

Georgia } Court of ordinary December Term 1856
Elbert County } the within will of James W. Brawner
doe hereby being given at this regular
term of the Court on the oaths of John W. Shields and John
M. Brown two of the witnesses thereto, It is ordered and
adjudged by the Court that said will be Recorded
this 1st day of December 1856 W^m B. & Velms
Ordinary

James Brawner Will

Georgia } I James Brawner of said County and State being
Elbert County } of sound mind and disposing Memory though in
Bade Health do make ordain and publish the following to be my
last will and Testament
First I direct all my Just Debts to be paid 2nd I Give to my
wife Janima W Brawner absolutely to do with as she pleases
all or as much as she wants of my house hold an Kitchen
Furniture 3^d I Give to my nephews William M Brawner
and Louies W Brawner all my Medicines Medical Books
Surgical Instruments and Shop Furniture that I may be possessed
of 4th I Give to my said wife Janima W Brawner for
her sole and separate use in case she should Marry again
all the remainder of my Estate of Every sort what ever real and
personal debts dues and demands for and during ^{the Term} her natural
life only my meaning is my said wife is to have all the
said remainder of my said Estate during her natural life
whether she marries or not but if she marries it is to be
during her life her sole and separate property and not subject
to the Control of her husband
5th in case my ^{said} Executor should die ~~and~~ it becomes necessary to have
an Administrator cum Testament annexed to execute this will
then I here give and invest such administrator with the same powers
privileges and discretion and titles that my Executor has under
this will for the purpose of carrying out this will the same into
full effect 8th I presume the money owing to me will more than
pay ~~the~~ debts I owe but in case there should be deficiency then my
Executor shall have discretion to raise the balance by sale of my
real estate or hire of my negroes as seems to him best for the convenience
of my wife 9th If after my debts are paid off a part of
my Estate should remain in the shape of cash I direct my

My Executor to have Control of the same and invest it in some safe investment and pay the interest annually to my wife 10th I give my Executor power to put any of my negroes to a trade if he sees proper but whatever profits accrue from their labor he must pay to my wife if put to a trade during her life 11th I nominate and appoint Thomas W Thomas to be Executor of this my last will and Testament hereby revoking all other wills by me heretofore made in ~~Testimony~~ whereof I have hereunto set my hand and seal this 7th day of June in the year 1855

James Brawner

Signed Sealed and published by the Testator in our presence and signed by us as witnesses in the presence of the Testator and in the presence of Each other the day of the said will (The words or to take possession of the same at the death of my wife interlined before assigned

Amos L Vail

Daniel Olds

Jett Thomas

Georgia } Court of ordinary January Term 1856 The
Elbert County } Will of James Brawner Deceased having been
proven at this regular Term of the Court on the oath of
Amos L Vail Daniel Olds and Jett Thomas the subscribing
witnesses thereto it is ordered and adjudged by the Court
that said will be admitted to Record

Wm B Selms ordinary
of said Court

Caveat to the will of James Brawner deceased and now at this Term the will of James Brawner being brought before the Court for probate Jennina W Brawner the widow and also her at law of said James Brawner comes and enters her caveat against the proof thereof upon the following grounds To wit; First that the said James Brawner at the time of making said pretended will was not of sound and disposing mind and memory Second for that also the said James Brawner executed the said pretended will from the over importunities of his said slaves, who are beneficiaries in said will and to obtain quiet repose Third for that also the said pretended will is contrary to the laws of said State presenting the mode of manumitting slaves in this State and therefore null and void

Fourth for that also the fourth fifth sixth seventh ninth and tenth
Items of said pretended will are contrary to the laws of said State presenting
The mode of manumitting ^{Elbert County, Georgia Wills 1836 to 1860} ^{www.georgiapioneers.com} ~~any~~ in the State and therefore null and void
and all ~~this~~ The said Caveatrix is ready to ~~vindicate~~ ~~where~~ ~~from~~ she prays the
Judgement of the Court
Robert Heister atty
for Caveatrix

Georgia } Court of ordinary January Term 1836 the within
Elbert County } Caveat overruled by the Court
Wm B. Selms ordinary
of said County

Appeal Bond

Thomas W Thomas } Caveat
Propounder of the } and The Court over Ruled and The will
will of James Brawner } ordered to be recorded
Deed }
VS }
Jemima W Brawner }
Caveatrix }
Jemima W Brawner The Caveatrix
being dissatisfied with the decision
of the Court on the above stated
Case and having paid all Cost and
demanded an appeal brings Joseph T Smith and Tenders
him as her security and the said Jemima W Brawner and
Joseph T Smith acknowledge themselves jointly and severally
Bound unto the said Thomas W Thomas the Propounder of
the will of the said James Brawner deceased for the pay-
ment of all future and further Cost which may accrue in
said Cause in Testimony where of They have hereunto set their
hands and seals this 18th day of January 1836
attest Wm B Selms ordinary

Jemima W Brawner ^{and}
By Robert Heister atty at law
Joseph T Smith ^{Deal}

The above is a true extract from the minutes of the Court of
ordinary of Elbert County this 18th January 1836

Wm B Selms

ordinary

We the Jury find that the within described paper is the last
will and Testament of James Brawner Except the fifth and
sixth Clauses which we find to be illegal and void under the
the laws of this State and therefore cannot be admitted to record

Thomas J Heard

for same

Whereupon it is considered by the Court that the Propounder

do recover of the ^{Elbert County Georgia Mills 1836 to 1860} ^{www.georgiapioneers.com}
 for his Cost in this behalf laid out and Expended
 and the Caveatrix be in Mercy &c
 Judgment Signed this 15th September 1856

Wm R R Cobb atty
 for propounder

Georgia } I Benjamin Smith Clerk of The Superior
 Elbert County } Court of said County do hereby Certify that
 the above and foregoing five pages Except the fifth and sixth
 staves of the will of James Brawner deceased in the Cause
 Thomas W. Thomas propounder of the will of James Brawner
 deceased vs Jermina W Brawner Caveatrix is truly copied
 from the record now in my office given under my hand and
 Seal of The Superior Court at office in Elberton this 30th
 day of January 1857 Benjamin Smith CLK

Recorded the 30th day of February
 1857

Wm H Edwards ordinary
 for said County

Examined by a Committee of the Grand Jury at the March
 Term of the Superior Court 1857

James Howard,
 William G Milhite
 John H. Roberts

William Gars. Will 1837

State of Georgia } In the Name of God Amen I William Gars
 Elbert County } of the State and County aforesaid being of
 Sound and disposing Memory and calling to mind the uncertainty
 of Mortal Existence and that it is appointed once for all men
 to die have Thought proper to make and ordain this my last will
 and Testament and first as Touching my future Estate in a
 World beyond this I resign my Mortal body to its Mother Earth
 from whence it came and my eternal Soul to god who give it
 Trusting in the Merits of my Redeemer for the redemption of all my sins
 and as Touching my Temporal Estate which it hath pleased god to
 Bless me with in this world I give and bequeath in the manner follow-
 ing to wit, Then the first it is my will and desire that all my just
 Debts be paid Funeral and Burial Expenses