

State of Georgia - In the name of God Amen
Bunke County, I, Henry Chance of the County of Bunke and State of Georgia
being of sound and disposing mind and memory do make this my last will and
testament, hereby revoking all others heretofore made by me.
I commit my body to the dust and my soul to God trusting in his mercy and grace
through the atonement of our Lord and Saviour Jesus Christ, for my resurrection
and salvation.

I make the following disposition of my property.

First. I desire and direct that as early as possible after my decease, all the property I
shall die possessed of or entitled to, except my negroes and the property bequeathed
to my wife in the sixth item of this will, be sold by my Executors, publicly or pri-
vately upon such terms as they may deem most beneficial to my estate. If my said
wife does not survive me, I desire that the property bequeathed to her in the
said sixth item be sold likewise by my Executors as aforesaid.

Second. With the proceeds of the sale of my property and what money, accounts, prom-
issory notes or other evidences of debt on hand at my death, I direct first
that all my debts be paid by my Executors; Secondly that a legacy of twelve
hundred dollars be paid to my wife, if she survive me, which amount I give
to her in lieu of the twelve months support, she would be entitled to by law
out of my estate, she to make her election within one year after my decease, and
thirdly, if the payment of my debts aforesaid, the expenses of administration and
the legacy aforesaid do not exhaust the assets mentioned in this item, I direct
that the sum of twenty five hundred dollars be received by my Executors and
if said surplus is sufficient, and if not, then with said surplus of any and
the hire of my negroes so long as may be necessary to raise that fund, to be ap-
propriated according to the provisions of the next succeeding item in giving
all my children therein named and any child or children hereafter born, a
good English education such as my other children have already received.

Third. I appoint my beloved son Ruben Chance and my friend John B. Stringer both
of the said County, trustees to carry into effect the provisions of this item
and to apply the said fund of twenty five hundred ^{dollars}, according to the best of
their judgment and discretion towards paying the expenses including trans-
portation, books, stationery and clothing which may be actually incurred in
educating my hereinafter named children and any hereafter born, for such
length of time after my decease as will with the time that they may respect-
fully, from this date go to school before my death, make up six months schooling
for Abraham; two years schooling for Florence; five years schooling for Lewis
Duncan Jones; six years schooling for each of my hereafter born children; and to
pay for the support of each such after born child, until it is eight years
old, of this fund, I direct, that a sum not exceeding seventy five dollars be
applied toward the payment of Abraham's schooling; a sum not over three
hundred dollars to that of Florence; a sum not over seven hundred and fifty dol-
lars to that of Lewis Duncan Jones; for the support of each of said after born chil-
dren a sum not exceeding what would amount to fifty dollars per annum.
And for the education of each such after born child a sum not exceeding one
hundred dollars. These several sums I do not give to my children absolutely
nor to become a part of their estate but to be paid out by the said trustees
and their successors in office according to the actual expenses and requirements
only of each child, in obtaining the aforesaid education, and in the support
of each after born child as aforesaid, I leave it to the discretion of the said
trustees whether the several periods of the aforesaid education of each

of my children shall be completed in successive years or at intervals adapted to the mental improvement of my children. But if either of my said children (except Abraham) shall not have completed his or her former educational period as above assigned before the end of his or her seventeenth year in age, such child shall not thence afterwards have any of his or her educational or other expenses paid out of said fund. And during the time that either of said children (being over eight years old) shall not be attending school (vacations excepted) such child shall not enjoy the benefit of said fund.

Fourth As it may happen that my wife may, after the date of this will, bear me more than one child, who may survive me, in which event there may not be a sufficient surplus of said educational fund to support and educate all of said after born children according to the provisions aforesaid, I therefore, desire and direct that if the several sums herein mentioned be not wholly consumed in the manner aforesaid, that the balance of each of said sums shall form and constitute a part of the residuary fund for the support and education (as before directed) of all my said after born children but no larger sum expended on each than the amount already specified.

Fifth If after the education of my children as aforesaid is completed, there should be any surplus of said educational fund in the hands of the said trustee or their successors, I desire and direct that it shall be equally divided among my children surviving me, and the lineal representatives of any who are dead at my decease, and to be held by them subject to the same estate that they respectively take in their shares mentioned in the eighth item of this will.

Sixth To my dearly beloved wife, should she survive me, I give and bequeath one horse and buggy, household and kitchen furniture (including one bedstead, bed and bedding) sufficient for her use and the family, four cows and calves, two sows and their pigs, all to be selected by her; and the use and occupancy of the dwelling and land attached to my residence in the village of Habersham in said county of Newton, together with my interest in the tract of land adjoining said village bought from the estate of Isaac Lapp late of said county deceased, to have, and to hold all of said personal and real property, for and during the term of her natural life only. The bequests in this item to my wife, and the share given her in the next succeeding item, I intend to be in lieu of her dower and desire that she will make her election as early as possible after my death, so that my Executors may not be impeded in the execution of other parts of my will.

