

Book. sign seal and deliver the annexed instrument of writing as his last will and testament and that they be as witnesses at the request of the testator and in his presence & in the presence of each other and that they believe the testator to have been of sound and disposing mind and memory at the time of executing the same.

Elbert County, Georgia Wills 1836 to 1860
www.georgiapioneers.com

Sworn to in open Court this 4th September 1837.
Attest W^m B. Nelms c.c.o.

Isaac N. Davis
Robert Heester
J. Smith

Georgia Court of ordinary September Term 1837.
Elbert County ordered by the Court that the will of George Cook be
Recorded Attest W^m B. Nelms c.c.o.
Recorded the 4th of September 1837. W^m B. Nelms c.c.o.

James Carter's Will 1837. City

Georgia In the name of God Amen.
Elbert County I, James Carter of the County of Elbert and state of Georgia being of sound and disposing mind & memory do make, ordain and appoint this to be my last will and testament hereby revoking all former wills by me at any time made.

Item 1st. I will that the following named Negroes, to wit, Patrick a man Sanders a man, mancer a man, Jack a man, Wilson a boy, Jacob a man, Harriet a woman, Caroline a woman, Amelia a woman, Polly a woman, Viney a woman & her child Mariah, Peggy an old woman, Toby a man Matthew a boy Amy a woman & her child Louisa Milly a woman & her child Esther, Letty a girl, Millys child, George a boy, Aaron a boy, Becca a woman, Daniel a boy, Bedford a boy Ratter a man, and Artesy a man be kept together on my farm where I now live by my Executors hereinafter named & managed and controlled by them for the use benefit & support of my wife Lucy Carter and my son Robert M. Carter during the natural life of my said wife & at her death to be disposed of as hereinafter directed.

Item 2^d. I will that at the death of my said wife all the above named Negroes except these hereinafter named and excepted be either sold or divided at the discretion of my executors and be applied by them as hereinafter directed.

Item 3^d. I will at the death of my said wife to Thomas Jones, William White and young L. G. Harris in trust the following named Negroes, to wit, Matthew a boy, Amy & her child Louisa, Daniel a boy, Bedford a boy, Ratter a man and Artesy a man to be controlled & managed by them for the use of my son Robert M. Carter for and during his natural life not subject in any wise or manner to his control or management & in no way or manner subject to his debts or contracts.

and it is my will further that if either of said negroes so left in trust for the use of my said son Robert shall die by ^{Elbert County, Georgia Wills 1836 to 1860} ~~any~~ ^{www.georgiapioneers.com} that then the said trustees shall & they are hereby empowered to select from the number so left to my wife use during her life, other Negroes of the same value of those which may die & hold them in trust for the use of my said son Robert as would have been done with those dying if they had lived. I also give to Thomas Jones, William White & Young S. G. Harris in trust for my said son Robert M. my plantation on Beaverdam creek in said county & state containing three hundred and three acres more or less & including one hundred and three acres bought of Howard known as the mill tract & on which there is at present a grist mill.

Item 4th. If my said son Robert shall marry and have lawfull issue at his death then & in that case I will that the above named Negroes and land so left in trust for the use of my said son Robert, go to & vest in his said children and if he marry and leave no children lawfully begotten then at his death the one half of said Negroes & land in value so left in trust for his use, to go to his wife if she survive him unless he shall otherwise request & the remaining half to be disposed of by my executors as hereinafter directed, and it is further my will and desire that if my said son Robert shall die leaving no wife or children lawfully begotten that then the Negroes & land so left in trust for his use, revert back to my estate and be divided as hereinafter directed. Item 5th. I will and bequeath to my Daughter Ann Daniel Carter the following named negroes to wit Polly and her child Lucinda. Andrew a child America a girl. Adaline a girl. George a man John Henry a boy. Kit a man. Jeff a boy Memory a boy Satisfy and child Elija and Armistead a boy.

Item 6th. I will and bequeath to Elector Francenia Carter and Lucy Ann Elizabeth Carter orphans of my son John James Carter the following named Negroes to wit, Joe a man. Manuel a man. Neptune a man Clarisy & her child Joshua. Ann a girl. Malinda a girl Letty a girl Clarisy's child. Louisa a girl & Sear a girl. Aggy a girl Elijah a boy. Jeffery a man. Sonney a girl, and Letty a woman and if either of said orphans shall die without lawful issue leaving a surviving sister with or without lawfull issue then the said Negroes shall go if the survivor leave issue at her death to the children of the one last dying but the estate of the one first dying shall never, shall go to the survivor during life though she have no issue but if both of said orphans shall die without issue then it is my will that the estate herein left to them revert back to my estate and be divided & applied by my executors as hereinafter directed.

