

State of Georgia County of Clark

In the name of God Amen

I Sarah S. Hamilton of said County and State, shewing the uncertainty of life and the certainty of death now whilst in the possession of sound faculty, and especially a sound mind & desiring many and discretion made and as desired that my last will and Testament hereby revoking all other wills or Testamentary papers heretofore made

Item 1st My will and desire is that all my just debts be paid by my Executor, hereinafter appointed.

Item 2nd I desire that all of my property of every description whatever, except, as hereinafter provided be divided by my Executor into five equal shares

Item 3rd My will is that my property so far as may be possible shall be divided equally in kind, that is to say that each child or his or her heirs shall receive an equal quantity of each description of Stock and Bonds, my desire being to avoid a sale unless it shall be absolutely necessary for an equal division

Item 4th My will is that each of my children now living to wit: James S. Hamilton Sarah P. Caney Virginia J. Sutton and Eugenia E. Dearing shall receive one share of my property as above divided and that the children of my deceased daughter Ann Eliza Harris the former wife of James H. Harris now of Cartersville on the said children named respectively James H. Harris Jr. Thos. Miller Hamilton Harris Ann Eliza Miller wife of Thos. N. Mitner of Cartersville Ga. and Sarah V. Berk, wife of Dr. J. M. Berk of Cartersville, shall receive the fifth share

Item 5th My will is that the following Trust be made by my Executor and accompany the above bequests
1st of which the share of my daughter, Sarah P. Caney in trust to her for her sole use and property, separate from that of her husband, I hereby appoint her husband Benj. C. Caney as Trustee for her. After the death of my said daughter my will is that her share of my property shall vest equally for her children except in this to wit: that Benj. C. Caney her husband shall have a life interest in one third of her share in case no other children are born to her

and in that event that the said Benjamin B. shall have a life interest in a child's part of the same, and after his death to work to the children of my said daughter
 2nd My will is that the share of my daughter
 Effie E. Dearing, be united by her in trust
 to like manner, and that her husband Albin P.
 Dearing be, and is hereby constituted Trustee for
 her. In case of the death of my said daughter
 Effie her share shall not equally
 in her children except in this to wit: that
 her husband Albin P. Dearing, shall have a
 life interest in one fourth of the same,
 or in case other children are born to her,
 in a child's part.

3rd My will is that the share of my daughter,
 Virginia L. Sutton, be given her accompanied
 with the life trust, and that my son James
 S. Hamilton be appointed Trustee for her. I also
 will that after the death of my daughter Vir-
 ginia that her share of my property be equally
 divided among her children. In the event that
 James S. Hamilton should die or resign his Trust-
 eeship aforesaid, my will is that that H.
 Sutton, the son of my said daughter Virginia,
 shall become Trustee for his mother. In the
 event of the resignation or a passing of the said
 James S. Hamilton that the said H. shall
 consult and advise with the said James
 S. regarding the management of the property
 of his mother.

4th My will is that the children of my deceased
 daughter Ann Eliza Harris herein before named
 shall each of them take their shares of my
 property in kind, & that the shares of Ann Eliza
 Milner and Sarah T. Beck, be separate from
 that owned by their husbands.

I hereby appoint her husband that M. Mil-
 ner Trustee for Ann Eliza Milner, & Dr. J. W.
 Beck her husband Trustee for Sarah T. Beck.
 I hereby appoint my son James S. Hamilton
 Trustee for James W. Harris and that M. S. Hamilton
 Harris unless they or either of them become
 of age before my property is distributed. In
 the event that one of them only becomes of age
 before my property is distributed, then the Trust
 as aforesaid shall be constituted for the other,
 but if they both become of age, then they
 take their share without restriction or
 limitation.

5th My will is that my daughter Virginia L.

Sutton shall have the house in which I now reside in the town of Athens and the lot on which it stands, containing sixteen acres more or less, running from Milledge Avenue to the Church near the Rock Spring and situate between the lots of James S. Hamilton and Albin P. Deering the said lot having a two acre front on Milledge Avenue and eight acre depth. I also give to my said daughter Virginia, all the bedding, household and kitchen furniture in my possession and belonging to me at the time of my death. My will is that my daughter Virginia I shall settle this last named bequest under the terms of the Trust hereinbefore provided, and that she shall account for the same in her share of my estate at the sum of ten thousand dollars. It being my desire that the said bequest shall not be in addition to the share I have given her but part and parcel thereof. My will is that each child and the heirs of my deceased daughter shall account in the distribution of my estate for all advancements made to them.

Item 7th

Item 8th

My will is that all my land be sold by my Executor and that the proceeds thereof go into the general fund for division and should it become necessary in the division to sell certain Bonds which cannot equitably be divided in kind, my Executor is hereby permitted to sell at public or private sale as he in his judgment may deem best.

Item 9th

I hereby appoint my son Jas S. Hamilton Executor of this my last will and Testament.

Item 10th

My will and desire is that my old servant Richard Bazill shall have the two acre lot on which he now resides during his natural life, and that after his death the said lot shall revert to my estate. His children or heirs are permitted to remove any buildings he may have placed thereon.

Marah S. Hamilton

Signed, sealed, Delivered and Published by Marah S. Hamilton & her last will and testament in the presence of the subscribers, who subscribe our names hereunto in the presence of said Testatrix of her equal and in the presence of each other this May 2nd 1872

Levinand Phinney
Hugh H. Harris
Charles H. Baring