

STATE OF GEORGIA)
CHATHAM COUNTY)

TO THE HONORABLE COURT OF ORDINARY OF CHATHAM
COUNTY, GEORGIA:

The petition of James P. Chaplin and Mary C. Chaplin (formerly Mary C. Rhodes) his wife, of Beaufort District, in the State of South Carolina, respectfully showeth, that Robert J. Rhodes, late of Chatham County, Georgia, aforesaid, departed this life on or about the 30th day of September last, possessed of considerable personal Estate and other property, without issue, and leaving as his next of kin, John A. Rhodes of Richmond County, in the State of Georgia (father of the said Robert J. Rhodes) and your petitioner, the said Mary C. Chaplin, sister of the said Robert J. Rhodes, the said John A. Rhodes and your petitioner, the said Mary C. Chaplin, being the next of kin and only heirs at law of the said deceased;

And your petitioner further shows that soon after the death of the said Robert J. Rhodes (which occurred in Richmond County aforesaid), the said John A. Rhodes presented to the Ordinary of said County of Richmond, at Chambers, on the eighth day of October last (1855), a paper purporting to be the last will and testament of the said Robert J. Rhodes, with the witnesses thereto, to wit: Robert W. Brigg, John Day and James E. Cashin, all of Richmond County aforesaid, which witnesses, before the said Ordinary of Richmond County, at Chambers, on the day last aforesaid, made proof, in the ordinary form, of the execution of the said paper, and that the said paper, with the said probate attached (a copy of which for greater certainty, is hereby annexed, marked Exhibit A) was then transmitted by the said John A. Rhodes (the person therein named as sole Executor thereto) to this Honorable Court, at its adjourned October Term in the present year (1855); that this Honorable Court then, to wit, on the 15th day of said October, accepted the said probate as sufficient for the purpose of ordering the said paper to be filed and recorded as last Will and Testament of the said Robt. J. Rhodes, and granting letters testamentary thereunder to the said John A. Rhodes, all of which things were then and there done; and your petitioners show further that they had no notice of the said proceedings of the said John A. Rhodes, in reference to the said probate and filing and recording of said alleged last Will and Testament and his qualification as Executor thereof, and obtaining letters testamentary

thereunder, in time to file a caveat or make objections thereto; that the said Robert J. Rhodes, at the time of the making of said alleged and pretended last will and testament, and for some time before, and during the time that elapsed between said pretended making and his death, was not of sound and disposing mind, memory and understanding, and was utterly incompetent and unable to make a valid or legal last Will and Testament; that to the said pretended last Will and Testament there is not the signature, in his own proper handwriting of the said Robert J. Rhodes, and that if the mark thereto, which purports to be the signature of the said Robert J. Rhodes, was put there by him, the same was not done freely and of his own accord, but was procured by the exercise of fraud and undue and improper influence over him; that at the time of said pretended execution of said paper, the said Robert J. Rhodes was too much enfeebled by bodily disease, and was mentally incompetent to make a legal, testamentary or other disposition of his property, or to understand the nature or contents of said pretended last Will and Testament, and so remained until his decease, and that said paper was not read over to him, or in his hearing, before, at or after the time of its said pretended execution; that the said Robert J. Rhodes was imposed upon by various false representations of and concerning the character and conduct of your petitioners, and that divers fraudulent practices were employed to induce him, in his said weak and imbecile condition, to make unreasonable and unjust disposition of his property and estate, as contained in his said pretended last will and testament; and further, Robert J. Rhodes, as your petitioners aver, died intestate, without leaving any lawful or valid will and testament.

For all of which reasons your petitioners pray that an intestacy in said case may be declared and decreed; that said alleged probate may be revoked and annulled, and said pretended will and testament be set aside and adjudged to be null and void, and that such further or other proceedings may be had in the premises as to law and justice shall appertain.

(Signed) Harden & Lawton
Attorneys for Petitioners

EXHIBIT "A"

STATE OF GEORGIA) In the Name of God, Amen, I, Robert John Rhodes,
) of said State and County of Chatham, being of
RICHMOND COUNTY) sound and disposing mind and memory, and knowing the uncertainty of
) this life, deem it right and proper that I should make a disposition
) of the property with which a kind Providence has blessed me, do there-
) fore make this my Last Will and Testament, hereby revoking all others
) heretofore made by me.

Item First: I desire and that my body be buried in
a christianlike manner, suitable to my circumstances in life, my
soul, I trust, shall return to rest with God who gave it, as I hope
for eternal salvation, through the blessed Son and Saviour Jesus
Christ.

Item Second: I desire and direct that all my just debts be
paid without dealy, by my Executor hereinafter appointed, as I am
unwilling my creditors should be delayed in their rights.

Item Third: I give and bequeath to my beloved brothers and
sister of half blood on my paternal side, namely, Andrew J. Rhodes,
Julia Agnes Rhodes, John H. Rhodes, Whitney H. Rhodes, Absalorn
Rhodes, Aaron Rhodes and Seaborn Rhodes, the following negroes:

(long list of slaves, with ages)

to be equally divided between my aforementioned brothers and
sister, share and share alike.

Item Four: I give and bequeath to my sister, Mary C. Chaplin,
wife of James P. Chaplin, Twenty-five Dollars.

Item Fifth: I give and bequeath, and devise to my brothers
and sister of half blood on my paternal side, namely, Andrew J.
Rhodes, Julia Agnes Rhodes, John H. Rhodes, Whitney H. Rhodes,
Absalorn Rhodes, Aaron Rhodes and Seaborn Rhodes the residue of
my property, both real and personal, wherever and whatever it
may be, to be equally divided between them, share and share alike.

Item Sixth: I hereby constitute and appoint my beloved father,
John A. Rhodes, Executor of this my Last Will and Testament this
29th day of September 1855.

(Signed) Robert John Rhodes

We find that the probate of the Will of Robert John Rhodes be revoked and a intestacy declared.

February 16, 1957

(Sgd) Wm. H. Miller

Foreman