

1854-1865

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Last Will and Testament of George R Hunter

Georgia

Cherokee County

In the Name of God Amen:

I George R Hunter of said County, being sound of mind and body do make ordain and publish the following as my last will and Testament hereby revoking all others previously made

Item 1st Should I die during my ~~absence~~ residence at Knoxville I wish my body to be buried somewhere on the premises where I now ^{reside} live

I hereby direct one hundred & fifty dollars of my Estate to be expended in erecting a marble Slab over said Grave, having my Name &c inserted thereon and inclosing said Grave in a strong substantial manner by iron railing and the above sum is not sufficient then my Executors are directed to use of my Estate whatever may be necessary for the purpose, I request the Epitaph inscribed on my tombstone ~~be~~ narrow and disappoint ment did in the grave, faith and hope survive and Surviving Wane.

Let my Name & age at the time of my death also be inscribed upon the Slab.

Item 2nd Having assumed the payment to Mrs Sally M. Hunter

Say Mrs Sally M. Hunter of an annuity of originally six hundred & fifty nine dollars but ~~reduced~~ reduced to one hundred & fifty dollars by the death of Mr Andrews and by the subsequent death of the said Andrews about five hundred dollars annually it is my will and desire that a sufficient number of my Negroes be annually hired out to raise said sum of money - during the life of Mrs Andrews the balance of my Negroes I wish kept together and worked on my plantation until the final discharge of said annuity by the death of Mrs Andrews or otherwise and the proceeds of their labor applied to the payment of my debts and the maintenance, support and education of my family and children, until the happening of the above event to wit the final payment of said annuity my Wife may reside in the premises I now live on with the children and keep the servants now has about her or on the plantation build a temporary house for a part of them out to work which I think should be the better course but she can do as she pleases in this respect - in the event that the my Wife should leave Knoxville it is my will and desire that my house and land near town be sold by my Executors at private or public sale as they may deem most advisable & the money constitute a portion of my Estate to pay debts or for services may be required, thus is to say the money arising from said sale of said town property

Item 3rd I give devise and bequeath to my Wife Mary Hunter such of the restraint & conditions contained in the preceding item the following Negroes to wit: Parbat Sawyer, Nathaniel, Eliza, a Woman which three Negroes were deeded to her by her father - also I bequeath to my Wife the six children of my born since she was deeded, viz: James, a Girl, George, a Girl, Charles, a Girl, a Boy, Lily, a Girl

WILL of George K Hunter

and Turner a certain future increase she may have
I also give the negro ^{children} ^{to her} a negro man by the name of
Satac which I received from her father's estate this said
all the property received by me from her father or his estate
the increase thereof - which I give back to her,

Item 4 - I also give & bequeath to my said Wife
Twenty Dollars (\$20.00) in lieu of dower in my
real estate and to be raised out of the value of my real estate
as hereinafter provided for - if the dower said fifteen
Dollars is not to be paid to her she is required to enter into a
renunciation of dower to the Executors,

Item 5 - The said annuity to Mrs. Andrews is paid &
discharged I hereby direct my Executors to sell the balance
my estate personal & real not herein before bequeathed to
my Wife at public and cry at the Court House in Knoxville
Tennessee after giving reasonable public notice and Twelve m
redit and the proceeds of money arising from said sale to be divi
and distributed as follows and Fifth part to be allotted to David
Hunter, one Fifth part to Elizabeth H Hunter, one fifth part
Richard H Hunter, one fifth part, Newton H Hunter, one fifth
part Grace Hunter Hunter, provided nevertheless if the ma
in my hands belonging to Mariana H Hunter is not equal to
Fifth part of said sale, the value of which is ascertainable from the
Ordinary Book or the Receivers Book, being the Proceeds of the sale
of the undivided half lots of Land (\$1250.00) & the interest thereon
a Negro, Par Wiley this hire woman an old woman, whose hire was
nothing, then the shares or portions of the children of over said are to be
and out of said abatement of each share the said Mariana
including the property already given to her in my hands is to be
equal to the shares of the other children - if the said Mariana
property of over said exceeds a distributive share for the other children
then she is to receive nothing from my estate whatever, except
from the above direction my house hold & her furniture
I wish my Wife to retain deep for the use of my children
and as they severally marry or come of age to give them
equal share or portion of it retaining an equal portion for
Self - my Wife's Piano forte, which she had when I married her
& now Mrs. H. H. H. is her property to do with as she pleases
I also except my Library of miscellaneous books which
I give to David H Hunter & give him my law Books
he reads & am ^{meaning} them to practice otherwise they are to be
I desire my Wife to keep & retain with her during their
five small & for younger children to send them to school & my
Executors whom I appoint guardians in the property of my
said children I hereby direct to pay her (my Wife) reasonable
board for said children to have the same

