

Letters Testamentary and the Last Will &
Testament of Seth C. Stevens

Georgia } By the Honorable the Ordinary of said
Dougherty County }

To all whom these presents shall
come - Greeting Know ye that on the 6th day of
June in the year of our Lord one thousand
Eight-Hundred and fifty nine, the last will and
Testament and Codicil of Seth C. Stevens of said
County deceased, was exhibited in open Court and in
common form of law, proved and admitted to record, a
copy of which is hereto annexed; and administration of all
and singular the goods, chattels, lands & Tenements of
said deceased was granted to Richard M. Clark
Isaac J. H. Melch and James M. Mercer the Executors
in and by said Will named and appointed, they
having first taken the oath and performed all other
requests required by law. You are by Order of said
Court, and by Virtue of these presents, legally authorized
to administer the goods, chattels, credits, lands and
Tenements of said deceased, according to the tenor
and effect of said will and Testament, and
according to law, and you are hereby required
to render a true and perfect Inventory of all
and singular the goods, chattels, credits, lands
and Tenements of the said deceased appraised and
returned to this Court, according to law, and to
render a true and correct account to the ordinary
of said County of your actings and doings, yearly
until your administration is fully completed.

In Witness Whereof I have hereunto set my hand
and affixed the seal of my office this sixth
day of June Eighteen hundred and fifty nine

Thomas J. Cox
Ordinary

Georgia I, John H. Stinson of the County of Baker
Baker County I state and certify

Being of sound mind, do hereby make
declare Ordain and publish the following to be my
Will and Testament

Item First

I hereby direct all my just and
legal debt to be paid out of my Estate any and
on hand or afterwards realized as specifically as practicable

Item Second

I direct that all my personal property
be sold at such reasonable times in such manner and
upon such Terms whether for cash or proper Credit as
my Executor may see fit according to the direction
and best interest of my Estate. My Negroes I desire
sold at private sale in families; permitting the heads
of families to elect their purchases and owners and
the approbation of my Executor. said families not to
be separated if possible to be avoided without the consent
of the owner or those separated if such is or are at such
years of age as to be able to take care of their own interest, and
that my Executor in order to give effect to this Item of
my will am authorized to submit to a sacrifice of
ten per cent on their fair and market value of said day
at the time at the time the sale is to take place

Item Third

I direct all my lands improved and
unimproved to be sold publicly or privately by my
Executor in such parcels and at such times or times
whether for cash or approved Credit as will realize the
most money and with the least possible sacrifice

Item Fourth

I direct my Executor from year to year
as it may be called for or needed to pay to John H.
Stinson annually and (as I believe) residing in the City
of Brooklyn. but having his place of business in
the City of New York, State of New York as much
money as among the said John H. Stinson require for
Education, Maintenance and other necessary expenses
of a certain girl child now about seven
of age named Francis Brisbane who is now in
I last heard of her, and whom I have believed
in the town of Birmingham State of Alabama

United States of America, residing in the family of
one David A. Harvey, and in case said John H. Stinson
dies before or after entering on the execution of said Trust,
or at any time from any cause should be prevented from
carrying out the same, then said fund is to be paid
to whomsoever I may thereafter appoint by my Will
Codicil or otherwise, and in failure of such appoint-
ment, then to whoever may be duly appointed
Guardian of said Francis Brisbane by the proper
Court having jurisdiction of her person.

Item Fifth

I direct my Executors in the same manner
upon the same term and for the same purpose to
pay Lorenzo D. Stevens of the town of Pembroke,
County of Gloucester State of New York for the Educa-
tion and Maintenance of a little child (a girl
about four years of age living with him, when
I last heard from her, and still believe to be with
him of the name of Josephine Scott, and upon
the failure at any time from any cause of the
said Lorenzo D. Stevens to act in said capacity, then
the person who may take his place, by the same
power of appointment as in the case of the omission
of John H. Stinson, to act for said Francis Brisbane
and if necessary my Executors, I hereby direct to
obtain the services of some competent and trust-
worthy man or men to carry out said purposes
in the place of the residence of the said Francis
and the said Josephine -

