

Marengo, Alabama Probate Minutes Vol. J-K 1866-1867  
Entries for Thomas Bailey  
FHL Microfilm #1,673,474

**Marengo, Alabama Probate**  
**Vol. K, p. 3**  
**November 5, 1866**

Estate of

Thomas Bailey, Dec'd

This day came Mary Bailey administratrix of the Estate of Thomas Bailey deceased and made application in due form and under oath praying for an order for the sale of the personal property of said Estate for the purposes of paying the debts of said deceased. And it appearing to the satisfaction of the Court that it is necessary to sell said property for the purpose aforesaid. It is therefore ordered & decreed by the Court that said Administratrix proceed to sell said property to the highest bidder on the premises on a credit of twelve months with int after having first given notice for at least three successive weeks of the time, place and terms of the sale together with a description of the said property by posting such notice at the Court house door and at three other public places in this county. And that she report said sale [\_\_?\_\_] to her—The said sale to be on a credit of 12 months with interest.

**Marengo, Alabama Probate**  
**Vol. K, p 19 & 20**  
**November 9<sup>th</sup>, 1866**

Estate of

Thomas Bailey

Deceased

This day came Mary Bailey administratrix in this Court of the Estate of Thomas Bailey dec'd and filed her petition in writing made under oath praying for an order and proceedings to sell certain real estate in said petition described of the property of said deceased at the time of his death for the purpose of division and upon the ground that the same cannot be equitably be divided among the heirs of said Estate- And it appearing from an inspection of said petition that the only heirs of said deceased are the following named persons his children to wit James F. Bailey, Rebecca Carlton, William N. Bailey who is now dead, Lucinda Bohannon wife of James Bohannon of full age, George Bailey aged 23 years, Margaret Tate wife of James Tate aged 21 years, Joseph Bailey aged 19 years, all of whom except the said W. N. Bailey Dec'd are of sound mind and reside in said County of Marengo that said W. N. Bailey died leaving one child Nelly Bailey a minor residing in said County- It is therefore ordered that the 20<sup>th</sup> day of December 1866 be and is hereby appointed a day for hearing the said application and the proofs which may be submitted in support of the same- It is further ordered that due notice of said application, and of the time above set for the hearing thereof be given at least forty days before the said day of hearing by publication in the Marengo Recorder a newspaper published in this County- It is further ordered that said James F. Bailey, Rebecca Carleton, James Bohannon, Lucinda Bohannon, George Bailey, James Tate, Margaret Tate, Joseph Bailey and the said Nelly Bailey have notice of the proceeding and the day set for hearing the same, by citation, to be personally [?] on them at least ten days before said date of hearing. It is further ordered that Jacob F. Cook who is not of kin to said Admix nor in any way interested in this proceeding and who is deemed

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by the Court a suitable person be and he is hereby appointed Guardian ad Litem for the said Joseph Bailey and Nelly Bailey Minors and Special Admer of the Estate of W. N. Bailey deceased to represent and protect the interest of said parties in this proceeding, and that he have due notice of his said appointment and of the said day set for hearing said application.

**Marengo, Alabama Probate**

**Vol. K, p. 161**

**December 20, 1866**

Estate of

Thomas Bailey Dec'd

Ordered by the Court that the hearing of the petition for the sale of the land of the Estate for division be and the same is hereby continued to the second Monday of January 1867-

**Marengo, Alabama Probate**

**Vol. K, p. 218 & 219**

**Regular Term January 14<sup>th</sup>, 1867**

Estate of

Thomas Bailey Dec'd

This being the day appointed by the last continuance of this Court for hearing the application of Mary Bailey administratrix in this court of the Estate of Thomas Bailey deceased for an order to sell certain lands hereinafter described for the purposes of division and upon the premises that the lands cannot be equitably divided among the heirs [parts crossed out] – Now comes the said administratrix and [?] the court that said application be granted; and also comes J. T. Cook, who is not of kin to said admix nor in any way interested in this proceeding and was heretofore duly appointed and has consented to act as Guardian ad Litem, to represent and protect the interest of Nelly Bailey and Joseph Bailey minors who are interested in this proceeding; and the said Guardian as Litem, having filed his answer, in writing, as such Guardian, denying the allegations contained in said application and the said James F. Bailey, Rebecca Carleton, James Bohannon, Lucinda Bohannon, George Bailey, James Tate, Margaret Tate and Joseph Bailey having had notice. Strictly and in all aspects in accordance with the order of this Court made and entered this proceeding on the 9 day November 1866 as is now shown to the satisfaction of this Court by [?] proof; And it having been proven to the satisfaction of the Court, by the oaths of two disinterested witnesses, and whose testimony has been taken by deposition and upon direct and cross interrogatories [?] in Chancery Court and which testimony has been filed of record in this proceeding (That the personal property is [?] sufficient to pay the debts the debts of said estate and that it is necessary and will be to the interest of said extate that the lands described as follows to wit: The SW ¼ of Sec 18 and the NE ¼ of the NW ¼ Sec 19 all in Township 14, Range 4E cannot be equitably divided among said heirs and that [?] to be sold for the purpose of making [?] equitable division of said Estate. It is therefore ordered, adjudged and deemed that said application be granted; and said administratrix is hereby ordered to sell the above described land on the [?] in this County, at public auction, in manner and form as the law directs in such cases, after having first given notice for at least three successive weeks of the time, place, and terms of the sale, together with a description of the property by posting such notice at the Court

