

State of Georgia Carroll County
In the name of God Amen

I Henry F. Merrill of said County and State being I conceive of sound and disposing mind memory and discretion being sick and weak of body and knowing that life is uncertain and that death is certain to all, 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 do hereby make this my last will testament revoking all others heretofore made by me

Item 1st

I desire and direct that my body be buried in a decent and christianlike manner - My soul I trust shall return to rest with God who gave it.

Item 2d

After paying all my just debts I give and bequeath and devise unto my beloved wife Margaret Adeline my Home-Steak in the town of Carrollton, with the adjoining lands and appurtenances with all the stock, one two horse and one one-horse wagon all house hold and kitchen furniture farming tools and all other chattels and effects on and about said premises during her life or widowhood - with the privilege on her part to sell or dispose of any or all of said Personal effects in her discretion for the benefit of herself and the minor children until they arrive at twenty one years of age or marry when they respectively arrive at full age or marry - they are to receive an amount equal to that advanced to my sons John W. and Augustus N. and that my daughter Rhoda F. being of full age receive a like amount in money or specific articles as she may choose immediately after my death

Item 3d

I will and direct that my life Insurance Policies being in favor of my heirs at law be disposed of as follows, that my wife Margaret Adeline and my children who have or shall have attained their majority shall each receive his or her portion at once that a like amount for each of the minor children be invested by my Executors for their use in some safe institution which declares dividends or pays interest at least once a year and that the interest be collected and paid over to my wife whom I hereby constitute and appointed guardian for my said minor children Except the part going to my son H. H. which I desire to be paid over to my son A. N. whom I hereby appoint trustee for said H. H. during his minority to be used by her for their support maintenance and education all to receive an equal part share and share alike

Item 4th

I will and direct that my interest in the mercantile carried on by my sons John W. & A. N. in the Town of Buchanan Georgia be allowed to remain therein under their control

and management for the space of three years that my wife be allowed to purchase for the use of my family from the store such article as the family may need which shall be charged to the interest my estate holds in the store and at the end of said three years my interest remaining shall go to my estate. My said sons are not restricted to Buchanan as a place of business
Item 5th

I will and direct that my real estate except as otherwise disposed of remain unsold until January 1st 1874 when the same shall be sold by my Executors after advertising the same in manner required by law for administrators sales ~~shall~~ the proceeds arising from said sale be divided among my wife and children or representative of children share and share alike, and that all the residue of my estate and all moneys or effects arising from any source whatever be disposed of in the manner provided for in Item 3^d (three) of this my last will and Testament so that upon a final settlement of my estate my wife and each child shall have received an equal portion of my estate
Item 6th

I will and direct that the bequests made to my beloved wife shall be understood to be made in lieu of Dower and to bar the right of Dower in any of my real estate and should she again intestineary the said real estate bequeathed to her in Item two (2) of this my will together with all other property then remaining to be sold by my Executors and the proceeds to be disposed of as provided in Item (3) three of this my will after having advertised the lands in the manner prescribed by law for Administrators sales
Item 7th

I will and direct that my interest in the mercantile business with L J Smith & Co in the Town of Carrollton Ga remain therein for three years if the parties concerned are satisfied for it to remain so and what my family needs to be charged to said interest if the Messrs. Smith become dissatisfied with the clerk furnished by me, they are at liberty to employ another in his stead or if they become dissatisfied from any cause before the end of ^{the} three years, my interest on the dissolution either before or at the end of said time shall go to my estate and be disposed of as provided in the third Item of this my will
Item 8th

I hereby constitute and appoint my brother W W Merrill and my son John B Merrill my Executors to this my will
This 5th day of January 1870
Signed declared and published by H F Merrill as his last will and testament in the presence of us the subscribers and we signed the same in the presence of each other and of the Testator January 5th 1870
J M Griffin
J B Jathan
J B Wale

Georgia Carroll County
Before me came on the first day of February 1870 at

Chambers for the purpose of proving the last will and tes-
 tament of Henry F. Merrell the witnesses to said will viz
 James M. Griffin & Joseph B. Wise and the will having been
 before that time brought before me for probate by the Executors
 W. W. Merrell & John W. Merrell who has filed a petition for
 probate of the same they the said witnesses depose of the
 same that they saw Henry F. Merrell sign and publish the
 same as his last will on the day and year then stated
 as executed by him that they witnessed the same at his
 request in his presence and in the presence of each other
 that the same was voluntarily executed by him while
 he was of sound and disposing mind and memory
 Sworn to & Subscribed J. M. Griffin
 before me this February J. B. Wise
 first - 1870 J. B. Johnson
 Ordinary Carroll County -