Item Sixth

When in the course of the administration
of my Estate, all my debts shall be paid, said
yearly allowances to said persons for said children
shall be paid, and the necessary expenses of
said Administration reserved,
I give and bequeath all the residue of my Estate
to the said Francis Brisbane and the said Josephine
Scott, in the lifetime and to and for the same trust
purpose, that is to say, that as fast as any balance
accumulates on hand they shall be received and
paid to the said John H. or the person in his
stead, by the said Francis Brisbane, and the
said Lorenzo, or the person in his stead for the said

Josephine Scott, by a few and good friends
and their able, which amount to just as much
to the hands of said trustee for the benefit of
said several children, shall in a due and careful
manner, with due and proper caution, be invested in
manure on the laws of the several states authorizing
the representation of the several children, may with-
out touching the management of orphan children, Estate
and only to make such investment, as will give the
greatest interest, with the greatest safety, always
forbidding investments in such stock as are commonly
called "Panay," or being mixed in any kind of speculation.
If either of said children should die leaving no child
or children or representation in blood of any deceased
child or children, surviving at the time of her death
nor shall have any husband (as before expressed), then
shall and shall able to said children, her surviving
at the time of her death, the representation of said
children taking per stirpes and not per capita, but
should then be a husband and children her surviving
then the said children shall be children as before
expressed and the said children in the relation of trust for
by said husband, for the use and enjoyment of
said family, without liability to contracts for profit or
profit of the same, provided said husband is a man of
ordinary sobriety and common prudence and with out
said estate, so as to entitle him to the consent of the trustee
and when any of said children shall become of legal
age, or marry, each shall be entitled to draw and receive
or her portion of said estate, and if there should be a
husband alone and no children her surviving at the time
of her death, then in that event the said Francis or the
said Josephine may by will or deed provide for the
remainder, if the said Francis and the said Josephine
both die, leaving no child or children, each surviving
the time of their death of each without any child
surviving, or if surviving there is a failure to provide
for the remainder by Will or deed, by either of them
the death of the survivor, said estate shall then
to any lawful heirs, share and share alike.

It is my duty

I hereby appoint the said
Trustee for the said estate of the

the said Lorenzo Trustee for the said Josephine Scott,
and upon the marriage of each, said property is to
vest in said Trustee, or the survivor of each jointly,
for the sole and separate use, of the said Francis
during her natural life, and for the sole and separate
use of the said Josephine for and during her natural
life, not subject to the debts of any husband of
either, but said husband of either if qualified, may
keep the corpus of the property of each together, and
receive the rents and profits thereof for the benefit
of the family, without liability to account for said
rents and profits during the Coverture, and after the
Coverture upon the conditions herein before expressed,
and upon the death of said Francis or of said
Josephine and of the survivor said property is
to vest or descend according to the Conditions,
and Limitations hereupon set forth and embraced
in Item Sixth

Item Eighth

When the trusts of a Trustee for either
said Francis or said Josephine in the Estate hereby begun
shall from any cause the proper Court having juris-
diction of such matters where said Assignee Trusts
may reside shall appoint Over, and authority is hereby
given to said Trustee or Trustees to sell one species of
property and reinvest upon the application of the
Assignee Trusts, or under the decree of a Court of
Competent jurisdiction as to matters and persons

Item Ninth

I hereby revoke all former Wills I may
have heretofore made, and I hereby appoint my
friends Richard H. Black R. B. Lyon and Jas. A.
Pyburn Executors of this my Last Will and
Testament

In Witness Whereof I hereunto put my
hand and seal this twenty fifth day of May
in the year 1866

Seth C. Stevens

The above declared and published by Seth
C. Stevens to be his last Will and Testament
Signed in our presence, we signing as witnesses
at his request in his presence, and then signing

as witnesses in the presence of each other, this 28th day of May in the year 1866.

William H. Hurd
Jas. L. Johnson
James. Hogg

Georgia } I Seth L. Stevens of said State and
Baker County } having heretofore made and executed my
last Will and Testament in which I
appointed Richard F. Lyon, Joseph L. Penhance and
Richard H. Clark the Executors thereof, but desiring
to change said Will, so far as it relates to the appointment
of said Executors, and in no other particular, I do
hereby revoke so much of the same as makes said
appointment, and to accomplish said change I
make, declare and publish this as a Codicil
to my said last Will and Testament, and do hereby
appoint Isaac J. F. Welch, James M. Hoven and
Richard H. Clark as the Executors of my said last
Will and Testament, who are in every respect
do and to the effect of the names in
said Will.

