

Exhibit "C"

THE LAST WILL AND TESTAMENT OF HEZEKIAH WILLIAM FOOTE DECEASED-

I, Hezekiah William Foote of Noxubee County, Mississippi, being of sound mind and disposing memory make this my last will and testament hereby revoking all others-

ITEM 1st- I express with great humility my gratitude to my Heavenly Father for his grace and great kindness in bearing with and sustaining me so long, and especially for the hope and confidence I have of meeting him in peace-

ITEM 2nd-- I give to my daughter Ann F. Clements of Sharkey County, Miss. wife of Doct. E. C. Clements, to go to her children in equal parts or interest, after her death, a certain tract of land in said County of Sharkey known as the Clements place, and being numbers as follows, towit:- Ninety one acres of land in section (twenty six 26) including all the land in the bend on the west side of Deer Creek and mostly in the northern part of said Sec. 26, and one hundred and forty seven in section 27 on the west side of Deer creek and in the north part of said Section 27, and that portion of Sec. 36, lying west of said creek in the south part of the section making in all 238 acres all in township 12, Range 7, west, which was deeded to me by E. C. Clement and his wife, recorded in Sharkey Co., Miss. in Book E, page 187, except twenty acres off the south side of said land which I have heretofore deeded to my son H. L. Foote, I give also to my said daughter all the claims I have against her husband Doctr. E. C. Clement, and herself- I give her also a one third interest of the nett income from my Steels Bayou place known as "Willett" after my death, and if sold or when sold to have one third of the nett proceeds arising therefrom- I give her also five hundred dollars in cash or good notes as my executors may think best- All for herself and her children not to be subject to any debt of her family may now owe or may hereafter contract including herself and husband-

H.W.F.-

ITEM 3- I give to my grand children Louis Patty, Harry Patty, and Emma Patty, children of my deceased daughter, Kate F. Patty,

part of
this has
been sold
to W.
Barnhill

*Subsequently sold
to Schooler sold*

*Sold to Geo.
Cash Subsequently*

Four shares each of the Capitol stock of the Merchants & Farmers Bank of Macon, Miss. and six shares each of the Macon Compress & Ware house Companys Capitol stock ~~to be~~. I give to them also three small ^Eplaces of land, viz:- The S.W.1/4, of the S. E. 1/4 and the S. E. 1/4, of the S. W. 1/4, of Sec. 15, T. 15, R. 16, East, now rented to John Stowers, containing Eighty acres- And the S.E.1/4 of Sec. 32, T. 16, R. E now rented to Jim Stokes containing one hundred and sixty acres-

And the North West 1/4, of Sec. 12, T. 14, R. 16, East, except 10 acres off of the NW.1/4, of NW1/4 leaving one hundred and ffifty acres known as part of the cash land- All the above stock and land to be controlled by their father, T. J. Patty, now of Eddy, New Mexico, who is hereby authorized to manage receive dividends and rents for the benefit of said children, and I do not wish him to give any bond or report to any court, but keep an account of all monies received therefor and when any or either of them become of age or gets married to account to such for their share or interest, provided he or her husband is not adicted to taking narcotics, too much intoxicating drinks, or gaming, or if either of them shall b e so afflicted it shall forfeit their interest therein and such ones share be given to those of stady habits-

ITEM 4- I give to my grand children Fannie D. Foote, Eliza Foote & William Foote, children of my deceased son, William H. Foote, & Mary S. Foote, now of Louisville, Ky. Two shares each of the capitol stock of the Merchants and Farmers Bank of Macon, Miss, and Dour shares each of the capitol stock of the Macon Compress & Wareyhouse company - I have heretofore given their mother four thousand dollars with which she has built a house in Louisville, Ky. which is for the use generally of herself and children, and her death to become the property of said children- All the above to be managed and controlled by the said Mother for the childrens benefit, and I hereby authorize her to receipt for all dividends- I do not wish her to

