

and with that in Jan the within last mile
signed by J. Smalwood and that in Jan John
C. Everett & Mariah Everett sign the same as
witnesses with himself

The within last will and testament of J.
Smalwood having been duly proven at the term of
the Court upon the oath of Josiah Everett
Ordered that the same be admitted to Record

Georgia } In the name of God, amen.
Declarator County } I John Malone of the County & State
aforesaid being sick & weak in body but of sound and dispo-
sition mind and memory & understanding, Considering the certai-
nty of death and uncertainty of the time thereof and being desirous
to settle my worldly affairs and thereby be better prepared to leave
this world when it shall please God to call me hence, do
make & publish this my last will and Testament
in manner & form following that is to say

First & principally, I commit my soul to God & my body to the
Earth to be decently interred.

Secondly. After the payment of my funeral expenses and such of
my legal debts as may be subsisting at the time of my death
which my Executors hereinafter named may in said be bound to pay
I give and bequeath unto my beloved wife Delilah Malone, the
house and lot on which I at this present time reside in the
town of Bainbridge & known in the plan of said town as
numbers fifty three & fifty five and two adjoining lots bought of
D. M. Whaley, also all the household and kitchen furniture
all my beds & Bedding &c

Thirdly. I give and bequeath ~~my~~ Balance of my Estate both real
and personal including every thing to my five children
namely Robert Malone John Franklin Malone Sally Malone
Elizabeth Malone & Louisa Malone to be equally divided between

either of said Children should die before they arrive at the age of Twenty one or either one of my said Daughters dies before marriage or without lawful issue, then to be Equally divided among the surviving heirs of my said Estate
4th It is my will that my Executors shall have full power to sell my negro women Mounning and a Yarechase a young one provided my wife Delilah Malone cannot manage said negro. or in the event my Executors think best to loan out the money at interest for the benefit of my Children

5th It is my will that my shop in the town of Cambridge be kept up for the support of my wife & Children and that they remain together and keep house and that my Brother William Malone attend to said shop and for his expenses as such he receive one half of the profits of same provided that if it should happen that by said shop a going it should appear to be an expense to my said estate or that my Brother William should not wish to stay and take charge of same on the conditions before named, then my Executors may break up same and rent it out or sell it as they may think best, or manage it to the best advantage for my Children.

6th It is my will that my stock of cattle & sheep be kept together for the use of my family so long as they may keep house and be used for the support of the whole of my family.

7th It is my will that my wife may have full charge of my Children until they arrive at the age of Twenty one or that either one of my said Daughters ~~shall~~ marry, but in the event that wife should think best upon application to the Court of ordinary for that purpose, let them appoint some proper person to take charge of them my said Children or such one as my wife may direct

8th It is my will that my Executors have full power to manage my business as they find it best for the benefit of my family from time to time.

9th It is my will that if my wife Delilah Malone should marry again that all my property heretofore

be divided between my said Children according to law
and that my Brother William Malone and John Smith both of
said County take Charge of Their property and manage
it for Them

And Lastly, I constitute and appoint my Brother William

Malone & John Smith both of said County to be executors
to this my last will & Testament, revoking & annulling all
former wills by me made, ratifying and confirming this and
none other to my last will &c

In Testimony whereof I have hereunto set my hand
and seal this 20th day of February 1845.

(Subscribed before signing)

John A. Malone

Wm. S. Beal Jr

Elizabeth C. Smith

John Pate

Georgia

Declarator County

Court of Ordinary

March adjourned Term 1845.

The within last will & Testament of John A. Malone
having been duly proven at this term of the Court in open
court upon the oaths of Wm. S. Beal Jr & John Pate ord-
ered that the same be admitted to Record.

John P. Dickinson Clerk