In Witness whereof I do hereunto set my
hand and affix my seal, this twenty eighth day
of May in the year 1866. Seth L. Stevens

The above Codicil was signed by the Testator Seth L. Stevens in our presence, and each of us signed the same as subscribing witnesses in the presence of each other and in his presence on this 28th day of May 1866. The words 'and Richard H. Clark' having been inserted.

J. M. Solomon
P. M. Hoffman
H. L. Davis

Georgia } I Thomas L. Cox, Esq. in and
Baker County } of the Court of Ordinary in and
said County do hereby certify
the foregoing pages contain a true correct and
complete copy of the last Will and Testament
and Codicil to the same of Seth L. Stevens.

decree with the probate of said Will and
Codicil as appears by the records of my
Office.

Given under my hand and seal of
Office at Newton in said County this July
20th 1859.

Thomas L Cox
Ex-officio Cll. C. D.

To Messrs Richard H. Clark Isaac J. J. Welch and
James M. Merwin, Executors of the last Will and
Testament of the late Seth C. Stevens of Newton
Baker County in deceased
estate.

Having been duly notified by Richard
H. Clark Esq. one of the Executors of the
decease of my deceased friend Seth C. Stevens of
Newton Baker County Georgia, and that I
learn by the will of the deceased, been appointed
Trustee for a female minor named Francis Bristow
one of the legatee of the said Stevens in his Will.
I hereby declare and declare my willingness to
carry out the wishes and intentions of my friend
the deceased, Seth C. Stevens towards said legatee
by accepting the appointment of Trustee to
the said Francis Bristow legatee, and I
desire you to make such legal record, or take
such notice of my acceptance of the trust as
may be necessary and govern yourselves
accordingly.

Signed and Sealed
in presence of
Charles Nettleton
P. Noble Rowan

1859

John H. Stinson (C)

State of New York City }
and County of New York } S. S.

Be it remembered
that on the ninth day of July in the year one thousand
eight hundred and fifty nine, before me the
undersigned Charles Nettleton, a Commissioner of
the State of Georgia residing in the said City
of New York, duly appointed such Commission

by the Governor of said State of Georgia, and by virtue of the laws of said State, to take the acknowledgments of deeds and of writings, to be made or executed therein, personally appeared John W. Stearns who is personally known to be the person described in, and who executed the within and foregoing instrument of writing, and acknowledges that he executed the same for the use and purposes therein named and mentioned.

[Signature]

In testimony whereof I have hereunto set my hand and affixed my official seal on this day and year above written.

Charles Middleton, Commissioner for Georgia in the City and State of New York.

Recorded on the Minutes of the Court of Ordinary of Baker County In July 20th 1859.

Thomas S. Cox
Ordinary

Dougherty County Wills 1854-1866
www.georgiapioneers.com

State of Georgia
County of Dawson

I know all men by their personal acquaintance that Lorenzo D. Stearns of said State and County, after having read the Will of Seth A. Stearns deceased lately of Baker County, State of Georgia, do hereby accept the trust created in me by said Will.

Witness my hand and seal this ninth day of July one thousand eight hundred and fifty nine.

In presence of
J. S. Cox
John D. Safford

Lorenzo D. Stearns

State of New York
County of Dawson

On the ninth day of July before me a Justice of the Peace of the said County came Lorenzo D. Stearns, known to be the same person described in, and who executed the foregoing instrument and acknowledged that he executed the same.

~~State of Georgia~~ } I Hiram M. Haskell, Clerk of
~~County of Baker~~ } said County, and of the Courts
thereof, the same being Courts of record
having a common seal. Certify that William S. Cox
Esq before whom the annexed Instrument in writing
was proved or acknowledged, was at the time of taking
the same a Justice of the peace in and for said
County, duly authorized to take the same; and that
I am well acquainted with his hand writing, and
truly believe that the signature to said Certificate
is genuine, and that the annexed Instrument is
existent and acknowledged according to the laws
of this state

In Witness Whereof I have hereunto
set my hand and affixed my official
Seal at Marietta in said County
this 11th day of July 1859
H. M. Haskell Clerk

Recorded in the Records of the Court of
Ordinary of Baker County Ga July 20th 1859
Thomas S. Cox
Ordinary

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