

In the name of

I Lindsey Oglesby of the

State of Georgia and County of Cass, being of sound and disposing mind; calling to mind the mortality of my body, and knowing that is appointed for all men once to die, do make and ordain this my last will and Testament. That is to say principally and first of all, I recommend my soul to Almighty God, and by body I recommend to the earth to be buried in decent Christian burial, at the discretion of my Executors; and as touching such worldly estate which with it hath pleased God to bless me, I give and dispose of the same in the following manner and form:

First I give and bequeath to my beloved nephew Lindsey Morgan of Chambers County in the State of Alabama, son of William B. Morgan, and of my sister Lucinda Morgan. The following property, to wit: My negro woman Louisa, and her six children, namely, Barnett, John, William, Ann, Leatha and Adaline, together with all their future increase, to him and his heirs forever under the following restriction, the said negroes to be kept together at the plantation, where I now live in Cass County on Pine Log Creek, being lot number two hundred and ninety five in the twenty third district of the second section of originally Cherokee, but now Cass County, in the State of Georgia, not the lot on which the dwelling house I now live in is situated but the lot described by the aforesaid number, district and section, and where I have a plantation at which I and occasionally

person as he employ, and appoint. For my said nephew shall arrive at the age of twenty one years of age but by no means to be his estate or separated, but to have provision and stock kept on said plantation sufficient for their support the first year after my decease, and the stock and such increase as they may raise to remain on the said plantation or so much thereof as shall be sufficient for their comfortable support, and if there should be any surplus, to be disposed of by the said Homer V. M. Miller, for the benefit of my said nephew at his discretion, and my will and desire further is, that such one of my negro men as the said Homer V. M. Miller shall select, after my decease, shall be kept at the said plantation and work such part of the land as he, and the said negro may tend, for their support until my said nephew arrives at the legal age as aforesaid, and if from any contingency which cannot now be foreseen it shall so happen that a comfortable support for the said above mentioned negroes is not made at the plantation, then I desire the said Homer V. M. Miller shall purchase what may be necessary out of the money belonging to my estate for that purpose. If however at any time during my said nephew's minority, the said Homer V. M. Miller should think proper to sell the above named plantations, then my will is that he shall, and is hereby empowered to do so and to purchase up the proceeds of said sale, such other place as in his discretion he shall deem proper, and put the said negroes thereon, and keep them there, in the same manner, for the same purposes, under the same control and with like conditions as above expressed and designated. Should my said nephew die before he arrives at the age of twenty one years, and without issue or at any other time without issue and unmarried, then the said negroes (except the fellow above mentioned) to go to his mother Lucinda Morgan, for her sole and separate use and to be her sole and separate property, apart from any control of her husband whoever he may be during her natural life to be by her kept altogether & with her, and my desire is, that the said negro woman Louisa have one equal half of her time to labor for herself after she shall go into the possession of my said sister, in such manner as she may think proper during the lifetime of my said sister and the said negro woman Louisa, and the others to have one working day in each week to labor for themselves during said time last above specified, it being my desire that these negroes be treated with as much humanity as is consistent with the situation of slaves & under no circumstances to be separated or otherwise and having failed to express it in my will I now insert that it is

his permission, shall give the said negro woman to labor for herself so long as she shall remain in his possession, should the contingency happen of the death of my said nephew without issue, so that their negroes should go to my said sister as above described for her sole and separate use, my will is, that at her death, they shall go to such person or persons, as she by her last will duly subscribed by her in the presence of at least two witnesses shall direct, having in view the keeping of the said negroes as much together as her sense of propriety and humanity shall suggest as proper, hoping that as it is evident it is my wish and desire that this family of negroes be kept together as long as practicably convenient, and humanely treated, my sister will keep that object in view in making such disposition in her said last will, and also hoping she will take care to execute such will as soon after the said negroes may go into her possession as convenient, so as to enable her at all times to avoid dying without making such disposition by will, and in pursuance of my design of humanity, my request is to my said sister that she will make in her last will such disposition of the said negroes as they may desire so far as she can consistently with her own sense of propriety, should my said sister die, and after her death my said nephew should die without issue and unmarried, then my will is that the said negroes shall go to the youngest daughter of my said sister Lucinda Morgan to her and to her heirs forever to be by her however kept all together during her natural life with the same privileges and with the same humane treatment as is regard to them above specified and named and to remain under the control of the said Homer V. M. Miller, during the minority of the said last mentioned Legatee.

Secondly, my will and desire further is, and I do hereby give and bequeath all the balance of my negroes (excepting only the said negro woman Louisa and her six children and their future increase) which I have or may leave at the time of my decease to my brothers William Oglesby, Ernest Oglesby,eroy Oglesby, and my Brother-in-law William C. Morgan to be equally divided between them in the following manner, The said negroes to be divided into four parcels as nearly equal as practicable and then divided by lot and each of the above named persons to have such parcel as may fall to them by lot to them and their heirs forever.

Thirdly, All the balance of my property not hitherto disposed of and specifically named whether real or personal including all debt and other monies due to me, whether due by Bonds, mortgages, notes of hand, or on account, or in any manner whatever, together with all the money on hand at the time of my death, I give and bequeath

either at public or private sale, in their discretion, and for Cash or on such time of payment as they may deem most proper and for the interest of my estate, and after the payment of my just debts if any there should be outstanding and defraying my funeral charges and covering the sum of two hundred dollars, repairing and decorating in a suitable manner the graves of my Father and Mother in Elbert County, I give to my nephew Julius Aglesby of Troop Plains in the State of Georgia, one thousand dollars from a part of which I wish him to have his Father's grave suitably enclosed with a brick or stone enclosure if not previously done and plastered or whited with proper materials.