^{any} give bond ~~any~~ or to make any report to any court unless she should get married in that event I want her to turn over to her children if of lawful age, each ones share or she and her husband to give bond and security for the safe keeping and management of the same- But if any or either of said children should marry a descipated or gambling man or the son should have such habits I desire that such an one shall forfeit all interest in the above and such ones share go to those of steady habits-
Item 5----I give to my son Henry D. Foote, of Columbus, Miss- all debts he owes me. I have made him a deed to the land deeded to me by himself and wife, which I desire him to keep without paying anything for it-

I give him my farm called the Brewer place and being ~~a~~ about 538 acres in sections 23 & 26, Township 15, R. 18, more particularly described in deed to myself recorded in Book 24, page 1. and Book 20, page 484 & 538 & 539-

The Brewer place has been sold to T. Jackson, and I give him what Jackson owes me for it instead of the land at my death-
Item 6-- I have heretofore given my daughter in law Anna Fooge the tract of land where she now resides and the personal property connected therewith for the use and-

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benefit of herself and the children of my deceased son Thomas Foote, In addition to this I give to my grand son, Frank W. Foote, my law office being 18 feet front on the East side of Jefferson street in Macon, Miss., running back to the west line of the ground or lot I sold J. L. Griggs, in the same Block which is about 103 feet, in Block 8, together with my law books safe and vault and furniture in said office with the understanding that if he or either or any of his brothers shall become lawyers he or they to have an equal interest in all the above and to Frank and debts due Foote and Foote if he can make anything out of them. The books are marked Foote & Foote, but are my individual property- with the further understanding that

*This has been
said to Jackson
& Macon & give
them as they may
owe on the same
at my death-*

my executors are to have the use of the office safe and vault if they want it in the management and settlement of my Estate. I give also to my said Grandson Frank for the use of the family all to be equally interested therein my Chickamauga plantation of 250 acres as described in deed to me recorded in Book 29, page 120, and my George Beasley place near the over-head bridge containing about 67 acres as described in deeds recorded in Book 36, page 142, and 178, and various tax deeds to the same land. I do not require him to give any bond or make report of the same or his doings to any court, but to manage use or sell the same as he may think best, and I hereby authorize him to sell or otherwise dispose of any or all of said lands-

ITEM.7- I give to my daughter Emmie F. Patty, wife of H. M. Patty, of Atlanta, Ga. Ten shares of the Capitol stock of the Merchants and Farmers Bank of Macon, Miss. and ten shares of the capitol stock of the Macon Compress & Ware House Company Also ten shares of stock in the Brosem Sewing Machine Company, in Atlanta, Ga., if she can make use of it - I have some notes in the hands of W. B. Jones, Sherman, Texas, for collection if they are worth anything I give her them also-I give to my said daughter Five Hundred Dollars in cash or when ever my Executors can pay her the same-

ITEM 8-- I give to my son Huger L. Foote, of Sharkey County, Miss. the store house in Rolling Fork I bought from Mary A. S. Foote, Also all the debts my said son may owe me at my death- I give him also a one third undivided interest in my Steels Bayou place known as "Willet" in Issequena Co. Miss, being Lots 2, 3, 4, & 5, and all of Lot 6, on the West side of Steels Bayou in Sec. 29, Township 12, Range 8, west containing 485 56/100 acres upon condition that he shall keep charge of said place and lease, rent or sell the same without charge for his services further than actual expenses which shall with all other necessary expenses, including taxes of all kinds be deducted

from the gross receipts or income, and the nett proceeds to be equally divided between himself, my wife Elemor W. Foote, and Anna F. Clements, as heretofore stated in Item 11. I give the above property to my son for the benefit of his children and to be theirs at his death, and not subject to any debt of himself or his wife- ^{But} I authorize him to sell and dispose of any or all of the same while he may be in life-

ITEM 9-- I give to my daughter Mollie ²Q. Patty, wife of T. T. Patty, in addition to what I have heretofore

