

State of Georgia } In the name of God amen
County of Early } I Mary Hays of said County
and State being now of sound and disposing
mind and memory and desiring to make a dis-
position of my worldly affairs while I have strength
do do do make this my last will and testament,
revoke all other wills and testaments heretofore
made by me at any time which included the
revocation of the will made by me dated the 20th day
of June 1866 and recorded in the office of the clerk
of the Superior Court of said County on the 14th day of
May 1873 in Book 10, folios 556 & 557 - Thus I com-
mit myself unto God who save it, and my body I desire
to have Christian burial in the family cemetery in said
County. It is my will and desire for my property to be
disposed of as I hereinafter express.

Wm. F. F. F.

I give and bequeath unto Alexander P. Hays as
Trustee for, to, for, and for the children
of said Alexander P. Hays - his present wife Margaret
L. Hays, and Margaret L. Hays, and also as trustee for all
children which shall be born to Alexander P. Hays hereafter
of his said wife Margaret, who are to stand in the same
fashion as to an interest in the property hereinafter
mentioned as those (children now in esse and afore-
mentioned. Which said property hereinafter mentioned
is to be held by the said Alexander P. in trust for said
persons aforesaid (now in esse and yet to be born) for
their exclusive use and benefit during the life of the
said Alexander P. and upon the death of said Alexan-
der P. then his present wife, if in life is to succeed him
and become the trustee to the said persons aforesaid
(now in being or yet to be born), which said trust she is
to assume and take without the necessity or intervention
of the orders of any Court conferring the same on her, and
if the said Alexander P. should survive the said Margaret
L. it is my desire that said property hereinafter mentioned
shall remain in trust in the hands of the said Alex-
ander P. during his life, and then at his death (the
Margaret L. having died before him) I desire that said
property shall be equally divided between their children
then (at that time in life) and the shares who shall

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Have become of age (31 years old) or married, be given and distributed to them; and the shares of those who are at that time in minority and unmarried be continued in trust for them in the hands of such trustee as the said Alexander P. may name or if he fails to name any, such as the Court in competent jurisdiction may appoint. And if the said Margaret L. should survive the said Alexander P. then it is my desire that said Trust shall continue and remain in her hands as the trustee as aforesaid during her life; and at her death (the said Alexander P. having died before her) I desire that said property shall take the same course as before excepted in disposition what should be done in the event the said Alexander P. should survive the said Margaret L. - the said Margaret L. having the same power as to appointing a successor - viz: the power of the said Alexander P. as said trustee over said property; and also the power of the said Margaret L. in event she should succeed the said Alexander P. in said trust, is this: The said Trustee is to take possession of the said property after my death without bond or security; and he (or she) is to have full, perfect, complete and exclusive **Early County Wills** authority to use and dispose of it in any way he or she may think fit and proper and to the best interest of said trust estate. Said trustee may sell and exchange the said property in any way he or she may deem proper; and may use the proceeds or interest thereof in buying such other property as he (or she) may see fit. Said trustee may advance such portions of said property to either of said beneficiaries as he (or she) may think proper at any time - keeping an account of the advancements made so that such as receive advancements may be made to account to the others for the amount thereof in final distribution. Finally it is my desire that said Trustee shall possess and control said property and use the same to the same extent as if it was his (or her) own - preserving in fact as far as practicable the express intent of the estate. And the said Trustee is hereby forever relieved from the obligation or necessity of making any returns to any person or Court of his or her acts and doings or management of said trust estate; nor is said Trustee to account to any person or Court for his said management or any mismanagement of said estate - I here refer to the trusteeship in the hands of the said Alexander P. or said Margaret L. and their successors appointed

But themselves; but if any other person reads one of them
 should ever have charge of any of said trust property in
 said capacity as trustee, then such person shall be bound and
 controlled by all the requirements of the law as to Bond and
 security accounting, and making returns &c.

The property I desire to dispose of in this clause, and to
 vest in the said Alexander P. Hays as trustee as aforesaid, is
 as follows, 88: The northern portion of the plantation now
 owned by the said Mary Hays is marked out as follows:
 To run a straight line from the head of the ferry on the
 Chattahoochee River to the first where the river road
 crosses the Sawhatchee creek thence along and up said
 creek to the extent of the lands owned by the said Mary
 Hays, to embrace all of the lands lying and being part
 of the said designated line together with lot of land
 number Three hundred and fifty-eight (358) on which
 the residence of the said Mary Hays now stands, and
 also lot of land number three hundred and fifty-nine
 (359) all in 26th Dist. of said county, also all my inter-
 est in the furniture, **Early County Wills**
 and all my interest in the line share of all descriptions
 in said plantation **1839-1895**
 or elsewhere, **www.georgiapioneers.com** such as horses, mules,
 cattle, sheep, goats, hogs, and all other live stock - also
 all my interest in the corn, fodder, peas, potatoes, cane,
 cotton, **cotton seed**, land cotton, or cotton in the bales,
 and all other farm produce and provisions which
 I may have in said plantations or elsewhere at the
 time of my death. Also all my interest in wagons,
 cars, buggies or other vehicles and all farming tools
 and implements which I may have in said place
 or elsewhere, at the time of my death - also all my
 personal property, not above mentioned, which I own
 at the time of my death.

Item Second.

It is my will and desire that my home where I
 now live and the entire lot of land on which it is
 situated be included in and contained in the trust
 bequest mentioned in Item First of this will and go to
 the said Alexander P. Hays in trust as specified in
 said Item First. Now as I do not know precisely the
 number of the lot on which said dwelling house is
 situated, I will and desire that if it is not on No. 3

As mentioned in said Item First, then and in that next the
date for on which said house is situated shall go and be included
in said bequest in Item First in lieu of said lot No. 558, and
said lot No. 558 in that event be stricken from said bequest.
Item First

Item Third: It is further my will and desire that all of my
property not mentioned in "Item First" and Item Second
of this will, as soon after my death as practicable be divided
equally share and share alike between all of my children.
My children who survive me to take per capita and my
grand children (the children of my children whom I survive
shall take per stirps.)

Item Fourth. It is further and lastly my will and desire
that this my last will and testament be carried into effect;
and to that end I hereby constitute and appoint my son
the said Alexander Hays my executor, who is to qualify,
and act without bond or security and is hereby released
from the necessity of making return to any Court
his act as such executor.

In witness whereof I the said Mary Hays, to this my
last will and testament containing the foregoing seven
and one half pages of my hand and seal this
the Twelfth day of June - 1878. Mary Hays (P.S.)

Signed, Sealed, published and declared by the above named
Mary Hays as her last will and testament, in the presence
of us who at her request, in her presence and in the
presence of each other have subscribed our names
as witnesses thereto.

Eugenia C. Boner
J. L. Beard
J. D. Johnson.

Georgia Early County.

A person appeared before me, James N. Evans Ordman of said
county, Eugenia C. Boner who being duly sworn says on oath that the
writing contains the last will and testament of said Mary Hays deceased
late of said county and as a subscribing witness thereto, so appears
in the attestation thereof, he saw said Mary Hays execute the same
to the best of his knowledge and belief.

Sworn to and subscribed before me

This 14th day of Nov 1879

Eugenia C. Boner

James N. Evans Ordman

Accendant Sec on hand James N. Evans Ordman