Item 7th. I hereby nominate and appoint my brother George Carter of Hamis County, Georgia the Guardian of the said orphans of my son John James Carter and I hereby authorize him to manage their estate herein

left to them as he may think best for their interest authorizing him, also
 to hire out or work on a farm ^{Elbert County, Georgia Wills 1836 to 1860} ^{www.georgiapioneers.com} negroes so left as in his judgment
 may best promote their interest and I request that he shall educate and
 raise them to the best advantage according to their condition and circum-
 stances. Item 8th I give to Thomas Jones, William White & Young S. G. Harris
 in trust for the use of my daughter Sarah Heard, Three Thousand Dollars not
 subject in any manner to the control or liable to the debts or contracts
 of the husbands of my said daughter Sarah. I also give to Thomas Jones
 William White & Young S. G. Harris in trust for the use of my said daughter
 Sarah Heard the one fourth of all the Negroes herein bequeathed to my
 wife Lucy use during life except those taken out excepted & reserved &
 placed in trust for the use of my son Robert M. Carter which interest to
 take effect at the death of my wife Lucy and also the one fourth of all
 my other property not herein disposed of all of which I expressly give to
 the before named Trustees for the use of my said daughter Sarah Heard
 during her natural life & at her death to go to & vest in her children
 living at her death. Item 9th I give to Thomas Jones, William White
 and Young S. G. Harris in trust for the use of my daughter Martha Kooch-
 ogey the following named Negroes, Fawcett, Lammery & all her children.
 William Bill, Jackson, Louisa & Reuben with all their increase, also three
 thousand Dollars also the one fourth of all the Negroes herein bequeathed
 to my wife's use during her life except those taken out excepted reserved
 & placed in trust for the use of my son Robert M. Carter and also the
 one fourth of all my other property not herein disposed of the interest
 in the Negroes so left to my wife's use during life to take effect at her death; all
 of which I expressly give to said Jones White & Harris in trust for the use of my said
 daughter Martha Koochogey during her life and at her death to go to & vest in
 her children living at her death said property not subject to the control or
 liable for the debts or contracts of the husband of my said daughter Martha in any way
 or manner whatever. Item 10. I give to my wife Lucy for & during her natural
 life all my Household & kitchen furniture, Plantation Tools & utensils Horses
 Hogs cows & all other stock about my plantation except such as is herein
 after named & excepted. conferring upon my said wife the privilege & power of
 selling or in any way disposing of any of the articles in this item enumerated
 at pleasure and at the death of my said wife it is my will, that all the
 property herein left in trust for her use during life and all other property
 whatever in which under this will she has an interest be sold or divided
 by my Executors at their discretion & made into four equal portions, one
 of which shall go to my daughter Ann Daniel Carter, one to Electa Francis
 Carter & Lucy Ann, Elizabeth Carter orphans of my son John James Carter with this
 provision that if said orphans shall die without issue that the estate so given
 shall devolve on the surviving one so for that if she have issue the property
 shall go to her & her children but if both die having no issue then the estate to

revert back to my own & be divided as herein after directed one of said shares to Thomas Jones, William White & Young L. G. Harris in trust for my daughter Sarah Heard not subject in any way to her husband's control or contracts and the remaining share to Thomas Jones, William White & Young L. G. Harris in trust for my daughter Martha Crookagey not subject in any manner to her husband's control or contracts which said two last shares are to be held in trust by said trustees for the use of my said two daughters Sarah Heard & Martha Crookagey for & during their natural lives and at their death respectively to go to their children respectively which may be living when they each die — Item 11. I will to my wife Lucy Carter during her natural life all my lands lying on Beavercreek in said county & state except that land herein left in trust for the use of my son Robert M. Carter, and at her death it is my will that said lands be sold by my executor and divided into four shares, one to be given to my daughter Ann Daniel Carter, subject to the provisions herein after named, one to Elector Francis Fenia Carter & Lucy Ann Elizabeth Carter orphans of my son John James Carter subject to all the provisions and conditions annexed to other bequests herein made to them, and to Thomas Jones, William White & Young L. G. Harris in trust for the use of my daughter Sarah Heard during her life & at her death to go to her children then living and the remaining share to Thomas Jones, William White & Young L. G. Harris in trust for the use of my daughter Martha Crookagey during her life & at her death to go to her children then living — Item 12th. I give and bequeath to Young L. G. Harris four Negroes, to wit: Iggy a woman, Charlotte, William & Oliver, also one good horse, two calves & cows sufficient tools for four hands to work with, one saw and pigs, which said Negroes are not to be subject to alienation except so far as the said Young L. G. Harris shall have the right of transferring them to some humane master who will ever bear in mind this solemn request to treat them with kindness and humanity, I also will to the said Young L. G. Harris one thousand dollars to enable him the better to treat said Negroes with lenity & humanity — Item 13th. If my said daughter Ann Daniel Carter shall die leaving no lawful issue then all the property and interest whatever left and bequeathed to her by this will revert back to my estate & be divided into three shares one to go to my grand daughter Elector Francis & Lucy Ann Elizabeth Carter, orphans of my son John James Carter, subject to the provisions annexed to the before mentioned bequests to them, one to the aforesaid Trustees for the use of my daughter Sarah Heard during her life & to go to her children living at her death, and one to the aforesaid Trustees for the use of my daughter Martha Crookagey during her life & at her death to go to her children then living — Item 14th. It is my will that at my death my executor after converting notes and other demands into money as soon as practicable shall