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viz: The house and lot where she now lives, the brick building and lot now occupied by D. Owens or Racket Store, and J. L. Clements, and the money I have heretofore advanced her & her husband amounting to about Five Thousand Dollars in consideration of all her interest in her mothers Mary C. Foote deceased, and her uncle Robert L. Foote, deceased Estates, receipt for which is in one of the fobs of my note book- I give her also Ten shares of the Capitol Stock of the Macon Compress & Ware House Company, and Four shares of the Capitol stock of the Merchants and Farmers Bank of Macon, Miss. and the house and lot on the East side of Jefferson street south of the Dinsmore and Dent lot being about 25 feet, front runing back 103, feet to J. L. Griggs lot, known as my feed store house, and the vacant space about 23 feet wide back of the said Dinsmore building and the Rigg stor house on the corner now occupied by J. L. Griggs, being part of Block 8, in Macon-- All the above for her self and children to be managed by herself while she lives, but in case of her death, I desire the Chancery Court to appoint a guardian to said Children- I do not wish it to fall into the hands of her husband as his conduct has been such as to cause me to think it would not be properly managed - None of said property is to be or become liable for any debt but to be kept for the benefit of her children- She also is to be entitled to an equal in-

terest with my other children in all my Estate not herein divided. If any of her children shall be of lawful age at her death and of sober steady habits (not addicted to gambling or taking of narcotics) I desire that such an one or they shall have charge of the same for the benefit of all the children-

ITEM 10-- I give ~~it~~ to my daughter Georgia A. Paine, wife of Doct. W. M. Paine, of Aberdeen, Miss, all my interest in the land ~~in~~ she and myself own on Deer Creek, in Washington Co., Miss., lying in Section 17, 18, 19 & 20- Township 15, Range 6, West, and the E. 1/2 of the NW. 1/4, of Sec. 24, which belongs to me individually bought from the state 12 or 15 years ago- She has the large portraits of her mother and myself which I desire she shall keep also the organ, cover and stool, and all the furniture in what is called her room in my dwelling, all this for her own benefit and that of her children, but if she ~~without a child or children or her child should die before~~ should die before becoming of age, it is my wish that all the property mentioned in this item shall revert to my estate, and be divided between my children- I have not given Georgia as much as I have my other children, but it is her request that I should give them more as they needed it more than she did.

ITEM 11- My wife Eleanor W. Foote, has been loving and kind to me, and I wish to give her an ample support that will be of least trouble to her. To this end I give ~~her~~ her one thousand Dollars, in cash, Four shares of the capitol stock of the Merchants and Farmers Bank of Macon, Miss, and a one third interest of the nett income from

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my steels Buyo plantation known as "Willette" in Issequena Co. Miss, said plantation to be managed and controlled by my son H. L. Foote, for the mutual benefit of my said wife, my daughter Ann F. Clements, as stated in item 2 herein and himself, as stated in item 8 herein- After the death or marriage of my said wife (If she should marry) I desire the said 1/3 interest in said place to go to my daughter Emmie F. Patty, or to her child

or children but if my said daughter Emmie shall die without a child or children, or her child or children die before they become of age, then I desire that said place shall belong to my ^{and} son, Huger L. and my daughter Anna F. equally and to be kept or sold as my son may think best- If my said wife desires to remain in the homestead it is my wish she shall have the use of it and all the personal property connected ~~to~~ therewith during her life or widowhood free of charge, but if she should die or marry then to be a part of my undivided Estate, and in addition I give her Five hundred Dollars in gold now in my or all the gold in my safe-

ITEM 12- I give to my Grand children William Foote, son of my deceased son, W. H. Foote, William Foote, son of my son, H. D. Foote, Frank William Foote, son of my son Thomas Foote, William F. son of my daughter Ann F. Clements, William Patty son of my daughter Mollie F. Patty, one share each of the Capitol stock of the Merchants & Farmers Bank, of Macon, to be managed and receive dividends thereon by the parents respectively until they become of age, then ~~and~~ with profits to be given to them an account William Foote Paine son of Dr. Paine and Georgia F. Paine, I wish to include a the above and one share to William to William Bramby son of James Bramby of Chester So.ca. of their names sake-

