

In the name of God Amen
I Philip Fitzgerald of Clayton County State of Georgia
being in good health but by reason of my declining age
intending calling to mind the uncertainty of life and being desirous
of settling and arranging my worldly affairs such directing how my
body estate shall be disposed of after my decease while I have
strength and capacity to do so do make this my last Will and
Testament. hereby revoking all other last Wills and Testaments
heretofore made.

And first I commend my soul to God who gave it and as
to my estate and all the property real personal or mixed of
which I shall be seized possessed or to which I shall be entitled
at the time of my death I devise and bequeath in the
manner following

First my Will is that all my just debts shall be paid by my
Executor or Administrators out of my estate as soon after
my decease as may be formal convenient.

Then I give and bequeath to my beloved Wife Eliza
(God send her long) the term of her natural life (such this
is to be in lieu of her dower in my Estate) Five hundred
and three and a quarter acres of Land as follows

The lot of land on which my present residence stands
being the lot of land conveyed to me by and by John
Whitaker is bounded one hundred & forty five (145) containing
two hundred and two and a half acres (197 1/2) being in
partly Fayette now Clayton County with all the improvements
on said also the half of lot of land number one hundred
and forty six (146) containing one hundred and one and a
quarter acres which was conveyed to me by Sutter Bird
situated in my original Fayette now Clayton County Georgia
also the tract of land containing one hundred and
twenty nine and a half acres (129 1/2) conveyed to me
by Dudley Bishop being a part of land lot number thirty
seven (37) originally in the gift of Henry Now Clayton
County.

I further give to my said Wife Eliza of all of
my late stock of every kind farming implements and
and crops which may be on lands belonging to me at my
death to have and to use for the support and maintenance
of herself and any of my children who be then unmarried
and to enable her and them to carry on said farm.
The remainder of my property of every kind is to be sold and
the proceeds equally divided between my children.
I further will and direct that after the death of my said
Wife Eliza of the property above named and described
which I intend to her during her lifetime shall be held in
by my Daughter Mary C Fitzgerald if she is then living and
unmarried for the support and use of her and herself and
any of my other children who may be unmarried so long as
she or they may live and remain unmarried. In the event
of the death of my Daughter Mary C Fitzgerald
then the said trust is to devolve on my eldest living
Daughter who may be remaining on said premises and in
their marriage or if they die they may by agreement
among any or more appoint to manage and carry on
said farm. My Will is that said farm and
shall remain as a home for my unmarried children.

...my line and means married
and makes I will and leave that if any of my
children who may be married should be about
Widow and become in distress or destitute circumstances
they shall be equally entitled to a home at said place
to set a part with to a support - there as are or may be any
of my married children or shall any of my children
who is married or who may hereafter marry die and leave
orphan children who may be dependant or in destitute
circumstances said orphan children shall also be entitled
to a home and a support equally with the other above
named at said home on said trust - property intelligible
time as they are able to earn their own living or other
wise provided for or until said place is sold.

I hereby expressly will and direct that the property so left
in trust shall be held free from all mortgage and
I hereby provide that neither my wife my children nor
any trustee nor my children shall ever have power to bind
said property for any debt - under any circumstances
so long as it may remain trust property for the purposes
named - namely a home for my wife my children and grand
children when circumstances may render it necessary for
them to seek a home there and said property namely
the five hundred acres of land with the improvements
on same is to be kept as said home first as belonging
to my wife Eliza A during her life time after wards as
long as any of my children who may remain unmarried
shall live and desire to reside there or retain said
place as a home after which time namely the death
of my wife and the marriage of all my daughters or in
the event of their death before marriage or their desire
to remove from said place then the said property
is to be sold and the proceeds arising from the said
property to be equally divided between all my children.

I hereby appoint my beloved wife Eliza A Sole Executor
of this my last will and Testament - hereby revoking all former
wills by me made In witness whereof I have hereunto
set my hand and seal the thirtieth ninth day of
January in the year of our lord eighteen hundred and
ninety nine 1879 Philip Fitzgerald

the above and foregoing instrument consisting
of three sheets was then and subscribed by
Philip Fitzgerald the testator in the presence of
each of us and at the same time declared by him
to be his last will and Testament - and we at his request
signed our names thereto as witnesses on the
fourteenth day of January eighteen hundred and ninety nine

Wm. Ransom
J. H. Ruff
Peter H. Cook

Georgia
Clayton County

I the undersigned, a witness to will
of the late Philip Fitzgerald of said county, which
will was offered to the ordinary of Clayton County

for the balance of my personal property of land in the 13th day of August 1880 the solemnly sworn that the said will was signed by the said Philip Fitzgerald in the presence of the persons of the other witnesses whose names appear to and may be in the same as witnesses at the request of the said Philip Fitzgerald to be subscribed by me the 13th day of August 1880

J. McConnell
Ordinary

I Philip Fitzgerald of Clayton County the proponent and signer of the above within last will and testament dated January 29th 1879. Finding that the language in the said my last will and testament may be ambiguous in some places and wishing to add to the same will some additions and directions as hereby attach thereto this codicil as supplemental to the said last will and testament and as explanatory of my intentions as expressed therein in

1st I give and bequeath to my beloved wife Eliza A. Fitzgerald absolutely whatever cash there may be belonging to me at the time of my death as well as all of my household furniture

2d I leave it to the sound discretion of my wife and executrix Eliza A. Fitzgerald to determine the time and manner of sale of that portion of my landed estate which has not been mortgaged as a homestead for herself and married as per the power vested in her as executrix in the afore said will

3d Where in the afore said will I direct my executrix to pay my just debts out of my estate I mean that said debts shall be paid out of that portion of my landed estate which is to be sold by my executrix for distributions among my children

4th In giving a home on the homestead to any of my unmarried children or grand children who may become dependent it is not my intention to bind the said homestead in any manner for their education nor for any debts whatever of this contracture & the word support as it appears in the afore mentioned will in connection with my widowed child & destitute grand children is not to be considered in any such broad sense and it is further my intention that the said homestead for my children destitute & widowed children and dependent grand children shall last only during the life or the widowhood of my last unmarried daughter

5th I leave all of my real estate in the afore mentioned will the time as mentioned in the afore mentioned will for the sale of the homestead has arrived I hereby authorize and empower the majority of my children this day to sell the fee simple of the said homestead to the highest bidder without recompense to any person of part of proceeds to be divided the proceeds equally among all my children

6th If any of my children should be dead at the time of either of the divisions mentioned above then the share is to go to this children should they have any

in witness whereof I hereby declare the above and so to be the last of my last will and testament and I subscribe the same this 27th day of April 1881

Philip Fitzgerald

The above said foregoing contract consisting of a bond was
was now subscribed by Philip Fitzgerald the testator in the presence
of each of us and the time declared by him to be
an execution of his last will and we at his request
do hereby sign our names here to in presence of each other
as attesting witnesses on this 21st day of April 1851

John Brumley
J. Fitzgerald
J. M. Daily

Georgia }
Clayton County } I the undersigned a witness to the Codicil, which
is attached to the will of the Late Philip
Fitzgerald, of said County which will was approved to
to the ordinary of Clayton County for probate in common
form of law on the 13th day of August 1851 do solemnly
swear that the said will Codicil, which is attached to the afore said
will was signed by the said Philip Fitzgerald in my presence
and the presence of the other witnesses here to attached & that
I and the other witnesses whose names appear to said Codicil
did sign the same as witnesses at the request of the said
Testator

Sworn to & Subscribed before me
the 13th day of August 1851
J. A. McConnell
Ordinary