

The State of Alabama.

I, William Gray, of the County of Cherokee and State aforesaid, knowing the uncertainty of life, and being desirous of controlling the distribution of my property, do make, publish and declare, the following to be my last will and testament, hereby revoking all former wills by me made.

Item first. It is my will, that, when I shall have departed this life, my body shall be decently buried and secured - and that all my just debts be paid.

Item second. I give and bequeath to my son Ephraim Gray, the tract of land on which he now lives, being a part of the tract I bought of Samuel Ray, known as the South West quarter of Section No Twelve, in Township Arging of Range No Ten, and also part of a tract I bought of Solomon C. Smith, known as the S E 1/4 and E 1/2 N. W. 1/4 quarter of Section No 12. in Township Arg. of Range No 10. which tract of land herein bequeathed is bounded as follows, commencing at a point at which the large branch which runs between the residence of the said Ephraim upon said second described tract and where I now live, enters my land, thence down said branch to the mouth thereof at the Chattooga River thence up the centre of said River to the Eastern boundary of the said tract of land bought by me from the said Solomon C. Smith, thence along said boundary line North to the North East corner of said tract, thence west a long & in the direction of the line of said tract to the beginning point, at which said large branch enters my land as aforesaid so as this bequest shall embrace all of my land lying East of said large branch, and North of said Chattooga River, making the said large branch a dividing line between the land bequeathed by this item, and that portion on which I live.

I also give and bequeath to my said son, two negroes both boys. one named Thomas, about nineteen years of age, the other named Andrew, about fifteen years of age, and it is my will that the property in this item bequeathed, shall not vest absolutely in my said son, with power to sell or in any wise to dispose of it, so as defeat my intentions, hereinafter expressed, to wit: It is my will for the said property to be under the control and management of my said son for and during his life, he to have and receive all the annual issues, rents & profits arising or in anywise issuing out of said land & negroes so bequeathed as aforesaid for the use of himself & for the support and

so long as their minority shall extend, each of
his said children as are now in being, or children, of them,
which may hereafter be born, any surplus of such annual
rents, profits & issues after supporting and educating
said children, during their respective minority, shall
vest and remain absolutely in the said Ephraim, his
heirs &c. Whenever the said property or any part of it shall
be sold by the said Ephraim, whether land or negroes,
or when any part of the same shall be sold by others
for, or on account of any debt, contract or charge
created on the same, of or by the said Ephraim, then
and in that event, it is my will that the right to
said property so sold, shall vest absolutely in the
children of him the said Ephraim, and at the death
of the said Ephraim, all of said property is to descend
to and ~~vest~~ in the children of him the said Ephraim,
to be held as tenants in common in fee simple.

Should my said son hereafter wish to remove from said
County, and a sale of said land is necessary to enable him to
secure a home in some other country, then I will that
said land may be sold under a decree in chancery, requiring
according to the rules of Chancery in such cases made & provided,
the proceeds of said sale to be invested in other lands to be
held by the said Ephraim, under the same limitations and
instructions, and for the same uses and purposes as are imposed
& required by the provisions of this item, of my said will, of
and upon the said land herein bequeathed and described. I also give
to said Ephraim my Gray mare.

Item third. I give and bequeath to my daughter Rachel Mahon my
three negro boys, to wit: Lef aged about twenty eight years, Eljah about
years, and Harry about two years. I also give my said daughter my bond
horse, John.

Item fourth. I give and bequeath, to my daughter Milly Smith, my negro
man George, known as old George, and his wife Hannah, also my
negro boy, Young George, aged about twenty five years, also a negro
girl Sally, aged about eleven years.

Item fifth. I give and bequeath to my son in law Samuel Smith, two
negroes, Alvin & Stephen, upon the condition that he will secure to
the children of my son John Gray deceased the payment of the
sum of eleven hundred dollars, as a consideration for the bequest
the same to be equally divided between them, and paid as they respectively
become of lawful age, the advancing of any money into possession by the said
Smith &c.

Item Sixth I give and bequeath to my said daughter, Rachael Mahon and Milly Smith, to hold to them & their heirs as tenants in common all of my land on which I now live, lying west of the large branch of the Chattahoochee in the second stem of this will, and north of said Chattahoochee River, being part of the following described lands, to wit: of the land I bought from said Ray - the East half of the NE 1/4 & the West half of the NE 1/4, of Sec. No 12, Township No 9, of Range No 10, and the SE 1/4 of Section No 11, in said Township & Range, & all that part of NE 1/4 of Sec No 14 in said Township and Range lying north of Chattahoochee River.

Item Seventh I give and bequeath to the children of my son John Gray, deceased, all of my land in said County on the South side of said Chattahoochee River extending to the Centre of said River, the said land being parts & parcel of the following described lands, to wit, being parts and parcel of all the foregoing described lands, except the tract last described in the sixth stem of this will.

