

State of Alabama, Talladega County}

I **John Simmons** do hereby make my last will and testament in manner and form following. That is to say:

1st. I desire that a sufficient portion of my perishable estate be sold (by my executors hereafter named) (privately or otherwise on such terms as they may think proper) to pay all my just debts.

2nd. After the payment of my debts, I give and bequeath all the balance of my estate both real and personal unto my four children viz- **Anna Martha, Altrmia, Edna, and Moses**, to be equally divided among them.

3rd. I desire that **my wife, Francis**, shall, during her natural life or widowhood, have an equal interest with my children, in the provides arising from my farm or the hiring of my nigros- or rents of my farm the management of which I leave entirely to the discretion of my executors hereafter appointed, hereby giving them full power. If they cannot have the farm so managed as to make a support for my family to hire out my nigros or dispose of them in any way they may think will best secure the interest of my children and to rent or lease my farm as they may think proper.

4th. I hereby authorize my executors hereafter appointed when any one of my children arrives at the age of maturity to assess my estate having in view the interest secured to **my wife Francis** and pay over to such child or children what they may deem a fair dividend.

5th. I desire that my children may be educated in the common branches of an english education and the expenses paid out of the proceeds of my estate.

6th. In case my wife remains a widow until her death, I hereby desire what ever portion of my estate my executors hereafter appointed may have allotted for her support to my four children to be equally divided among them.

7th. I hereby give **my wife Francis** the sum of ten dollars and authorize my executors hereafter appointed to sell some portion of my perishable estate and pay over to her the same.

And lastly I do hereby constitute and appoint my **brothers James B Simmons and Moses W Simmons** executors of this my last will and Testament hereby revoking all other or former wills or testaments by me heretofore made.

In witness whereof, I have hereunto set my hand and affixed my seal this **18th day of March in this year 1846.**

John Simmons {seal}

signed, sealed, published, and declared as and for the last will and testament of the above name John Simmons in the presence of us.

James H Thompson

Isaac F Stocks

William Stocks

Codicil to the foregoing will

I, **John Simmons**, supposing entire trust and confidence in my **two brothers, (to wit) James B Simmons and Moses W Simmons** whom I have appointed executors of this my last will and testament, do hereby make this addition to my last will and testament.

That I do not wish it to be required of them to give security for the faithful discharge of their duties of executor, either before or after taking out letters of executorship. But I desire that they should act alone on their own responsibility, and that they should discharge the duties required of them as executors to the best of their judgement and ability.

In witness where of I have hereunto set my hand and affixed by seal this **20th day of March 1846.**

John Simmons {seal}

signed, sealed, and delivered in presence of

JC Knox

Jos D. McCann

John F Simmons

To the Honorable H.W.W. Rice
Judge of the County & Orphan's Court in and for
the **County of Talladega in the State of Alabama**

The petition of **Moses W Simmons** for himself and **James B. Simmons** both of said County, respectfully represent unto you Honor, that on the **9th Day of April instant, John Simmons departed this life**, in this County having made his last will and testament and having signed, sealed, published and declared the same to be his said last will and testament in the presence of **James H Thompson, Isaac F Stocks and William Stocks** who are witnesses thereto and signed the same in presence of said testator.

Said will bears date the **18 March 1846**.

That on the **20th day of March 1846**, said testator signed, sealed, executed and published a **codicil to said last will** in the presence of **JC Knox, Jos D. McCann and John F Simmons** who witness the same and subscribed said codicil as witness in presence of said tester and of each other as witness.

Which will is to this petition annexed and is prayed to be referred to for greater certainty, and which appoints your petitioner and **James B Simmons** as executors thereof.

Your petitioners present said will in your honor court for probate and petitions your Honor for letters testamentary to issue according to law.

They further vow that said **John Simmons** dec'd left a **widow, Frances** by name and four children, names as follows, **Anna M, Altrimiva, Edna, and Moses Simmons**. Said children being infants **under 14 years of age**.

That said widow and children reside in this (Talladega) County - Wherefore they pray that
??? may issue and said will be proved and letter testamentary may be issued to your petitioner and said James B Simmons and they will ever pray.