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Last Will & Testament of George R Hunter

children and of their shares or portions of my estate in their hand provided the board of tuition & nothing to be furnished all doubt except the interest on the same.

Item 6th I bequeath David S Hunter comes of age I wish my executors to allow him out of my estate from two to five hundred dollars, if I do not do so my self, to commence business with which with interest is to be deducted out of his share of my estate on a final division thereof.

I hereby appoint Charles H. Walker, William Nathan Fowler of said County, Executors to this will and Testamentary guardians of the property therein bequeathed to my children having my wife's guardians of their persons.

Witnessed in the 10th line 4th Page, before Signed

Signed Sealed & published declared by Geo R Hunter as his last Will & Testament in the presence of us the Subscribers who Subscribed our Names here to in the presence of said Testator at his request, and of each other this 12th day of February, 1856,

Chas W Elder
Wm J McAnas
Geo R Hunter
Joseph W Hunter

George R Hunter of said County & State, being within the full use of his mind, while in bad health laboring under the oppression of mind incident thereto, think proper now upon his restoration to health to make the following alterations therein. The death of my esteemed friend Nathan Fowler since the writing & making of said Will is another reason for the alterations besides desire to explain & enlarge upon some of its provisions, and therefore make & execute the following Codicil to said last Will & Testament as follows.

Item 7th I revoke so much of said Will as is contained in the 17th & 18th lines of the 1st Item having cancelled the same by running the pen through said lines leaving the balance of said Item in full force & effect.

Item 8th The 2nd Item I have erased the words "one" which was a mistake & interlined by the insertion of the words "one" which is correct. In the 3rd line of the 3rd Item, the words "Couch" and in Knoxville have omitted & have inserted the said words by interlineations.

Item 9th I make this declaration of Intention & desire in regard to the 5th Item of said Will. That if my daughter Mariamne wth S Hunter wishes to do so she can and make take two Negroes Hugh a man and Harriet a woman purchased by me of Doctor Campbellhead in full payment of \$1000 & what money may be due from me to her as her portion.

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negroes together and prevent any dispute ^{about the} amount due her arising from my failure to make annual returns as Guardian, which failure had occurred from the fact that I intended to substitute a Will a provision for her equal to what I would be equitably her as her Guardian & make her equal with my other children and if she elects to take said negroes they are not to be paid by my Executors, and if they with the negroes held by me as Guardian are not equal in value to a distributive share of the other children then enough is to be taken out of the share of said five children to make her share equal to theirs, that is to a distributive share. — if the said Maria Anna R. Hunter or legal Guardian or representative should elect not to take said negroes Harriet in lieu of the money due as aforesaid I am pleased with the above provision to make her property equal to the share of any one of my children in my estate then the mode of making the property of the said Maria Anna R. Hunter equal to a distributive share of my other children in my estate pointed out in the 5th Item of said Will is to be adopted, if necessary — and she is to have nothing further from my estate for the reason only that her uncle in giving her a portion of his estate to my other children nothing in that said portion which came into my hands as Guardian for her is a suitable settlement for her, leaving me to provide for my children, I have and bear towards her as much affection as I do for any other of my children — but her affectionate uncle having provided for her by his Will, only deem it my duty to make that provision equal if necessary to a distributive share of my Estate.

10. I then towards the close of the fifth (5) Item or clause of a Original Will the Words 'during their minority' and 'clothing' are intended inserted for the purposes of preserving my intentions full in relation to the 6th Item I declare that I have since said Will bequeathed and since D. S. Hunter came of age advanced to him \$100 or one hundred & shall have to advance other Sums of money with which I shall charge him, and the several Sums of money said Will & desire be deducted from his share or portion of my Estate on a final division of the same.