I give to my great nephew (one hundred Dollars) William F. Bramby son of James Bramby of Chester, So.ca. on account of his name sake, to be paid to his mother by my executors-

Item 13-- There is a paid up policy issued by NewYork Life Ins-Co. for \$2050' which was burned a certificate of which is in my pocket book for the benefit of the children therein named- There may be a balance of about \$35 of a note for premiums which is to be deducted if I do not hereafter pay it: the note ~~had~~ been paid in and the interest and profits arising from said policy ~~added~~ to its value-

Item 14-- I desire that all my property not disposed of

herein or otherwise shall be under the control of my Executors hereafter named who I authorize to sell, lease or dispose of as any two of them may think best, or compromise & Settle any debt or claim both real and personal property to collect all debts due me as soon as may be practical without distressing or appressing any where the collection may be done without-

It is my wish that all my property when disposed of or collected *those who have died who are to have their parts share to be divided equally between them* to be equally distributed among my children or the children of *I wish the children of* my deceased sons, William H. Foote, and Thomas Foote to have

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their parents share and to be under the control and management of their mothers respectively and the children of my deceased daughter Kate F. Patty, to have their mothers share to be under the control and management of Thos. J. Patty, now of Eddy, New Mexico-- All their interest to be represented by the parents as above stated, until the children respectively become of lawful age or get married then I wish the parent to deliver to them as this may occur- provided ~~each~~ an one or the husband of the females are of sober habits of good moral character free from intoxication, gambling, or too frequent use of narcotics, but should any fall under this provision, I want the other Brothers or Sisters to have such an ones share- The object is-- I do not want what I have for my children wasted or squandered and if there is probability of such I wish my Executors to withhold such ones share for those who are not so unfortunate-

It is my further wish that if either of any of my children or grand children or any parties in interest shall be or become dissatisfied with my will and shall attempt in any manner to set it aside or involve my estate in any law suit or Chancery proceedings in any manner whatever, I desire that what I have herein given to such an one or them shall be kept from them ~~or~~ given to my other children or grand children- this is not to prevent my Executors from suing when necessary of my chil

children or grand children who have not participated in the same but this is not to apply where my Executors find it necessary to bring any suit-

ITEM 15-- I wish my will established and recorded property and letters of Executorship granted and issued to my Executors hereafter named so as to authorize them to act legally in settling up my estate, and otherwise I do not want any proceedings to be had in any court in regard to my estates further than may be necessary for the collection of debts, or the disposition of property or for improper management on the part of any Executor. I do not require or wish my Executors to make any report to any court nor do I wish them to give any bond.

ITEM 16-- I hereby appoint my sons Henry D. Foote, and Huger L. Foote, and my wife Eleanor W. Foote, Executors and Executrix of my Estate and I give them full power and authority or any two or them to sell, dispose of and make title to any personal or real estate belonging to or that may hereafter attach to my estate not disposed of herein- devised as fully as if I in person should do and in case of the death of two the remaining one to act as the whole. My confidence in them is such that I do not require either of them to give security on any bond, but each to give bond in the sum of \$10,000.00 payable to the State of Mississippi, conditioned for the faithful performance and discharge of their duties but not liable one for another's act but each for his own act- But I request that a book should be kept in which all their

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acts or transactions as Executors shall be kept, and that each one of them shall keep a book in which he or she shall keep a record of their own transactions which is to be opened for the inspection of any of my children or grand children which shall contain a cash account of all monies received, from whom and to whom paid, and for what-

Item 17--- I give to my grand son Frank W. Foote, my gold

watch as a reward to him for his honesty and faithfulness in endeavoring to do well what he undertakes to do and that he may remember that it is his grandpa's wish that he may remain and continue faithful in all his works and ways both to God and man, and I give to Thomas Patty, (Molly's Son) a gold watch of his uncle Robert L. Foote Deceased, now in my safe, and at his death to his oldest brother-

