

State of Georgia } Copy of will
Richmond county }

I Thomas Kerbitt of Jefferson county in said state but at the time of the execution of this instrument being in said county of Richmond do make this my last will and Testament being at the time of so doing of sound and disposing mind and memory hereby revoking all other Testament papers heretofore made by me

Infirming I nominate and appoint my son James W Kerbitt of the County of Baker in said state sole executor of this my last will and Testament and hereby empower him to sell any portion of my estate which it may be necessary to sell for the purpose of paying my debts that may be payable out of my estate at public or private sale at his discretion both as to the kind and terms of sale and I hereby direct my said Executor to pay all my just debts as soon as practicable after my decease

I then to my son the said James W Kerbitt ^{give} hereunder and devise all that certain tract of land situated lying and being in the county of Baker in said state containing Two Thousand seven hundred and fifty acres (2750) more or less and composed of lots numbers 14, 15, 27, 28, 53, 54, 55, 65, 66, 67, and 68 all lying in the Eighth District in said Baker county bounded North by lands known or formerly belonging to Washington Keaton South by lands known or formerly belonging to Josiah Stevens East by vacant land and West by lands of Musgrove and by a large pond said tract of hereby devised being known as my Baker county Plantation also all the personal property of every description being owned or employed or

being on said plantation at the time of my death to have and to hold all of the above described property both real and personal to him the said James W. Kesbitt his heirs and successors forever.

In trust nevertheless that he will hold occupy possess use and manage said property real and personal for the joint use of himself and his children during his natural life and that at his death said property or such as may in the meantime have been substituted for it shall vest in his children and the descendants of his children his children taking per capita and the descendants of his children per stirpes.

With full power and authority to the said James W. Kesbitt to take charge of and manage said trust estate in such manner as to him may seem best and most conducive to the value and right use thereof; and with the further power and authority to my said son at any time and from time to time to sell either at public or private sale and upon such terms as he may deem best and without obtaining leave from any court whatsoever any or all of said trust property the proceeds however to be reinvested by him in other property to be held upon the same trust and the same uses and with further power and authority to my said son to manage said trust estate in his discretion without liability to make returns annually or otherwise to any court whatsoever and with power also to nominate and appoint his successor in ^{the} office of trustee. I should be it my true desire to resign the same provided always that any substituted trustee shall not have to the sale and reinvestment of the trust property the discretion herein before given to my said son but in the matter of sale and reinvestment and of making annual returns and as to his duties as trustee generally any substituted

Trustee shall be fully subject to the laws
of the state it being my purpose to bestow
the large discretionary powers above enumerated
upon my son only.

Olema to my said son
James W. McComb I also give bequeath and
devise all that tract of land with the
improvements thereon situated lying and
being the county of Baker and Jefferson
in said state and being the Louisville
and Waynesboro wagon road about seven
miles from Waynesboro Louisville and
about seventeen miles from Waynesboro
containing Eighteen hundred and ninety
eight acres and one half acre (1898 $\frac{1}{2}$)
more or less and known as my Jefferson
county plantation bounded North by lands
of J. B. Warren land of the estate of Samuel
Gordon and lands of Dr. J. P. Johnson
South by lands of William J. Alexander
East by lands of J. P. Johnson lands of
Andrew Pats and Warren Wallace and lands
of the estate of Robert McBride and West by lands
the estate of John W. Alexander also all the
personal property of every description used
employed or being upon said plantation
at the time of my death.

Also my and all
other property real and personal which I may
hold possess or be entitled at the time of
my death not herein before devised or
bequeathed to her and held to my said
son James W. McComb his heirs and successors
forever in trust nevertheless that he will
hold said property for the joint use and
benefit of my daughter Ruth L. Holt and
her children for and during her natural
life and that after her death he will convey
and deliver said property or such other property
as may in the meantime be substituted
for it to the children of my said daughter
them living and the descendants of such child
as may have died before her children.

Taking per capita and the descendants of her
children per stirpes

and said trustee is
authorized to pay over to my said daughter
Ruth L Holt any clear annual income which
said property may yield and to take her separate
receipt in discharge of all liabilities for said
income and he is authorized to allow to
my said daughter the fullest use and enjoyment
of said property compatible with my will and
purpose in reference to the same here distinctly
declared to wit: that said trust property be
kept entirely unincumbered and as far as
practicable undiminished for the joint benefit
of my daughter and her children during
her life and for the ultimate ownership
after her death of her children and descendants
of her children

Our testimony whereof I the
said Thomas Nesbitt have hereunto set
my hand and seal this seventeenth day
of April in the year of our Lord one thou-
sand and eight hundred and seventy nine
the word properly being first written between
the fiftteenth and sixteenth lines of the
second page hereof

Thos Nesbitt 

signed sealed published and declared to be his
last will and Testament by the said Thomas Nesbitt
in the presence of us who in his presence and
in the presence of each others and at his request
have hereto set our hands as witnesses this seven-
teenth day of April 1879.

