

- Georgia, Burke County, In the name of God Amen, I James McMurray of said County
being aged and mindful of my approaching end, do hereby make of my
memory and discretion to make and ordain this to be my last will and testament
- First I direct that all my property now hereinafter disposed of which may be in this State of Georgia and the lands I own in the State of South Carolina be sold and the proceeds disposed of to the payment of my just debts and funeral expenses.
- Secondly I give and devise unto my beloved wife Eliza McMurray for and during the term of her natural life, the Homestead where I now reside together with so much of the tract of land on which it is situated as I have in cultivation, on the East side of the Savannah Road, with the privilege of cutting from the wood land of the tract timber enough to keep the plantation in repair. I also give and bequeath unto my said wife, my buggy, and one brown bay mare commonly called the big mare, three cows and calves two sows and pigs, five head of pork hogs and one third of the crop now growing or being gathered or so much thereof as may remain unsold at my death, the aforesaid life estate in land and fee simple in personalty I give her in lieu of her dower but should she claim dower in all or any of my lands she shall take nothing under this clause of my will.
- Thirdly I give and bequeath unto my son James R. McMurray in addition to what I have heretofore given & delivered to him my major portion provided that my said son James R. shall within one year after my death pay a debt he owes to the estate of Jesse Rogers to which I am security. But if he shall not within said year pay said debt I direct my Executor to make good man for me to the best advantage in such manner as he shall deem best and apply the proceeds to the payment of said debt, which shall not be afterwards claimed by my Executor from said James R. If there be any thing left of the proceeds of said sale, after paying said debt I give and bequeath the same to said James R. but if the proceeds of said sale be not sufficient to pay said debt, said James R. must pay the balance.
- Fourthly I give and bequeath unto Sarah Webb, Amanda McMurray, Jane Eliza McMurray, Robert McMurray and Caroline McMurray the following children of my deceased son Andrew R. McMurray the following slaves to wit Mary and her four children, Jane, Eviline, Ellen and John and George a man and Maria a woman to be equally divided among them at my death.
- Fifthly I give and devise unto Amanda McMurray, James McMurray and Robert McMurray three of the children of my said son Andrew R. McMurray aforesaid, one hundred and seventy five acres of land whereon Mr. Elliot now lives, to be by them held jointly and undivided during the life of the said Amanda and after her death I give and devise said tract of land to the said James McMurray & Robert McMurray her brothers to them and their heirs forever. I also appoint Thomas Darling, Tom Establinery, Lewis and for each of said children of Andrew R. McMurray deceased as my heirs at my death.
- Sixthly I give devise and bequeath unto my friend John McCutcheon his heirs and assigns forever upon the trusts limitations and conditions

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Hereafter mentioned the following real and personal estate to wit all that tract of land lying upon both sides of the road from Augusta to Camden which I now live except the life estate in part therein heretofore given to my wife with remainder in that part after her death, the whole said containing six hundred and eighty five Acres more or less, also the following Negro slaves to wit, Riller, Luke, Dinah, Ellen, Sarg, Leaky Joe and Allen to have and to hold Real & personal property in trust for the for the support and maintenance of my son John G. McElmurray and his wife Mary Ann McElmurray and their children born or to be born the said property to be and remain in the possession of the said John G. for the purposes aforesaid during his natural life, but not subject to be dispossessed of by him, nor subject to the payment of his debts now existing or hereafter to be contracted the object of this clause being to provide a sure & certain support for him & his family, and after the death of the said John G. then in trust for the support & maintenance of the said Mary Ann the surviving his husband and the children of said marriage during his natural; And after the death of the said John G. and Mary Ann in trust to be equally divided share and share alike among their children surviving them; & upon such division the trust to cease & determine

Highly
Minutely
It is my intention that the future increase of the female slaves heretofore given shall go as the mothers have been bequeathed All the rest and residue of my estate that herein disposed of after paying my debts, I give and bequeath in three equal portions w. to my son James H. McElmurray one to the children of my son Andrew McElmurray who may survive me, and one to my son John G. McElmurray.

Validly
I nominate constitute and appoint my friend William Colson Executor of this my last will and testament hereby revoking and annulling all former wills & testaments by me made In testimony whereof I have hereunto set my hand and seal this 7th Day of October 1847.

Signed sealed & published
in presence of
William Wimbush
Wm A Kelly
Erie Wimbush J.P.

John McElmurray (Seal)

State of Georgia.
Burke County } In open Court appeared William Wimbush one of the Justices to the last will and testament of James McElmurray of said County Geo being here brought by William Colson Executor thereof with this paper which witness being duly sworn depose and saith that he saw said James McE. executing the lastator sign seal declare and publish the instrument now presented as his last will and testament freely voluntarily and of his own accord, that at the time of the Execution of said will said testator was of sound and disposing mind and memory that defendant signed said will as a witness in presence of testator

at his instance and request and saw Mr. A. Kelly and Louis W. Mendenhall the
same sign as witnesses in the presence of the testator and at his special in-
stance and request and in presence of each other.

In open Court, Oct. 1st 1850.

G. W. Carmichael J.C.C.C.

Sam R. Davis J.C.C.C.

J. A. Shawmaker J.C.C.C.

William J. Mendenhall

The will of James McElmurray late of the County having been duly and
legally proven in open Court an motion it is ordered that said will be ven-
ued to Record and that letters testamentary be issued to the Executor there-
in appointed, and that warrant of appraisement issue to Vincent Fulcher,
John Fulcher, Benjamin Cox John Franklin and Alexander Elliot, let-
ters testamentary issued to William Colson.

State of Georgia
Burke County
I Edward Garlick Clerk of the Court of Ordinary of Burke
County and State aforesaid do hereby certify that the annexed contains
a true copy of the ^{last} will and testament of James McElmurray as ap-
pears of Record and of file in this office
In witness whereof I have hereto set my hand and affixed the
Seal of office at Waynesboro, Georgia, this 26th day of September 1851.
Burke Co. GA Wills 1855-1858
www.georgiapioneers.com
Edward Garlick *Official Seal*

Georgia
Burke County
I Edward Garlick Ordinary for said County do certify that
the last will & testament of James McElmurray, late of said County de-
ceased, with the record thereof were destroyed by fire, in the burning
of the Court House of said County, on the night of the 24th January 1856
Given under my hand and official signature this 26th day of February
1857.
Edward Garlick Ordinary

In the matter of the last will and testament of James McElmurray
It appearing to the Court, that the last will and testament of James McElmurray
late of said County of Burke deceased, together with the record thereof
were destroyed by fire, in the burning of the Court House, on the night of the
24th January 1856; and it further appearing that the annexed copy will
is a true copy of the last will and testament of the said James McElmurray
It is on motion ordered, that the said annexed copy will be established as
the true & stand of said original will as aforesaid destroyed; and that
said established will be recorded, and it with the petition & other
papers in this case, be placed on file among the papers of the
office of the Ordinary.

Recorded June 23rd 1857