Transcribed 17 October 2011

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house door and at three other Public places in this county, said sale to be made for cash. It is further ordered that said petition filed in this proceeding be recorded and the same is [?] and [?] as follows to Wit:

To the Hon. Thomas J. Woolf Judge of the Probate Court of Marengo County in the Sate of Alabama.

The petition of Mary Bailey as the Administrator of the Estate of Thomas Bailey, late of said County, deceased, respectively shows unto your Honor that she was duly appointed by your Honorable Court as admr aforesaid at a term of said Court held on the \_\_ day of \_\_ 185\_ - That said estate has been kept together ever since, that the debts of the estate have been fully paid off.

Your petitioner further alleges that said Thomas Bailey, her intestate, died, seized and possessed of the following real estate situate in said County To Wit: the South West quarter of Section 18 and the North West quarter of the North West quarter of Section 19 all in Township 14 of Range 4 East.

Your petitioner further show to your Honor that said Thomas Bailey, her said intestate, died leaving him surviving, the following named children who are his heirs at law to wit: James F. Bailey aged 32 years, Rebecca Carleton aged 30 years, Wm N. Bailey who is now dead, Lucinda Bohannon wife of James Bohannon aged 25 years, George Bailey aged 23 years, Margaret Tate wife of James Tate aged 21 years, Joseph Bailey age 19 years all of whom (except the said Wm. N. Bailey, dec<sup>d</sup> are of sound mind and reside in said County of Marengo.

Petitioner further shows that said W. N. Bailey died leaving one child. Viz. Nelly Bailey aged about 4 years who resides with her mother in said County.

Your petitioner further shows that said real estate consisting of only about 200 acres cannot be freely and equitably divided among the heirs aforesaid and alleges that a sale thereof is necessary to make said division.

She therefore prays your Honor to grant her an order authorizing her to sell said land hereinbefore described for the purpose of making a division among said heirs on such terms as [?] Honor shall be deemed most for the interest of said heirs and to have such proceedings & to make such further orders in the [?] as to your Honor shall seem [?] and [?] and she will ever pray.

I hereby certify that the signature to the  
Above by Mrs. Bailey was made in my  
Presence Nov 8, 1866

Mary (her X mark) Bailey

S.A. Nelson J.P.

**Marengo, Alabama Probate  
Vol. K, p. 365  
Regular Term March 11, 1867**

Estate of

Thomas Bailey Dec'd

This day came Mary F. Bailey administratrix of the Estate of Thomas Bailey deceased and filed her account and voucher for a final settlement of said Estate. Whereupon it is ordered by the Court that said settlement be made on the second Monday of April 1867 and that notice of the filing of the account and of the time and nature of such settlement be given by advertisement for three successive weeks in the Marengo Recorder a newspaper published in this county and it is

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further that John T. [?] be and he is hereby appointed as Guardian ad Litem for all the minors interested in this proceeding and settlement.

**Marengo, Alabama Probate**

**Vol. K, p. 399**

**April 5, 1867**

Estate of

Thomas Bailey Dec'd

This day came Mrs. Mary Bailey administratrix of the Estate of Thomas Bailey deceased and filed an account of the sale of the personal property of said estate. It is ordered that the same be recorded for future reference.

**Marengo, Alabama Probate**

**Vol. K, p. 414**

**Regular Term April 8, 1867**

Estate of

Thomas Bailey Dec'd

Ordered by the Court that the final settlement of the estate of Thomas Bailey deceased be and the same is hereby continued to the second Monday of May 1867.

**Marengo, Alabama Probate**

**Vol. K, p. 462**

**Regular Term May 13, 1867**

Estate of

Thomas Bailey, Dec'd

Ordered by the Court that the final settlement of the Estate of Thomas Bailey deceased be and the same is hereby continued to the second Monday of June 1867.

**Marengo, Alabama Probate**

**Vol. K, p. 507**

**Regular Term June 10, 1867**

Estate of

Thomas Bailey Dec'd

Ordered by the Court that the final settlement of the Estate of Thomas Bailey deceased be and the same is hereby continued to the second Monday of July 1867.

