

V

Will of John H. Powers

Dooly County Will BK 2847-1907
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State of Georgia }
Houston County } John H. Powers of said State & County
being of sound mind and disposing memory
and knowing the uncertainty of human life; and being
desirous of making such a disposition of my worldly
affairs as will in my opinion most conduce to the comfort,
prosperity and happiness of my loved wife and children
in case I should be called from Time to Eternity, do make and
ordain and declare this to be my last Will & Testament.

Imprimis. I desire and will as soon after my decease as may
be probable, and conveniently, that my Executor, hereinafter
named shall proceed to pay all my just debts, out of the
income of my estate and without the sale of any of my
property, either Real or Personal except the Crops made on
my plantation.

Item 1. I give devise and bequeath unto my son John H.
Powers, when he shall have arrived at the age of Twenty one
years my plantation in the 3rd district of Dooly County, which
was formerly known as Millwood, containing between Ten
and Eleven hundred acres of land, together with all the
appurtenances thereto belonging. But said bequest is made,
subject to such charges and limitations as are hereinafter
contained in other items of my Will. I also give to my
said son John H. one third of all my negro property, and
such negroes as are herein by this my Will specially legu-
lated to my beloved wife, said negroes so bequeathed to
my son John H. Powers, to go into his possession when
he shall have arrived at the age of Twenty one years
and subject as the land above bequeathed to such charges
and limitations as are hereafter mentioned. I also give &
bequeath to him my double barrel shot gun.

Item 2. I give devise and bequeath to my son James W.
Powers, when he shall have arrived at the age of Twenty one
years, my plantation in Pulaski County, known as the
Hickory Hill place, and containing about four hundred
acres of land together with all the appurtenances
thereto belonging, subject as the above bequeathed to my

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DeKalb County Will Book 48-1901

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hereafter mentioned and recorded. I also give to my said son James W. Powers a like one third of all my negro property with the same exceptions, and upon the same conditions, and under the same charges restrictions and limitations as those given and bequeathed to my son John H. I also give to my said son James W. my diamond breast pin which I used to wear when I was a boy, and also my Rifle gun.

Item 3. I give devise, and bequeath unto my daughter Sarah Evelyn Powers, when she shall be married or attain the age of Twenty one years, a like one third of all my negro property, as the bequeaths to her brothers, and with the same conditions in favor of her Mother. And I also give and bequeath to her the sum of Five thousand dollars in lieu of any land; which sum of Five thousand ~~is~~ ^{is to be} raised and applied to this purpose by my Executors out of the rents & profits without the sale of anything but the crops of my Estate before my sons shall have arrived at the age of Twenty one years respectively then said sum is to be a charge upon the lands and negroes of my said sons, herein before bequeathed to them and to remain as such charge until from the rents & profits thereof, each shall contribute one half of said sum or of such balance as may not have been raised previously.

And I hereby strictly enjoin upon my Executors to see that the same is so raised without the sale of any of said property except the crops. It is further my will and desire, and it is to be distinctly understood, that the bequests herein to hereafter made to and provided for my said daughter are given, devised, and bequeathed for her sole and separate use and benefit and that of such children as she may have and are not in any manner to be subject to the debts contracts or liabilities of any husband she may marry. I also give and bequeath to my said daughter my gold watch.

Item 4. It is my further will and desire in case another child or children are born to me and my beloved wife, that if the said hereafter born child or children shall be males they shall be entitled to and I hereby give devise and bequeath to each of them a share of the same as I have given to my said son James W. Powers.

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and not before an equal share or equal shares of the lands herein before bequeathed to my two sons John H. and James W. to share and share alike with them: and the shares or portions of land which may fall to the after born son or sons shall bear an equal and proportional part of the charge herein before made on said lands for the benefit of my daughter; and also an equal and proportional part of all other charges that may be made on said lands by other items of this my will. I also give, devise, and bequeath unto each after born child or children whether males or females, an equal share or portion of all my negro property except such negroes as are hereinafter given to my wife = share and share alike with my sons John H. & James W. and my daughter Sarah Evelyn. upon the same conditions and under the same circumstances, and restricted and subject to the same charges as the bequests to them respectively, that is to say - if a boy or boys, then this bequest is to be taken and considered, received and enjoyed by him or them in the same way as the bequests to my sons John H. and James W. and if a girl or girls then her or their bequests are to be taken and considered received and enjoyed in the same way as those to my daughter Sarah Evelyn. And in case such hereafter born child or children shall be female then I give, devise bequeath to her or them each the sum of Five Thousand dollars to be raised in the same manner, from the same sources under the same restrictions and limitations, and for the same purpose as the amount charged to be raised for the benefit of my daughter Sarah Evelyn and bequeathed to her in a previous item of this my will.

Item 5 - In view of the fact that my beloved wife Califford Powers has already secured to her a considerable interest in negro property by a Trust deed duly executed and recorded in the Clerk's office of this County. I give and devise and bequeath to her any three of my negroes which she may select out of what she may hereafter receive from me.

