

78 Georgia Court of Ordinary Sept
Franklin County Term 1842

Personally appeared
in open Court— Robert A. Rital and
John M. Bagwell who being duly sworn
depose & testify that they saw the wit-
nesses Benjamin Harrison sign
and seal the within will for the purp-
oses therein mentioned when in his
proper mind that they deponents
Subscribed the same as witnesses and
saw Thomas King do so likewise
Sworn to in open Court—

5th Sept 1842

R. A. Rital

Test
Thomas King

J. M. Bagwell

D

Georgia In the name of God Amen.
Franklin County Elizabeth Payne of the County
and State aforesaid, being weak in body but of
perfect mind and memory, and knowing that
it is appointed for all to die, do make and
ordain the following to be my last will and
Testament— First of all I recommend my
soul to God who gave it and my body to the
earth from whence it came to be buried
in a decent Christian burial at the discretion
of my Executors and friends—

Secondly I give and bequeath unto my Brother David Payne
all the lands I may be possessed of at my death
out of which he is to pay all the demands
(if any) he or any of his family may have
against me at that time—

Thirdly I give and bequeath unto my three sons
Franklin County Will Book C, Wills and Estates, 1824-1849

to wit Rutha Ann Chatham, Mary Amanda Chatham, and Nancy Mills, daughters of two of my sisters viz Rutha & Polly Chatham & of my sister Nancy Bennett, one bed and furniture each including drapery and curtains the said Rutha & Chatham to have choice of said bed, & furniture, this is in addition to what I give them hereafter —

Fourthly, It is my will that my sister Nancy Bennett (provided she is in life at my decease if not her daughters) and the daughters of my sisters Rutha & Polly Chatham shall have all the balance of my wearing and household Clothing of every description whatever, to be equally divided between them —

Fifthly, It is my will that my negroes together with all the balance of my estate of every description (not otherwise disposed of) be sold at public sale by my Executors, upon such Credit as they may deem most advisable, and when the money is collected, to be divided among my Brothers and Sisters and their heirs as follows — To my Brother Mayfield St Payson one fifth part. To the Children of two sisters Rutha & Polly Chatham viz each one fifth part — To the Children of my Brother Thomas Payson to wit, John St Payson, William Payson Caroline Whaler, Harriett Segers & Mary Ann Ayres one tenth part, and the other two to wit Oliver J Payson & Elizabeth Payson one tenth part, the part coming to the two last named Children to be paid my Brother Thomas Payson in trust for them (provided he is in life at that time, if not the above last named Children are to have the one fifth part to be equally divided between them and the Children of

29 my sister Nancy Bennett one fifth part
except one hundred dollars which is to be
paid by my Executors to my said sister Nancy
Bennett at such times as they may think her
necessities may most require aid, this one
hundred dollars to be free from tax and
or benefit in any way of her husband Cooper
Bennett, and if she should die before she
receives the above sum it is to go to her children
lastly. It is my will that when the amount of the
legacies as stated in the foregoing section
shall amount to the sum of Two hundred
and fifty dollars each, that my Brother
David Payne shall come in for an equal
share ~~for~~ all over that amount —
Lastly I do hereby constitute and appoint my two
Brothers Masfield H Payne & David Payne
Executors of this my last will and Testament.
In testimony whereof I have hereunto set my
hand and seal this 30th day of April 1839
Signed sealed & acknowledged

in presence of
M^{rs} King
Robert A R Neal
Samuel Freeman

Elizabeth Payne 

Georgia } Court of Ordinary & over Term 1842
Franklin County } Personally appeared in open court
Robert A R Neal who being duly sworn deposed and
said that he saw the within named Elizabeth Payne
now dec^d sign & seal the within as her last will & Testament
when in her proper mind, & that he deponent subscribed
the same as a witness and saw Thomas King &
Samuel Freeman do so likewise
Sworn to this 7th Novr 1842

M^{rs} King b.c.o

R A R Neal

Recorded 10th Novr 1842