Seventh After the selection by my wife of the perishable articles mentioned in the sixth item the sales mentioned in the first item, the payment of my debts, and the reservation of the said educational fund I direct a division of all the negro property I do possess of, to and their after increase between my wife (should she survive me) she to take a child's part, and my children, whether now or hereafter born, living at the time of my death, and the lineal representatives of any deceased child, such lineal representatives to take per stirpes, the share of my wife in this division, together with the bequest to her in the sixth item of this will I give and bequeath to her to have and to hold during the term of her natural life, remainder over to such of my children as may be living at her death and the lineal representatives of any deceased child

Eighth

Ninth

the shares in said remainder falling to such lineal representatives and to my male child
deceased to be held by them respectively and severally in fee simple, but the shares therein
falling to my daughters to be held by the said Trustee Reuben Chance in severalty for the use
and subject to the life estate, restrictions, limitations over, and remainders as are imposed
in ninth item of this will upon the respective shares of my daughters derived originally
and directly from my estate in the division thereof.
The shares falling in said division of my estate to my male children and the lineal
representatives of any deceased child, I give and bequeath to them respectively and
severally in fee simple, the said lineal representatives to take per stirpes.
The shares falling in said division to my daughters, and the remainder over
to them mentioned in this will, I give and bequeath to my son Reuben Ch-
ance as Trustee, and his successors in office to be and form the separate property of
each of my said daughters respectively during the several terms of their natural
lives, free from the debts, liabilities, and contracts of their present or any future hus-
bands, each of said husbands however to have, during the coverture of either of my
said daughters with him, the use management and control of her said share
and her share in either of said contingent remainders should it vest for the joint
support of their maternal family. Upon the death of either of my said daugh-
ters, whether having been married or not, leaving no lawful husband, nor a
child, then her said share, and her share in either of said contingent rem-
ainders mentioned in this will if vested in her life time, is to go to my children
living at her death, and the lineal representatives of any of my children
who may be then deceased, the latter to take per stirpes, and their shares of
said remainder and those of my male children to be held severally in fee
simple, but the shares thereof falling to my daughters to be held by their
said Trustee Reuben Chance, and his successors in office upon such uses
and subject to such restrictions, limitations, life estates, and remainders
over as are attached in this will to their shares derived originally and
directly from my estate in said division. But if either of my said
daughters, (either now or hereafter born) shall die leaving a lawful hus-
band, or a lawful husband and a child or children, surviving her
then said husband is still to have the use, control and management
of her said original share, and if any share in any of said contingent
remainders which may have vested, for the joint support of himself, and
such child or children if any, and if none then for his sole subsistence during
the term of his natural life, free from his debts, liabilities and contracts and
at his death remainder over to the child or children of his said deceased
wife surviving, and the lineal representatives of any such deceased
child; but if there is living at the death of the said husband no such
child by his deceased wife, nor the lineal representative of any such
deceased child, then, in this case remainder over, at the death of said
husband, to my children who may be living at the death of said husband
and to the lineal representatives of any of my deceased children, the shares
in said remainder falling to such lineal representatives and my male
children to be held by them in severalty and in fee simple, and the shares
thereof falling to said daughters to be held by their said Trustee Reuben
Chance and his successors, subject to such uses, life estates, restrictions, limi-
tations and remainders over as are attached in this will to their respective
shares derived originally and directly from my estate in the division afore-
said.

Tenth

Wherever in any part of this will, it is directed that the lineal representatives

- of any deceased child is to take property at a my intention that they
shall take per Stripes and not per Capita.
- Eleventh I authorize my son Reuben Chance trustee of my said daughter is
aforesaid, and his successors in office to sell or exchange with the
written consent of either of my said daughters any part or all of
the said trust property of said daughter and invest the proceeds in
other property according to his discretion; the purchaser of said trust
property not to be held responsible for the proper application of the
proceeds of such sale or exchange.
- Twelfth I appoint my beloved son Reuben Chance testamentary guardian
of the persons and property of all my children, minors at my death
whether now or hereafter born.
- Thirteenth If my wife does not survive me, I direct that the proceeds of the
sale mentioned in the last part of the first item of this will that
is the sale of the property Burke Co. GA Wills 1855-1858
www.georgiapioneers.com be paid to her in the sixth item of
this will, be used in connexion with the proceeds of the other sales
for the purpose of paying my debts, and raising the Educational fund
aforesaid, so as to avoid, if possible, the hiring out of my negroes.
- Fourteenth If at the time of the division of my Negro property, according to the
seventh item of this will, there be any other property real or personal
belonging to my estate, undisposed of according to the several direc-
tions and bequests of this will, and whether mentioned in this will or
not, I direct that such property be equally divided between the
parties mentioned in the said seventh item, and in the same man-
ner as is specified, in said item, the shares of the said distributees
to be held by them respectively in the same manner, and subject to
the same life estates, remainders, uses, limitations and restrictions as
are attached to each share in the division of said Negroes.
- Fifteenth I constitute and appoint my beloved son Reuben Chance, and
my friend John R. Stunges, both of said County, the Executors of

Georgia
Burke

County Court of Ordinary September Term 1858.

Reuben Chance and John R. Stinger names as executors in the annexed instrument in writing purporting to be the will of Henry Chance having produced the same in open court, now come Seaborn H. Jones William Moore and John P. Jones and being duly sworn say that they saw Henry Chance late of Burke County deceased, sign seal and publish the said instrument as his last will and testament, that at the time of his doing so he was of sound and disposing mind and memory, and that they signed the same as witnesses thereto at the special instance and request of the said deceased, in his presence and in the presence of each other Given in open court this 6th day of September 1858.
S. D. Barker C. R. C.

Seaborn H. Jones
Wm. Moore
John P. Jones

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The will of Henry Chance late of Burke County deceased having been produced in open court by Reuben Chance and John R. Stinger Executors therein named, and proven in solemn form by the oath of Seaborn H. Jones William Moore & John P. Jones the subscribing witnesses thereto it is ordered that the said instrument in writing be and the same is admitted to probate as the last will and testament of the said Henry Chance, that the same be recorded & filed in the office, and that executors be issued to Reuben Chance and John R. Stinger upon their taking the usual oath, in terms of the law. It is further ordered that Riley Reeves, Simeon Reeves, James Whitfield, Orrin D. Lassiter and Barnett Lewis Freeholders of said County be appointed to appraise the estate of said deceased in terms of the law.

Recorded 9th September 1858.