Will of John H. Prewess

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corn and house servants, and give, devise and bequeath unto my wife, my house and lot with all the appurtenances attached which is now my residence in the Town of Perry. And should the same have been sold by me before my death, then I give and bequeath to her a sum of money equal to the price or amount I may have sold the said house & lot for. I also give, devise and bequeath to my said wife, all my household & kitchen furniture, and my Carriage & horses. But it is to be distinctly understood & I hereby declare that all all of the above bequests as well all that are hereinafter made for the benefit of my said wife are expressly given to her, in lieu of Dower in my lands.

It is my farther Will and desire that if my loved wife shall marry again before my children shall have arrived at full age, then I give and bequeath unto her the sum of Ten Thousand dollars, which I hereby make a charge upon the whole of my estate to be raised from the rents and profits thereof, without the sale of anything but the crops, from my two places. But it is expressly provided, that if the said sum of Ten thousand dollars shall not have been raised from the income of my estate before my children shall have respectively arrived at the age of Twenty-one years, then his or her share or portion of my estate as soon as he or she shall have attained his or her majority or shall be married, shall no longer be chargeable with any part of the said Ten Thousand dollars. But nevertheless the portions falling to my sons respectively shall remain each chargeable with its proportionate share of the sums heretofore provided to be raised for the benefit of my daughter or daughters.

Item It is my farther Will and desire, that in case of the death of either of my sons before he shall arrive at his majority or be married, then his share of the land herein bequeathed to him I give and bequeath to his brother, or if there should be another or other sons, then to them & each of them - my sons in equal portions share & share alike but subject to the same charges & under the same limitations & restrictions as before provided for

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either of my said sons should die leaving no lawful issue, but leaving a widow surviving him. Then the lands hereby bequeathed shall not go to his widow, but shall revert to & become a part of my estate to be divided among such of my sons as may be living, share & share alike or in case of their death to their children. It being my most anxious desire that my lands should be retained & held by my sons and not go out of my immediate family.

Item 7. The rest and residue of my estate not herein disposed of, I give and bequeath unto my children to be divided between them share & share alike, at the death of their mother if she is then unmarried, but should she marry then she shall draw out from said residuary estate a child's part of the same, and the balance shall go to be divided among the children or their representatives.

Item 8. It is my will & desire & I do hereby ordain that my beloved wife Clifford Podes shall be the Executrix of this my last will & testament and I hereby give & bequeath unto her my whole estate both real & personal for the purpose set forth in this my will, so long as she may remain unmarried, - She to pay the debts of my estate and educate & support the children, and not to be accountable to any Court or Persons for any surplus over & above that she may raise until my sons shall respectively attain their majority or my daughter or daughters marry, at which time it will become necessary to raise the portions for my said daughter or daughters as is hereinbefore provided.

Item 9. In the event that my said wife shall marry again before any of my sons shall have attained the age of twenty one years, as she can no longer act as such Executrix, I hereby ordain, nominate, constitute & appoint my brother-in-law Lewis A. Whittle my Executor & Guardian of my children, to carry out and have fully executed the provisions of this my will. But should either or both or all of my sons have attained their majority, when my said wife shall marry, then it is my will and desire & I do hereby ordain, constitute, nominate and appoint him or them in the place of the said Lewis A. Whittle Esq. And I hereby enjoin upon each and all of my substituted Executors in place of my will to see to it that the several different legacies both specific & general which are herein devised to my beloved wife shall in all her lifetime and

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least as to prevent their being applied or appropriated by her second husband or his creditors, or to any other purpose or purposes than her support & maintenance and at her death in such way as she may direct

In witness whereof I, the said John H. Powers have hereunto set my hand & seal this 29th day of March 1861

John H. Powers

Signed, sealed, declared and published by John H. Powers as his last Will & Testament written on five sheets of paper and attached together with ribbon, in the presence of us, who have subscribed our names hereto in the presence of the Testator at his special instance and request and in the presence of each other this 29th March 1861.

John Kallen.

John W. Woolfolk.

James A. Pringle.

Dooly Court of Ordinary

In Chambers December 22nd 1866

Whereas Mrs Clifford Powers nominated constituted & appointed executor of the last will & Testament of John H. Powers late of said County deceased having petitioned this Court praying that said will may be proven in Common form at Chambers in Vacation and said last will & Testament being provided in Court & also John W. Woolfolk one of the witnesses to said will being present & being duly sworn deposed & says that he saw John H. Powers sign seal publish & declare said instrument as his last will & Testament voluntarily, freely, without compulsion & that he signed said will as a witness in the presence of said John H. Powers the testator and that deponent also signed said will in presence of John Kallen & James A. Pringle who both also signed said will as witnesses in the presence of said testator & in the presence of each other & that this deponent & the other witnesses signed the same as witnesses at the request of said testator Sworn to & subscribed before me

in Vacation this 22nd December 1866

Wm. H. Davies Ordinary

John W. Woolfolk