

Examined by a Committee of the Grand
Jury at the Court of the County of Robert Georgia, Wills 1836 to 1860
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Lasper Kinnear
William Mills
E. J. W. Thont

James Carpenter Will 1838

Georgia } In the Name of God Amen
Elbert County } I James Carpenter of said County and state
being of Sound and disposing mind and
Memory and in Satisfactory Health as to body but calling to mind the
uncertainty of life even in the young and strong do make
and publish my last Will and Testament in manner and
form following

Item 1st I direct all my Just Debts to be paid with out delay
if I should owe any thing at the Time of my Death

Item 2nd I will and direct that all my property real & personal
Debts dues and demands of every kind whatsoever shall
be Equally divided between my Wife and all my Lawful
Children born or to be born Share and Share a like
that is to say this Equal Division shall be made at the
Time, in the manner and under the restrictions and limi-
tations herein after to be mentioned and first all my
Children who are of Lawful age or Married at the Time
of my Death shall as soon there after as it can be conveniently
done draw their Share of my estate and those who at my death
are still under Lawful age and unmarried shall draw their
Shares respectively as they come of Lawful age or Marry

Item 3rd I have Given off to my Son in Law James Hopkin
Brewer Six Negroes to wit a Negro man Boston named
at nine hundred Dollars a Woman Mariah about 15
Years Old and her two Children Westly 3 years Old
and Sally about 14 years Old The Three Valued at
Twelve hundred Dollars Mary 11 years Old Valued
at Six hundred and fifty Dollars Henry about 10 years
Valued at Six hundred Dollars also a Horse and Saddle
Valued at one hundred and Eighteen Dollars all the above
named Negroes being prime Negroes of the first quality
Now before my said Son in Law shall draw his Share of
my Estate he shall account for and be charged with the
above named Advancements at the several values annexed
thereto by me and he or any other of the Legates provided for

in the 2nd Item of this will who shall receive any thing come in
in the way of ^{Elbert County, Georgia Wills 1836 to 1860} ~~Adm~~ shall account for
and be charged with the same when they come to get their ~~shares~~
respective Shares under said 2nd Item and in charging my said
legates with Negroes or mortgaging off Negroes to them when they
generally come to draw their Shares of my Estate such Negroes shall
be charged and put not at the market price they may be
worth here after when they are divided off but such Negroes
shall be charged at the valuation and in proportions to
the valuation I have here in put on the Negroes given to my
Son in law James Hopkins Brewer.

Item 4th all the Valuation of Negroes and other property herein
before prescribed or hereinafter to be prescribed shall be
done by three disinterested persons to be appointed by the
Ordinary of Elbert County and when each of my aforesaid
legates shall come to draw their proportion of my Estate
I will and desire that the Child proposing to draw his or
her share on the one part and my Executors on the
other part will agree as to what property any such
Child shall take his or her share in but if they cannot
agree the matter shall be decided by three disinterested
persons to be appointed by the Court of ordinary of
Elbert County.

Item 5th I will and direct that until disposed of as pro
vided for in the 2nd Item of this will all my Estate
shall be kept together and managed and controlled
by my Executors for the benefit of the parties in ~~the trust~~
interest each Legatee drawing his or her share as
hereinbefore provided for when the appointed time
comes and the balance of the Shares remaining undi
vided are to be kept with my Wife's share for her
benefit and the benefit of the younger Children
remaining with her and my Executors are to provide
for the Family so remaining out of the annual
Crops in the same manner that I now provide
for my Wife and Children and the said Executors
are to pay over to my said Wife annually two
hundred dollars out of the Crops over and above her
support hereinbefore provided for and over and above
her Equal share of my Estate this sum of two hundred
dollars being intended for her pocket money
Item 6th the property herein bequeathed to my wife except

The ~~Two hundred~~ ^{Elbert County, Georgia Wills 1838 to 1860} ~~only~~ ^{www.georgiapioneers.com} and after her death the same is to be Equally divided between all my children and their legal representatives

Then I ~~the~~ my home place nor any part of it shall not be sold for any purpose as long as my wife chooses to live there and remains a widow but if she thinks proper to move from there or to marry then she shall take her child's part of my Estate during her life and be Two hundred dollar annually and no more of my Estate
 Then I nominate and appoint my wife Eliza Harris and my son William J. H. and my son in law James Hopkins Brewer Executors & Executors of this my last Will and Testament my said son William J. H. not to qualify until he is Twenty one years of age and I recommend to them to take for their legal Advisor Thomas W. Thomas on all matters connected with my Estate In testimony whereof I have hereunto set my hand & Seal this 21st March 1855