Item Eighth. It is my will that the residue of my said Estate, which may be and disposed of, at my death, shall by my Executor hereinafter named, be sold to the best advantage, at public or private sale, without order of Court and at as little expense possible, either for cash or on credit, and the proceeds thereof, and the proceeds of all debts due to me, & all monies on hand at my death, shall be equally divided into four parts, one part ~~of~~ each of my three children, to wit Ephraim, Rachael & Milly, and one part to be equally divided between the children of my said son John Gray, deceased.

Item Ninth. It is my will that my Executor may rent, lease, or sell the land, by this will bequeathed to the children of my son John Gray, deceased, as he may deem for their best interest, and I will that he may sell the same without any order of the Probate Court, either at public or private sale, on a credit, or for cash, as exigencies may require, if on a credit to require interest from date, and no title to be made till purchase money is paid, and I wish my Executor so soon as he shall reduce the said several legacies, herein bequeathed to the said children of the said John Gray, deceased, to money to place the same at interest, and to pay to said children their respective legacies & interests accruing thereon, as they may respectively arrive at lawful age.

Item Tenth. It is my will and intention in the distribution of my Estate, as hereinbefore provided for among the children of my son Ephraim Gray, and of my son John Gray, deceased, that, with those of said children now living, shall be included the issue of those of said children who may be dead, or who may hereafter die.

distribution share to which each of the above named persons would be entitled were it living.

Item Eleven. I hereby constitute and appoint my Son in Law Samuel Smith, my Executor to carry out this my last will and testament. In witness whereof I have set my hand and seal: this 12th day of October, 1851. The word "Sam" in the fourth line from the bottom of the second Item, interlined before signed. Also the word "give" in the last line of said Item - also the word "second" in the 9th line from the beginning of said item, also the word "three" stricken out, and the word "Eleven", inserted before signed in first line of 3rd page. Signed, sealed & published and William ^{his} Gray Seal declared by S^r William Gray, to be his last will & testament in our presence the day the day the same bears date.

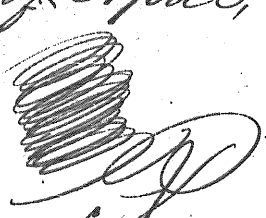
Thomas B. Cooper
J. B. Nichols
George H. Lawrence
E. Burford

Recorded 4th April
A.D. 1854.
Thomas J. Ford,
Ordinary.

State of Georgia Personally appeared before me Thomas J. Ford, Cape County Ordinary for said County, In the Court of Ordinary for said County, Sam Samuel Smith, Executor of the last will and testament of William Gray, late of said County deceased, and produced before me the last will and testament of said William Gray deceased, and two of the witnesses to said will, to wit: J. B. Nichols, and Edward Burford, which witnesses being duly sworn depose and say that they saw William Gray the Testator, sign, seal, declare and publish the instrument now presented, as his last will and testament, freely voluntarily and of his own accord, and without any compulsion or influence whatever, that at the time of the execution of said will, said Testator was of sound and disposing mind and memory; that deponents signed said will as witnesses, in the presence of said Testator, and at his special instance and request, in the presence of each other. Sworn to and subscribed before me this 6th March 1854.
Thos J. Ford,
Ordinary.

State of Georgia, Bartow County That this writing containing the true last will of the within named William Gray, deceased, so far as known or believe; and that you will well and truly execute the same, by paying first the debts and then the legacies contained in the said will, as far as the goods and chattels will thereunto extend, and the law charge you, and that you will make a true and perfect inventory of all such goods and chattels, "So help you God!" Sworn to and subscribed before me in open Court the 3rd day of April, 1854.

Attest.
Thos. F. Word,
Ordinary.



Samuel Smith.

Recorded 7th April, 1854.
Thomas F. Word
Ordinary.

Georgia In the name of God, Amen!
Barrow County I Penona T. Harrison, of the County and State aforesaid, being of advanced age, and knowing that I must shortly depart this life, deem it right and proper both as respects my family and myself, that I should make a disposition of the property with which a kind Providence has blessed me.

Item 1st. I desire and direct that my body be buried in a decent and christian-like manner. My soul I trust will return to the God who gave it as I hope for eternal salvation through the merits of the atonement of Jesus Christ.
2. Item I desire and direct that all my just debts be paid without delay, by my Executor hereinafter appointed.

3rd Item. I give, bequeath and devise to my beloved wife, Ann Harrison, all my property both real and personal, to have, use and enjoy the same, for and during her natural life, for the support, maintenance and education of my children. And at the death of my beloved wife, Ann Harrison, I desire my Executors hereinafter named, to sell all the property of which I am now possessor, both real and personal, and to divide the proceeds of said sale equally among my children, to wit: Ann, Eliza, Sophia, Maria, and John.