

State of Alabama
Washington Co.
Special Term, probate Court
November 24th, A. D. 1858

Minor Heirs of James B. Johnston, dec'd
Estate Of.... Petition for Division

This day comes O. F. Johnston, and files his application in writing and under oath, which is ordered to be recorded; and being recorded, is in the words, and form following.

State of Alabama
Washington County
To the Hon. D. James , Judge of the Court of Probate of said county

The petition of O.F. Johnston respectfully represents unto your Honor, that at the distribution of the Estate if James B. Johnston. Dec'd, in (*left blank in document*) County in the State of Mississippi, in January 1857, his wife, Georgianna Johnston, James B. Johnston and Arista Johnston, as heirs and distributors of said Estate, became joint owners of the following Slaves, to wit; Ben, Charles, Will, William, Amy, Adaline, Mariah, Margaret, James, and Washington.(*space left blank*) Said Slaves being the slaves of the said three heirs in the negro property of Said Estate; that said slaves, with their said joint owners were brought over to this Washington County Alabama, in January 1857 excepting (*left blank*) who was brought over sometime during this year; that the said James B. Johnston and Arista said minors are now residing in this county under the care of their mother, Isabella A. Jenkins, that petitions and his said wife are also residing in this county; and that said slaves are all now in this county, under the care of said Isabelle A. Jenkins.

Your petitioner, therefore, prays your honor to make such orders and decrees , and take such proceedings, as may be necessary to effect an equitable division of said slaves among said heirs, their joint owners.

Your Petitioner further states, that said James B. and Arista Johnston are with out a guardian; and represents unto your Honor, that the interest of said minors, due and that some suitable person should be appointed their guardian; and in the event of this petition being granted, petitioner prays your Honor, that some competent person be appointed guardian of the said minors, and as in duty bound.

O. F. Johnston

Subscribed and Sworn to before me this
(*blank*) day of Nov. 1858 D. James, Judge

Whereupon, it is ordered by this court, that the Second Monday of December, AD 1858, be set as a day to hear and determine upon the matters of said petition, and that due notice of the filing and nature of said application, and of the day set for hearing the same be given by posting notice at the court house door, and thru other public places in the county.

It is further ordered, that John W. Simmons be appointed Guardian ad litem to represent ,
and defend the interest of said minors, in the proceeding in the premises.

And the court adjourned..... D. James, Judge