James Carpenter (Seal)

Signed Sealed and published by the Testator as his will in ~~the~~ presence and Signed by us in the presence of the Testator and in the presence of Each other the day and date of said Will

Thomas W. Thomas
 James Adams
 William R. Adams

I James Carpenter being of sound mind and in Good Health do make this for a Codicil to the foregoing will Not revoking the same except where it is altered by this will
 I then 1st I have given to my son in law James Hopkins Brewer Lands and Negroes including and counting in the Negroes heretofore charged to him the sum of Ten Thousand Six hundred and Twenty Dollars also one Horse Saddle and Gray Sily worth one hundred and seventy five dollars also Ten Head of Horned Cattle worth five dollars per head also 2 Beds bedsteads & Kitchen Furniture worth seventy five dollars 25 Head of Stock Hogs worth one dollar per head I have given to my son William J. H. Ten Thousand

Hundred and fifty Dollars in land and Negroes also one horse
worth one hundred and twenty Dollars also one horse worth
one hundred and twenty Dollars also 10 head of horned cattle worth
five dollars per head 25 head of stock hogs worth one dollar per
head one yoke stiers worth forty dollars 2 Beds Bedding and bed
steads worth sixty dollars the above and foregoing to be accounted
for by my said son in law and son as advancements as prescribed
in the 2nd Item of the will those and all other advancements
mean are to be accounted for without interest and in other
respects as the law provides in cases of intestacy

Item 2nd when I prescribe in the 2nd Item of this will how each
child shall draw his or her share of my Estate I do not mean
that each shall draw as much as I have given to my son in law
and son if by any misfortune or otherwise my Estate shall
not be sufficiently large at the time of drawing to give
each child not provided for by me and my wife that
much but each child or my wife as he or she draws shall
only take his or her equal share of what may be my
share Estate at the time

Item 3rd my will is that as long as my children are underage
and unmarried they shall not be charged for a support
+ such Education as I have heretofore given my children

Item 4th I appoint my son Thomas J to be Executor of this
will with his mother and Brother William in place of
James H Brewer my son in law not because I lack any
Confidence in my said son in law but because I wish
my son to have it in preference to my son in law
and I don't want too many Executors in Testimony
whereof I have hereunto set my hand and seal this 3rd
February 1838 James Carpenter (Seal)

Signed Sealed and published by the Testator in our
presence and signed by us in the presence of the Testator
and in the presence of each other the day and the date
of this Codicil

Thomas W Thomas
Moses A Fleming
Harry Almsided

Georgia I be fore me came on the 2nd day of October
Ellert County 1838 at Chambers Thomas W Thomas
one of the Subscribing Witnesses to the foregoing last will
and Testament of James Carpenter who being duly sworn

Saith that he saw ^{disposing} the said ^{disposing} Sign Seal and ^{disposing} the same and heard him acknowledge the same to be his last will and Testament that he was of sound mind and Memory at the time of so doing and that he saw James Adams and William R Adams the other two subscribing witnesses sign the same as such in the presence of the Testator and at his request and in the presence of each other Subscribed before me the day and date above written
 W H Edwards Ordinary } Thomas W Thomas

Georgia } before me came on the 2^d day of October
 Elbert County } 1858 at Chambers Thomas W Thomas one of the subscribing witnesses to the fore going Codicil to the last will and Testament of James Carpenter decd who being duly sworn Saith that he heard the said James Carpenter acknowledge the same to be a true Codicil to his said will and that I saw him sign the same and and depment believes that he was of sound disposing mind and Memory at the time of so doing and that he requested depment to gether with Moses A Fleming and Harry Clinstead to sign the same as witnesses which we did in his presence and in the presence of each other Sworn to before me the day and year above written
 W H Edwards Ordinary } Thomas W Thomas

Georgia } Court of ordinary October Term 1858
 Elbert County } The within will and Testament of and Codicil of James Carpenter decd having him proven on the oath of Thomas W Thomas in Vacation on the 2^d day of October 1858 one of the subscribing witnesses to said will and Codicil thereto annexed It is ordered by The Court that the same be recorded October the 4th 1858
 Test William H Edwards
 ordinary