11th I then My Friend St. Hauzer appointed Co. Executor
in said Will having died since it was made I
appoint in his stead my Brother in Law Doctor Campbell
San Francisco California I request him my friend
Blacker to qualify as Executor & Testamentary Guardian
of my Minor children that is of their property and
as such Guardian to give Bonds and Security as the law
intended before signed. Geo. R. Hunter
Signed, dated, published and declared by George R. Hunter
to his last Will and Testament in the presence of us the
living Witnesses who and with him signed the same

11th Item My Friend A. Fowler appointed Co. Executor
in David McCall's will having died since it was made I was
appointed in his stead my brother in Law Doctor Wm. H. Baker
of San Francisco a California Notary Public & my friend
H. A. Baker to qualify as Executors & Testamentary Guardians
of my Minor Children that is of their property and as
Special Guardians to give Bonds and Security as the law de-
manded before signed, Geo. R. Hunter
Signed Dated published and declared by George R. Hunter
to his last Will and Testament in the presence of us the
above witnesses who with him signed the same

Fast Will of George H. Hunter
 and
 the testator and in his presence and the presence of each other this
 May 30th 1857,
 John W. Ellis
 Thos Andrew;
 W. W. Dennis

Added July 14th 1859

By appointing C. M. Hitchiner & C. H. Walker as Testamentary Guardians
 as well as executors to the above Will I do not mean that they shall
 disqualify in both capacities unless they choose to do so, they
 may qualify as executors merely and not as Guardians or
 in both capacities as they choose. If they fail to qualify
 as Guardians the Ordinary will appoint Guardians for children
 not old enough to select Guardians for themselves,
 Geo. H. Hunter

Georgia
 Crawford County Codicil to the annexed Will of George H. Hunter
 of said County, I do, make publish & declare the
 following Codicil to the annexed Will.

Whereas, I have during this month loaned to my son S. J. Hunter
 the following negroes to wit: Saver a man, Caroline a woman & her
 two children Peyton and Hanger on conditions which may bear
 the absolute title to said negroes in him as well be seen
 by the instrument given to him, now it is my will and desire
 that should said contingencies or conditions happen so as to
 vest the title to said negroes in him, then said negroes or their
 value to be deducted from what would otherwise be his share
 of my estate also the arrangement of money heretofore made to
 him for which I hold his receipt to be deducted after the
 same is done, should he not be equal with the other children
 then to be made equal with them, but if equal then he is to have
 no more of my estate except the books bequeathed him,
 Geo. H. Hunter

Signed, Sealed, published and declared in the presence
 of us the undersigned who have attested the same in the
 presence of Geo. H. Hunter and in the presence of each other
 by his request this 16th day of January 1861.

John B. Ellis
 John B. Fowler
 J. A. Fowler

Bible Knight of Ordinary
 March Term 1864

Personally came Capt. John W. Ellis who being duly sworn
 said on oath that he saw Geo. H. Hunter late of said County
 deceased, sign, seal, publish & declare this as his last will &
 Testament & executed the same 15th 1857 & also a codicil of May
 30th 1857 to his last will & Testament and that he was of
 sound disposing mind & memory and that he signed

East Will & Testament of George A. Hunter deceased

Voluntarily freely & without constraint and that he saw &
Mr. Arney, Thomas Audrum & Joseph R. Miller sign the will
also Tho. Audrum & W. W. Dennis sign the Codicil that the
Signed the same as witnesses in the presence of Testator
his request & in the presence of each other,

Sworn to & subscribed in open Court March 9 1864
Wm M. Riley Ordinary } John W. Ellis

Deputy Court of Ordinary
March Term 1864

Personally came before me J. A. Fowler who being duly sworn
saith on oath that he saw Geo. A. Hunter sign
publish & declare the within Codicil to his last will & that
that he was of sound disposing mind & memory & that
Signed the same freely voluntarily & without constraint
and he saw Thomas B. Ellis & John B. Fowler the other
being witnesses sign the same and that they signed
Codicil dated January 16th day 1864 at the request of Testator
in the presence of each other,

Sworn to & subscribed in
open Court before me } J. A. Fowler
March 9 1864
Wm M. Riley

Recorded March 12 1864 Wm M. Riley Ordinary