James H Davis
John B Moore
Jas B Cunningham

State of Georgia } In the court of ordinary
Richmond county } for Richmond county

Personally appeared before me in open court
John Bone Moore a subscribing witness to
the foregoing instrument of writing who
being duly sworn saith that he was present
and did see Thomas Nesbitt of Jefferson
county the within named sign seal publish
and declare the same to be his last will and
testament, that he was of sound and disposing
mind and memory and that this defendant
with James H Davis & Joe B. Cunningham
signed the same as witnesses at the request
and in the presence of the testator and each
other

sworn to before me this } John B. Moore
a day of October 1879 }
A. H. Walton Ordinary

State of Georgia } In the court of ordinary
Richmond county } At chambers Oct 20-1879

The last will and testament of Thomas Nesbitt
late of Jefferson county deceased being presented
to the court for probate in common form
and the same having been ^{duly} proven upon the
oath of John B. Moore a subscribing witness
to said will it is ordered in compliance
with the 4244 section of the code that
the probate be received and certified to
under my seal of office which together
with the said original will is ordered to
be transmitted to the Ordinary of the county
of said Testator's residence

A. H. Walton
Ordinary R. C.

State of Georgia }
Richmond county } J. H. Walton Ordinary
and probate judge in
and for the county aforesaid hereby certify
that the last will and testament of Thomas
Nesbitt late of Jefferson county deceased

Was presented to me for probate in common form and was duly proven upon the oath of John B Moore a subscribing witness to said will I further certify that the instrument of writing or order of this court hereto attached relating to said will and probate of the same is a true copy taken from the minutes of said court of Ordinary in witness whereof I have hereunto set my official signature and the seal of said court of ordinary. This the 20 day of October 1879

A H Wilton

Ordinary R B

LB

Georgia
Jefferson county } to the court of Ordinary
of said county

The Petition of James W Kerbitt respectfully shews that Thomas Kerbitt late of said county deceased departed this life Testate that your petitioner was by the last will and testament of said deceased duly appointed & charged with the execution of the same that said Testator Thomas Kerbitt died out of the county of his residence to wit in the county of Richmond that the witnesses to his will reside in the county of Richmond that the ordinary of Richmond county on the 20 day of October 1879 received the probate of said will in common form and transmitted the same certified under the seal of his office together with the Original will to your Honorable court that the same is now in this court your petitioner therefore prays that said will be probated and admitted to record that letters testamentary & warrant of appraisement do issue to him & in duty bound will ever pray
D B

Sain & Padhill
Atty proponent

Jefferson court of ordinary {
Nov the 1st 1878

The last will and testament of Thomas Nesbitt late of Jefferson county who died in the county of Richmond and which the witness to said will reside transmitteth duly to the ordinary of the county of Jefferson being now in court and the certificate from the ordinary of Richmond county attached thereto showing said will has been duly proven before the ordinary in Richmond county and so adjudged by that court and the provisions (2494) section of the code of 1875. respecting such a will being complied with in all respects it is ordered by the court that said will be granted probate and admitted to record in common form and filed in office that letters Testamentary and warrant of appraisement issue to James W Nesbitt the Executor named in said will upon his taking the oath prescribed by law

Nicholas Prehl Ordinary
State of Georgia {
Jefferson county { I do solemnly swear
that this writing contains
the true last will of the within named
Thomas Nesbitt deceased so far as I know
or believe and that I will well and
truly execute the same in accordance &
with the laws of this state. so help me god

Nov 3rd 1879

James W Nesbitt

Copy - Recorded by G M Word and
Nov 14 1879

State of Georgia
Jefferson county

Ordinarys office
A H Wooten Ordinary &
ex officio clerk of the court of ordinary of said
county, do hereby certify that I have compared
the foregoing copy of the will of Thomas Nesbitt
deceased and affidavit of John Bower Moore
and the proceedings by the Ordinary of
Richmond county and the court of ordinary of
Jefferson county with the original record thereof
now remaining in my office and the same is
a correct transcript thereof and of the whole
of such original record in testimony whereof
I have hereunto set my hand and affixed the
seal of the court of ordinary this 20 day of
August 1898

A H Wooten

Ordinary