ITEM 18- I became a member of the Methodist Church in the year 1841, when I was a wild youth and if I am worth anything morally or sequeusly I owe it to the forebearing mercy and kindness of my heavenly father, through the instrumentalities of the Methodist Church in Macon, and I desire to leave as a small memento five shares of the Capitol Stock of the Macon Compress & Warehouse Company, in the hands of the Recording Stewart of Macon Station, the dividends to be appropriated by the Stewarts for the benefit of the Church in Macon, as they may think proper and if they shall it advisable to sell said shares the proceeds shall be loaned and the interest used as aforesaid and I give three shares of the Capitol stock in said Compress & Ware house Company to the Methodist Sunday School in Macon, the dividends or interest as above stated to be drawn by the Superintendant of said School, and used in keeping up the library of said Sunday School- I think this is 60 shares of said stock disposed of in this will and leave 70 shares undisposed of which my Executors will manage, I have since give one share to Francis Lewis Baggett, daughter of Annie B. and one share to Fielding Lewis bright son of Fanny, daughter of Mrs. Clements-

ITEM 19--I have eighteen shares on the building and Loan Association upon which a payment of One Dollar per share is to be paid monthly until the stock is paid for then it will be in the hands of my executors to manage or if they shall think best to sell the same at any time shall have the right to do so-

*This Company has
been closed up*

IN TESTIMONY of all which I call T. S. Murphey, C. C. Sessions and C. Heinrich as witnesses to my signature to this my last will and testament- This the 20th day of April A. D. 1892-

T. S. Murphey,

H. W. Foote--

C. C. Sessions-

C. Heinrich-

PROOF OF WILL-

In the Matter of the Last Will and Testament of Hezekiah William Foote, late of Noxubee County, Mississippi, Deceased- State of Mississippi, Noxubee County-

This day personally appeared before me the undersigned Clerk of the Chancery Court of said County T. S. Murphey and C. C. Sessions, credible and competent subscribing witnesses to a certain instrument of writing filed in my office on the 1st, day of February .A. D. 1899, purporting to be the Last Will & Testament of Hezekiah William Foote, Deceased, late of Noxubee County in said State, and said witnesses having been by me first duly sworn on oath say that the said Hezekiah William Foote, Deceased, late of Noxubee County in said State, on the 20th day of April A. D. 1892, the day of the date of said Instrument at Murphey's Drug Store, in the town of Macon, Mississippi, freely and without any restraint or undue influence known to them signed, published and declared said instrument to be his last will and testament in the presence of the said subscribing witnesses that the said testator was then of sound and disposing mind and more than twenty one years of age, that they the said Deponents then and there at the special instance and request and in the presence of the said testator and in the presence of each other subscribed and attested said instrument as witnesses to the signature and publication thereof, that said testator at the time of the said attestation

by said deponents was mentally capable of recognizing an actually conscious of said act of attestation and that they the said subscribing witnesses were at the time of said attestation competent witnesses under the laws of the State of Mississippi-

T..S. Murphey-

C.C.Sessions-

Sworn to and subscribed before me this 1st day of February
A . D. 1899--

Z. T. Dorroh, Chancery Clerk-

PROBATE OF WILL-

The State of Mississippi, Noxubee County-

The Estate

of No. 2092--

IN CHANCERY-

H. W. Foote--

In the matter of the petition of H. D. Foote, H. L. Foote, and Eleanor W. Foote, for the probate and record of a certain instrument of writing alleged and purporting to be the Last Will and Testament of Hezekiah William Foote, late of said County, Deceased, and for Letters Testamentary thereon, the same being considered and it appearing from the proof filed that said instrument of writing is fully and legally established as the true and original Last Will and Testament of the said Hezekiah William Foote, and that at the time of the execution thereof said decedent was over the age of twenty one years and of sound and disposing mind, memory and understanding,

It is therefore ordered, that said petition be granted and that said instrument of writing be and the same is hereby

admitted to probate and record as the true, and original last Will and Testament of the said Hezekiah William Foote, Deceased-- and that the proofs taken to establish the same be also recorded--