Moses W Simmons

??????

this 17 April 1846

A J Cothers

Clerk of the Court

Talladega, Ala

The State of Alabama, Talladega County}
Special Term of the Orphans Court
April 20th, 1846

This day came into open court, **James H Thompson, Isaac F Stocks and William Stocks** who are subscribing witnesses to the Last will and testament of **John Simmons late of said county deceased**, who first being duly sworn on this Holy evangelist of Almighty God, depose and say that they saw the testator **John Simmons** sign, seal, publish, and declare the foregoing paper hereto attached as his last will and testament on the day that the same said date and that they these despondents subscribed their names thereto in the presence of the said testator and in the presence of each other, and that they and each of them believe the said **John Simmons** at the time of the execution of said will was of a sound and disposing mind .

James H Thompson

Isaac F Stocks

William Stocks

sworn to subscribed in open

court this day & day first above mentioned

A.J. Cothen, clerk

Transcribed 26 Jan 2023, Arthur F Bowie, punctuation added

Abstract of selected documents in Probate of Estate of John Simmons, Talladega County, Alabama

image 142 Calvin H Simmons guardian of the estate of Adelia Simmons now age 21 years, final settlement 7 June 1864 \$180.09 plus interest to date made in court \$55.20. 28 July 1868

image 144 Petition of Adelia Simmons that Calvin H Simmons as Guardian made settlements in 1862 and 1864, but none since 1864. Adelia Simmons arrived age 21 years in 1866. asks Calvin H Simmons be cited to settlement of Guardianship of estate

image 152 Guardian Bond of Calvin H Simmons appointed guardian of Adelia Simmons 18 April 1861

image 154 Frances A Simmons as administer of estate of John Simmons dec'd. Debt account \$225 for hire of negras for year 1855 and credit for amount made James McCann for provision for family \$255. signed Frances A Simmons 4 July 1860

image 159 John J Woodward, admin of estate of John Simmons, Dec's account estate from 1 January 1857 to 16 Sept 1857

image 164 JJ Woodward as administrator of estate of John Simmons, Dec'd accounts amounts received and the credits claimed. Woodward states that Mrs Frances Simmons widow of said John Simmons dec'd, Anna Martha, Elisa Jane (now wife of James L White), and Adelia Simmons were the surviving heirs

image 168 the heirs of estate of John Simmons are : Francis Simmons Widow, Anna Martha Simmons aged 14 years, Eliza Jane Simmons age 12 years, Adelia Simmons age 10 years, John (dead) age 10 years.

image 180 Dec 27, 1860 to Charles Carter, James Lawson, Jame G L Henry, Rufus M Henderson and P.D. Simmons. Mrs Frances A Simmons administratrix of estate of John Simmons directed to equally divided 7 Slaves (woman 28 yrs, boy 20 yrs, girls 18 and 6, boys 3, 1, and 7 months) between Mrs Anna Martha Simmons wife of Dr C H Simmons and Adelia Simmons a minor. Mr F A Simmons and Mrs EJ White heretofore received their share of estate) signed 29 Dec 1860.

images 182 to 185 filed 27 Dec 1860,

Petition for distribution of remain portion os slaves by Mrs Frances A Simmons. John Simmons died 9 April 1846 leaving widow and four children heir - A.M. Simmons, EJ Simmons, Adela and Moses Simmons.

15 Dec 1859 EJ Simmons intermarried with J L White. Moses the youngest of children has disease (*and likely will not survive*)

image 190 Administer and executor Bond of Frances A Simmons, Frances M Thomason and John J Woodward bound the sum of \$11,500 that Frances A Simmons appointed administratrix of the estate of John Simmons dec'd. 4 Feb 1860.

image 195 report sale of negro woman and child 11 Aug 1859

image 234 John J Woodward appointed guardian for Anna Martha Simmons, Eliza Jane Simmons and Adelia Simmons. 18 Sept 1857

image 236 Francis A Simmons and John J Woodward administratrix/administrator of estate of John Simmons. 25 Aug 1855

image 254 is cover of folder 2 of 2, box 51, file 19 of 56. Vouchers

end abstract.. Arthur F Bowie 25 Jan 2023