Fourthly. The balance of the money as well what may be on hand as what may be due and owing or be raised from the sale of property so left to be sold as aforesaid or as much thereof as will amount to a sum the one sixth part of which shall be equal to the value of the negroes that may fall to the share that may set apart by lot to William Aglesby or anyone of the four Legatees included with him in the second Clause of this will or that Clause commencing "Secondly." I dispose of as follows one sixth part to Robert Aglesby, to him and his heirs one sixth part to David Patterson my Brother in Law of the State of Virginia, to him and his heirs, one sixth part to go to my brother William Aglesby in trust for my sister Polly Christian. For her sole and separate use, the interest and such part of the principal to be paid to her annually or oftener at the discretion of the said William Aglesby as may be necessary for the support of her and her children comfortably during her life, but by no means to be subject to the control of her husband, and at her death the balance, if any shall be left to go to the other Legatees of this will, in equal proportions. One other sixth part to go to the said William Aglesby in trust, to pay the interest if any, and such part of the principal as may be necessary for the comfortable support of my brother James Aglesby, to be paid to him annually or oftener at the discretion of said William. One other sixth part to go to my said brother William in trust for the comfortable support of my brother Henry Aglesby the interest of which and such part of the principal as may be necessary for that purpose, to be paid to him annually or oftener at the discretion of the said William. These sums to be paid to my said brothers during their lives respectively. One sixth part of the aforesaid aggregate sum of one thousand dollars to go to Lucy Aglesby, in trust, to pay the interest of same and such part of the principal as may be necessary for the comfortable support of her and her children during her life, but by no means to be subject to the control of her husband, and at her death the balance, if any shall be left to go to the other Legatees of this will, in equal proportions.

for the support and maintenance of my said brother George Aglesby to be paid to him annually or oftener at the discretion of my said brother Erroy Aglesby, during the natural life of the said George Aglesby. Should there not be a sufficient amount of money to make a sum sufficiently large to make the one sixth part thereof equal to the fair value of the lot of Negroes falling to each of the four Legatees mentioned in the said second clause of this will, then each of the four Legatees, to wit: William Aglesby, Erroy Aglesby, Earnest Aglesby, and William C. Morgan shall pay their proportionable part, that is one fourth part of each to make the aggregate sum of the aforesaid value, and should there be a sum more than sufficient including the amount on hand and all that may be collected and raised from the sale of my estate, as above directed to be sold, the balance to be equally divided amongst the four Legatees included and named in the said second clause of this will.

(Fifthly) My will and desire is that whatever amount of the money which is directed to be placed in the hands of Erroy Aglesby and is given to him in trust for the support of George Aglesby during the lifetime of the said George, shall go to his, the said George's children to be equally divided amongst them.

(Sixthly) My will and desire is, that whatever amount of the money which is directed to be placed in the hands of William Aglesby, in trust for the support of my brothers James and Erroy during their natural lives, shall be left at the death of either the part so respectively left, at such death, shall be divided equally between the said William Aglesby, Robert Aglesby, David Patterson, and William C. Morgan and their heirs.

(Seventhly) I do nominate and appoint the said Homer V. M. Miller, above mentioned, of Cass County, Robert Victor of Colbert County, both of said state, and William C. Morgan, my said Brother-in-law of Chambers County in the State of Alabama, Executors of this my last will and Testament. Sealed, signed and published this sixth day of July, in the year of our Lord one thousand eight hundred and forty one.

J. A. Sullivan
Geo. J. Black
Chester Hawks J. A. C.

Erroy Aglesby

Given in person appeared before us, James Miller, Nathaniel
Cass County, 3 Nicholson and Bryan all Justices of the Superior
Court in & for said County Thomas A. Sullivan and James

... saw Lindsey Oglesby, real and sign the within and
foregoing instrument or testament and that he executed the
same freely and without compulsion, so far as they know or
believe, and that he was at the time of executing the same of
sound disposing mind and memory, and that they signed
the same as witnesses in the presence of the Testator.

Sworn to and subscribed before us

this 3rd day of August 1844

James Milner J.C. } Thomas A. Sullivan
Nathl Nicholson J.C. }
Bryan Allen J.C. } George S. Black

Georgia } I do solemnly swear that this writing contains
Bartow County } the true last will of the within named Lindsey Oglesby
deceased, so far as I know or believe, and that I will well and
truly execute the same by paying first the debts, and then the
legacies contained in the will as far as his goods and chattels
will thereto extend, and the law charge me, and that I will
make a true and perfect inventory of all such goods and
chattels, so help me God. Sworn to and subscribed
before us this the 2nd day of August, 1844.

attest

Thos. H. Wood C.C.

James Milner J.C.

Nathl Nicholson J.C.

Bryan Allen J.C.

H. V. M. Miller

Georgia } I do solemnly swear that
Bartow County } this writing contains the true last
will of the within named Lindsey Oglesby deceased, so far as
I know or believe and that I will well and truly execute the same
by paying first the debts and then the legacies contained in the will
as far as his goods and chattels will thereto extend and the
law charge me, and that I will make a true and perfect inventory
of all such goods and chattels, so help me God. Sworn to and
subscribed before us, this the 2nd day of September 1844.

Just

Thos. H. Wood C.C.

James Milner J.C.

Nathl Nicholson J.C.

John Dobbs J.C.

Robert Weston

Georgia } Court of Ordinary September
Bartow County } Term 1844

The within last will and testament of Lindsey
Oglesby having been duly proven on the
2nd day of August 1844 upon the oaths of Thomas A. Sullivan
and George S. Black. It is ordered that the same be admitted
to record. James Milner J.C. Nathl Nicholson J.C.
John Dobbs J.C. Recorded the 25th day of September 1844.