It further appearing that said Henry D. Foote, Huger L. Foote, and Eleanor W. Foote, has taken the oath prescribed by law, it is further ordered that letters testamentary do now

issue as prayed for-

Ordered in vacation this 1st day of Feb. A. D. 1899-

Z. T. Dorroh, Clerk-

The State of Mississippi-

Noxubee County-

I, Z. T. Dorroh, Clerk of the Chancery Court of said County do hereby certify that the above and foregoing 13 pages contains a true and complete copy of the last will and Testament of Hezekiah William Foote, deceased, together with the proof and the order admitting same to record, as fully and completely as the same appears on file in my office-

Witness my hand and official seal this the 1st day of February 1899-

Z. T. Dorroh
Z. T. Dorroh, Clerk-
1

State of Mississippi--

Noxubee County-

I, John A. Tyson, Chancery Clerk in and for said County and State do hereby certify that the above and foregoing twelve and one half pages contain, a full, true and correct copy of the ~~original~~ Last Will & Testament of Hezekiah William Foote, together with the proof and order admitting same to record, *etc of this* as fully and completely as the same appears on file and of record in my office in Record of Will "C", page 83, et. seq.,-

IN TESTIMONY WHEREOF I hereunto set my hand and affix the seal of said Court at office in Macon, Miss. this the 31st day of March 1909

John A. Tyson
Chancery Clerk-

H. D. Foote-

State of Mississippi-

H. L. Foote

Noxubee County-

Exrs. Est. H. W. Foote-

For and in consideration

To--Deed

of the sum of Three Hundred Dol-

L. Marx-

lars (\$300.00), to us in hand

paid, we as executors of the

Last Will & Testament of H. W. Foote, Deceased, do transfer and convey to L. Marx, all of the right title and interest vested in us as such Executors *By* the said Last Will and Testament recorded in Will Book C, page 83, in the Office of the Chancery Clerk of said County and State, in and to the following tract or parcel of land lying and being situate in the said Noxubee County, State of Mississippi, to-wit:-

All of section 13, except the E. 1/2, of the E. 1/2, and the N. 1/2, of Section 14, all in Township 15, Range 15, and Lot 14, and 16, in Section 33, Township 15, Range 17, and N. 1/2 NW. 1/4, Section 20, township 13, range 16, hereby specially warranting unto the said L. Marx the title to the above described land as to ourselves our heirs, executors administrators, and assigns, and all other heirs of the said H. W. Foote, Deceased-

Witness our signatures this the 22nd day of March A. D.

1902-

H. D. Foote,

H. L. Foote,

Exrs. Est. of H. W. Foote,

State of Mississippi

Noxubee County.-

Personally appeared before me the undersigned authority in and for said County and State, the above named H. L. Foote, and H. D. Foote, Executors of the estate of H. W. Foote, Deceased, who acknowledged that they signed, and delivered the above and foregoing instrument as such executors upon the day and for the purposes therein set forth-

Given under my hand and official seal this the 22nd day

of March A. D. 1902---

H. L. Barnes Notary Public (seal)
my commission expires June 9, 1902

State of Mississippi-

Noxubee County-

Filed in my office to-day at 3 O'clock P. M .

and truly recorded in Deed Book 73, page 212,

Witness my hand and official seal this 26th day of
March 1902-

Z. T. Dorroh, Chancery Clerk-

The State of Mississippi, Noxubee County.

I, Jno A. Eason - Clerk of the Chancery Court in and for said
County, do hereby certify that the above and foregoing One or One Eight - page^s
contain^s a true and correct copy of the original Deed By H. D. Fothergill & L. Fothergill, Exrs.,
to L. Marx - as fully and completely as the same appears on file and of record in
my office in Deed Book 73, at page 212

In testimony whereof, I hereunto set my hand and affix the seal of said Court at
office in Macon, Miss., the 1st day of April A. D., 1902

Jno A. Eason Clerk.
By D. C