

Georgia
Clarke County } The lagpavill, and Testament
of Malthus A Ward -
In the name of God - Amen.
Malthus A Ward of Clarke County, State of
Georgia do hereby make, ordain & establish this
to be my last will and Testament, hereby revo-
king all former Wills by me at any time made.

Item 1 I will & bequeath to my beloved wife Eliza
Ward Joss during her natural life that house
& town lot where she now resides, namely Lot 4
1/4 Meriwethers survey of the town of Athens being
the same lot conveyed to me by the Church President
of the University of Georgia by Deed dated 6 May
1832 & containing four acres more or less together with
all my household & kitchen furniture, linen, store, carri-
age and all other personal property, to her & the sur-
vivors of us, to be controlled & disposed of during her natural life
by her & the survivors of us to be divided & in equal
shares between my three daughters, Mary C. Elizabeth &
Carah, the latter two, the King & Mr. Francis Street, and
it is my express will & desire that the interest I have given
in this town lot & my daughter Carah to have
Carah & her heirs as well as all other real estate I have given
to her under & by virtue of this will shall be subject to
be controlled by the following limitation of conditions -
that is to say, that it is my will that all her interest in
my estate under this will shall be to her sole & sep-
arate use during her natural life not subject to the con-
trol, debts or liabilities of my present or any future hus-
band, and after her death the same shall be held in trust
for children if she have any & the annual interest only to
be expended for their support until they respectively be-
come of age when the portions of the principal to which
each of them be entitled shall be then delivered to them - In
case my said daughter Carah or my daughter Carah shall die
leaving no children or in the event that none of her chil-
dren arrive at lawful age, then in either case, all my
property & interest left to her or her use in this will shall
revert to my estate & be divided equally between my two
daughters Mary C. & Elizabeth Ward.

Item 2 I bequeath that the remainder of my real estate, namely
the lot of land lying on the eastern side of my present res-
idence lot on both sides of the Porch the meadow bounds of
which are particularly set forth in a deed made by the
Church President of the University of Georgia conveying
the same to me, dated 25th October Eighteen hundred &
Thirty four the same containing eight acres of three fourths
of an acre more or less - also that parcel of land lying
in Clarke County, said state known as part of the Doby
Chesit tract & purchased by me from William Cunningham
in September 1842 bounded as follows,

beginning at a stone corner marking lots now owned by Adam
 Childs - running along Adams line S $11\frac{1}{2}^{\circ}$ E. 10 chains to a marked
 Pine tree - thence S 61° E. 20 chains to a Post Oak sapling -
 thence S $61\frac{1}{2}^{\circ}$ W. 8 chains 7 links to a stake - thence N. 38° W. 2 ch
 15 links to a stake, thence N 82° E. 20 chains 5 links to the begin-
 ing corner, containing 27 acres more or less; shall be sold at the dis-
 cretion of my Executrix of the proceeds of said divided in equal parts
 between my wife, Eliza Ward & my daughters Mary C. Elizabeth
 Sarah Starr & Sarah Starr the portions of my said daughter
 Sarah Starr to be subject to the conditions mentioned in
 the first item of this will

Item 3 It is my will that the following named negroes to wit -
 Sim on about 62 years old - Alfred about 57 years old -
 Elsy a woman about 34 years old her son George about
 15 years old - Ann a woman about 38 years old with her
 children Harrison about 18 - Green about 12 - Lucinda about
 14 years old shall be equally divided between my daughters
 Mary C. Elizabeth Sarah Starr & Sarah Starr (the share
 of Sarah Starr to be subject to same conditions mention-
 ed in the first item of this will) by an amicable arrange-
 ment or agreement between them selves if possible, but if
 not then by sale or otherwise as the ordinary may di-
 rect

Item 4 It is my will that all my remaining property of
 whatever kind, as my money, bonds, notes & other
 evidences of debt shall be equally divided between my
 said wife Eliza & my said three daughters, with the
 limitations as respects my daughter Sarah Starr
 stated in the first item.

Item 5 It is my will that there shall be no partition, inven-
 tory, or sale of my estate or of that portions of it in
 which my wife has a life interest, unless in the event that
 my said three daughters fail to make a satisfactory
 division between themselves in which event the direction
 of the Ordinary shall be observed.

Item 6 The share of my estate given by this will to my daughter
 Mary C. is & respects independent of a Negro named
 Henry which I have given to her by deed

Item 7 I hereby nominate & appoint my Eldest daughter Mary
 C. Ward sole Executrix of this my last will & testat-
 ment

In testimony whereof I have hereunto
 set my hand & affixed my seal this 1st day of April
 Eighteen Hundred & sixty-three
 Malthus A. Ward Seal

Signed, sealed & delivered
 by Malthus A. Ward as
 his last Will and Testament
 in our presence - we sub-
 scribing the same in his
 presence for the presence
 of each other as witnesses
 at his special instance &
 Request this 1st day of April 1863
 J. M. White
 Alton Chase
 Young E. C. Harris

Georgial } Personally appeared before me
 Elbert County, Young E. C. Harris one of the sub-
 scribing witnesses for the annexed & foregoing
 will of Malthus A. Ward late of said County.
 Each where on oath says that he saw said decd.
 sign & seal said instrument & heard him ac-
 knowledge the same to be his last will and Tes-
 tament that at the time of so doing Testator
 was of sound and disposing mind and memory
 that he departed William H. White and Alton
 Chase signed the same as witnesses in the pre-
 sence of each other and of the Testator and at
 his request

Subscribed before
 me this 25th day of
 June 1863
 Geo. M. Jackson
 Ordinary } Young E. C. Harris

Whereupon it is Ordered by the Court that
 said Will and Probate be Recorded in Term
 of the Law
 Regular Term July 6th 1863
 Geo. M. Jackson
 Ordinary

Recorded 7th July 1863