add to the amount the cash on hand at my death & divide the same between my said daughter ~~Martha Trockogey~~ ^{Martha Trockogey} & my grand daughter Elector Francenia & Lucy Ann Elizabeth Carter as aforesaid. The Trustees aforesaid for the use of my said daughter Sarah Heard. The Trustees aforesaid for the use of my said daughter Martha Trockogey & my grand daughter Elector Francenia & Lucy Ann Elizabeth Carter as aforesaid. The deviation to be equally made into four shares and the property to be held & managed under the same provisions & restrictions as are expressed hereinbefore in relation to the other bequest made to said trustees for the use of my said daughter Martha Trockogey & Sarah Heard & also the former bequests to my daughter Ann Daniel Carter & grand daughter the orphans of my son John James Carter. Item 15. It is my will that Elizabeth S. Carter widow of my son John James Carter shall be supported comfortably & decently by my executors out of any money not herein otherwise appropriated during the life of my wife Lucy. Provided she remain with my wife during her life. Item 16. It is my will that all property which I may die possessed of both real & personal and which is not herein otherwise disposed of shall be sold at the discretion of my Executors & divided between my daughter Ann Daniel Carter. Elector Francenia & Lucy Ann Elizabeth Carter. The before named Trustees for the use of my daughter Sarah Heard & the remaining & fourth share to the before named Trustees for the use of my daughter Martha Trockogey the two last mentioned shares to be held by said Trustees for the use of my said two daughters respectively during their lives & then to go to their children as before provided. at the death of my said daughters respectively; and the two first named shares included in this item are to be taken & held under the provisions and restrictions mentioned in the before mentioned bequest to my daughter Ann Daniel Carter & my grand daughter Elector Francenia & Lucy Ann Elizabeth Carter. Item 17. I will that all property which which may revert back to my estate from Robert M. Carter or others under this will be divided by my executors amongst the trustees of my two daughters as aforesaid my daughter Ann Daniel Carter & my two grand daughters the orphans of my son John James Carter as aforesaid liable to the restrictions & provisions expressed above in the sixteenth clause or item of this will. Item 18. I hereby nominate & appoint my wife Lucy Carter & my friends Thomas Jones William White & Gholing L. G. Harris Executors of this my last will & Testament. Signed Sealed & acknowledged this twenty fourth day of January eighteen hundred & thirty seven in Presence of

A. Hammond
William Bailey
Benj. Burch
Robert Western

James Carter Seal

Georgia Court of ordinary September Term 1837.
Libert County, Georgia Wills 1836 to 1860
www.georgiapioneers.com
Personally appeared in open Court Alfred Hammond, Benjamin Burch & Robert Hester three of the subscribing witnesses to the foregoing last will and Testament of James Carter deceased who after being duly sworn depose & saith that they saw the testator sign & seal the same & heard him acknowledge it to be his last will and Testament that he was of sound & disposing mind and memory at the time of so doing. that they signed the same as witnesses at the request of the testator in the presence of the testator & in the presence of each other & that they also saw William Bailey the other & fourth witness sign the same as such. Sworn to in open Court this 4th September 1837.
Attest Wm B Nelson c.c.o.
Alfred Hammond
Benj. Burch
Robert Hester

Georgia Court of ordinary September Term 1837.
Libert County ordered by the court that the will of James Carter be Recorded
Attest Wm B Nelson c.c.o.
Recorded the 3rd of September 1837. Wm B Nelson c.c.o.