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**Marengo, Alabama Probate**  
**Vol. K, p. 534**  
**June 17, 1867**

Estate of

Thomas Bailey Dec'd

This day comes Mary Bailey administratrix of the estate of Thomas Bailey deceased and files her report in writing and under oath setting forth that among other things that on the \_\_\_ day of January 1867 in pursuance of law in such cases, made and in strict accordance with all and [?] the terms and requirements of the [?] and decree of the Court granted and entered in the [?] on the \_\_\_ day of \_\_\_ 1866. She proceeded and sold at public outcry on the premises of said deceased in this county the lands set forth and particularly described in [?] order and decree, and that said land was purchased at said sale by H. B. Moring for the sum of One Thousand Dollars. And it appearing to the satisfaction of the Court, from said report and from the evidence now therewith submitted, that said amount so bid for said land by said H. B. Moring was the highest and best bid for the same, that said sum, so bid was not greatly less or disproportional to its real value, that said sale was legally and fairly made conducted and concluded and that the purchase money so bid which was required to be paid in cash by said former order and decree has been fully paid. It is ordered, adjudged and decreed that said sale be and the same hereby is approved and in all things ratified and confirmed by the order and authority of this court. It is further ordered, adjudged and decreed that the said Mary Bailey as such Administratrix, as aforesaid, be authorized and she is hereby ordered to convey by proper deed to the said H. B. Moring all right, title and interest which the said Thomas Bailey deceased had in such lands at the time of his death.

It is further ordered that said report filed in this proceeding be recorded and the same is in words and figures as follows, To Wit:

To the Hon Thos J. Woolf Judge of the Probate Court of Marengo County, Alabama.

The undersigned Mary Bailey Admin of the Estate of Thos Bailey deceased respectfully begs leave to report that in obedience to the order and decree of your Honorable Court she offered for sale at public auction to the highest bidder for cash on the premises on the [?] day of January 1867 the following described lands belonging to said Estate to wit: The South West quarter of Section 18 and North East quarter of North West quarter of Section 19, Township 14 Range 4 East containing two hundred acres more or less and that at said date H. B. Moring became the purchaser thereof at five dollars per acre making the sum of One Thousand Dollars as the entire purchase money for said land and that said Admx further reports to your Honor that the time place and terms of said sale were duly advertised according to law; and the order and decree of your Honorable Court by posting notice of said sale for more than three weeks at the Court House door of said County and three other public places of said sale, that said sale was fairly made and said land sold for a price not greatly disproportionate to its true market value and that the terms of said sale has been complied with by the purchaser thereof the said H. B. Moring by the payment of the said purchase money in cash and she the said admix therefore prays your Honor to satisfy and confirm said sale so made by her aforesaid and further to authorize her to make or execute title to said land to the said H.B. Moring according to law. All of which is respectfully submitted.

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Sworn to and Subscribed before me  
June 17 1867 Thos J. Woolf Judge

Mary Bailey Admix

**Marengo, Alabama Probate**

**Vol. K, p. 560**

**Regular Term July 8, 1867**

Estate of

Thomas Bailey, Dec'd

This being the day set to hear and determine all matters connected with the accounts of Mrs. Mary Bailey Administratrix of the Estate of Thomas Bailey deceased heretofore filed in Court by her for final settlement and the same having been continued to the present Term – Now at this day came the said Administratrix and shows to the satisfaction of the court that she is not prepared to make a final settlement of said estate and now here more the Court that her account as filed by her be [?] and allowed as a partial settlement of her said Administration of said Estate and now also came Joseph Bailey and Nelly Bailey minor heirs and distributes of said estate by John T. Cook their Guardian as Litem duly appointed by this court to defend the interests of said minors in this proceeding and who now appears in open Court and accepts said appointment, and contesting said account – Therefore the court proceeds to examine said account and to hear the evidence submitted in [?] thereto - And it now appearing that due new legal notice of the time and place of this settlement has been given by publication for three consecutive weeks in the Marengo Recorder a newspaper published in this county and said account being stated audited and [?] by the Court – it appears to the Court that after charging said Admix with all wherewith she is justly and legally chargeable and allowing her all proper credits including her commissions there remains a balance in her hands unexpected due to the Estate of the said Thomas Bailey deceased the sum of One Thousand Five Hundred and seventy four 70/100 Dollars. It is therefore ordered adjudged and decreed that the said account as stated by the Court be [?] allowed and recorded in this court as a partial settlement of the administration of the said Mary Bailey administratrix as aforesaid upon said Estate and that she account for the balance of fifteen hundred & seventy four 70/100 Dollars on her final settlement of said estate in this Court.

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