thereto on the day the same bears date as a  
subscribing witness to the said in the presance of said Samuel D. Warren and that such other  
witness W. W. Haralson subscribed his name as a witness in his presence and in the presence of  
said Samuel D. Warren, That said Samuel D. Warren was of sound mind and desposing memory,  
and in the opinion of the deponent fully capable of making his will, at time the same was made  
as aforesaid, Affiant further states that said Samuel D. Warren was on the day of the date of said  
will, of the ful age of twenty one years and upwards.

John A. Davis

Sworn to and subscribed before me, )  
the 11th day of April 1907 )  
J. A. Croley, )  
Judge of Probate )

The State of Alabama, DeKalb County, Proff of Will, Filed April 11th. 1907, and duly  
Recorded in Vol. "C" of Wills Records on Page 5, On April 20th. 1907.  
J. A. Croley, Judge of Probate

# FORT PAYNE JOURNAL

FORT PAYNE, ALA., WEDNESDAY, MARCH 6, 1907

## Death of S. D. Warren

Mr. Samuel D. Warren, one of the oldest citizens of the county, a man universally esteemed for his many admirable qualities, died at his residence in this place Thursday night of pneumonia, after an illness of about a week. Mr. Warren was in his eighty eighth year and his system enfeebled by age, could not withstand the disease, although he was usually active for one of his years.

Mr. Warren had many friends all over the country who recognized his worth although he was quite and unostentatious in his life and manner. He was just and upright in all his dealings and desirous to do what was right where his fellow man was concerned.

In 1877 he married to Miss Willie Lucy who, with five children survive him. One child has already gone before. They have lost a most tender and affectionate husband and father, and his memory will live in their lives as an active stimulus to better things.

The burial took place at Lebanon, Friday and the remains were laid in their last resting place in the presence of a large number of friends who assembled to show their affectionate remembrance of the departed friend and neighbor.

Miss Lucy Kate Hogue and Gertrude Lucy of Gadsden attended the funeral of their uncle Mr. S. D. Warren last Friday.

Mr. and Mrs. H. M. Morris of Macon, Ga., attended the funeral of her father Mr. S. D. Warren who died at this place last week.

Clarence Warren was called home from Texas by the death of his father, but owing to the delay of the train did not arrive here until too late to attend the funeral.

*As a point of interest and to help remove any confusion:*

*Samuel D. Warren Sr. was Samuel Dobson Warren born March 19, 1786, in Virginia; died August 10, 1870, in Lebanon, Alabama; married January 27, 1808, to Rebecca Earnest, Greene County, Tennessee*

*Samuel D. Warren Jr. was Samuel Douthet Warren, born June 3, 1819; died February 27, 1907; married Willie Enna Lucy, born 1852; died 1934*

*Samuel Douthet Warren and Willie E. Lucy had a son Samuel D. Warren Jr. who died about eighteen years of age before 1877 and is buried with them (his name is on their stone) in Lebanon Cemetery, DeKalb County, Alabama.*