Jones White & Harris Relinquishment

Georgia Court of ordinary September Term 1837.
Libert County Whereas the last will and Testament of James Carter deceased has been this day presented to this Honorable Court for probate & proven & ordered to record according to law & whereas we the undersigned are appointed under by virtue of said last will & testament Trustees for Mrs. Martha Groves during her life and also Trustees for Mrs. Sarah Heard during her life and sundry items of money and other property has been bequeathed to us in & by said will as Trustees aforesaid to be controlled by us in that character for & during the lives of said Martha & Sarah & at their deaths respectively to be divided amongst their children living at the death of each of them respectively. Now this is to make known that we have declined & do hereby decline & refuse to accept the trust so created by said will & we pray that this Honorable Court will receive this as a notification from us of our refusal to accept said trust or the control & management of said trust estate so left to us - we however reserve to ourselves the rights & privileges we have under said will as Executors of the same and it is to be expressly understood that we relinquish no right or privilege which may in any wise or manner militate against or interfere with our rights as Executors of said will

26

This 4th day of September 1837, done in open Court this 4th Sept. 1837.

Elbert County, Georgia Wills 1836 to 1860

www.georgiapioneers.com

Attest Wm B. Nelms, c. c. o.

Thos Jones

Wm White

Young L. G. Harris

Georgia } Court of ordinary September Term 1837.
Elbert County } ordered by the Court that the above be Recorded
Attest Wm B. Nelms, c. c. o.
Recorded the 5th of September 1837. Wm B. Nelms, c. c. o.
and filed with the will

Examined and approved at September Term adjourned to
October 31st 1837.

Alison Stabtan
William Bentley
James Rice
Isaac James

Common Pleas

Thomas Maxwell Senr Will 1838.

Georgia } I Thomas Maxwell do considering the uncertainty of
Elbert County } this mortal life & being of sound mind & memory blessed
be almighty God for the same, do make and publish
this my last will & Testament in manner & form following (that is
to say) that all my Just Debt, as shall be by me owing at my
death together with my funeral expences & all charges touching the
proving of or otherwise concerning this my will shall in the first
place out of my personally estate & effects be fully paid and
satisfied & from after payment thereof & subject thereunto, then
my will is that all the balance of my estate be equally divided
among my children (to wit) John Maxwell, Trajahah Hehny-William
Maxwell Joel Maxwell, Sarah Christian, Elizabeth Mernulcan & James
Maxwell and my will is that my son Thomas Maxwell & my son Jesse
Maxwell and my son Elijah Maxwell and my son Jeremiah Maxwell
receive only two Dollars each out of my estate for their part
and as this is my last will & Testament I hereby appoint my son John
Maxwell & Joel Maxwell & William Mernulcan Executors of this my
last Will and Testament hereby revoking all former Wills by me
made in Witness whereof I have therunto set my hand and seal the
Twenty seventh day of December Eighteen hundred and thirty three

signed sealed in presence of us as Thomas Maxwell dec.
witnesses thereto
Elbert County Georgia Wills 1836 to 1860
www.georgiapioneers.com

Ed

William M. Almand
John G. Higginbotham
William P. Maxwell

Georgia Court of ordinary January Term 1838.

Elbert County { Personally came in open Court William M. Almand and
John G. Higginbotham and being sworn saith that they saw
Thomas Maxwell dec. sign seal and deliver the foregoing instrument
of writing as his last will and Testament, and that they signed the
same as witnesses at the request of the Testator and in his presence
and that they saw William P. Maxwell sign the same as a witness
in the presence of the Testator and they believe the testator to
have been of sound and disposing mind and memory at the
time of Executing the same.

Wm. M. Almand
John G. Higginbotham

sworn to in open Court this
10th January 1838.

Attest Wm. B. Nelson c.c.o.

Georgia Court of ordinary January Term 1838.

Elbert County { the within will and Testament of Thomas Maxwell
dec. deceased having been duly proven at this
regular Term in open Court upon the oath of William
M. Almand & John G. Higginbotham.

Ordered by the Court that the same be Recorded

Attest Wm. B. Nelson c.c.o.

Recorded the 2^d of January 1838. Wm. B. Nelson c.c.o.

Examined and approved by the grand Jury at March
Term 1838.

John James
Thos. Burton
Wm. Edwards
Jenniah Warner

Committee