

Joshua Houghton's Will

Georgia In the name of God Amen
I, Joshua Houghton, of said County, being
in debilitated health but of sound and disposing mind and
memory, have thought proper to make and do hereby make
and publish, this my last Will and Testament.

I give and direct that my funeral expenses and any
debts which may be owing at the time of my death be
paid by my Executors.

I give & bequeath to my son in law James H. Hester and
his heirs the following negro slaves, to wit, Manning,
John, William, Reform, Willis, Slog, and Celia together
with their future increase.

I give to my daughter Harriette C. Wagnon & her heirs
the following negro slaves, to wit, Dany, Mansfield,
Solomon, Mander, Kit, and Fanny & their increase.

I give & bequeath to Vincent P. Thornton in trust for
said son the sole use & benefit of my son James M.
Houghton & his family the following negro slaves, to wit,
Katy a woman, Nancy a girl, Jim a man, little Jap a
man, and Maria a woman with their future increase.
Also the tract of land in said County, lying in the fork of
Catawba, bounded east by Thomas P. Wagnon's land, and West
by Andrew Houghton's land, and North & South by the
North & South forks of Catawba, containing One Hundred
and seventy acres more or less - said negroes & land
to be entirely subject to the control & direction of
said Vincent P. Thornton as Trustee; and the
proprietor & possessor thereof to be for the use & benefit
of said James M. Houghton & his family. But neither
the said property nor the profits thereof or increase
thereof to be subject to any debts already owing by
said James M. Houghton, or to any which may
be hereafter contracted by him, except such as
may be contracted by the consent of said Trustee
for the maintenance & support of said James M.
Houghton or his family. In the event of the death
of said Vincent P. Thornton I appoint said Trustee
Agent of said property for said James M. Houghton
for all the purposes, with all the rights, powers &

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271 responsibilities therein before expressed, or such as
the law may impose on him by virtue of said
trust. At the death of said James M. Doughton
my will & desire are that the property so devised
be trust for him together with the increase of profits
thereof be equally divided among all his children
and the descendants of such as may have died. The
children of a deceased parent to be entitled to the
share or portion which the parent would have received
had he lived, however, if the parent wife of my said
son James should die & he should marry again, if
she should have by such subsequent marriage, children
living at the time of his death, then I bequeath that
devise the property herein devised in trust for said
James M. Doughton together with the increase of profits
thereof to the children of such second marriage—
And should my said son marry a third time, my
will & desire are that the children of such third
marriage should share equally with those of the second
in the distribution of said property & the increase
& profits thereof. I also bequeath and transfer to
said Vincent P. Horton as executor and
for the use & benefit of said James M. Doughton &
his family, as aforesaid, the following Decrees of
the Judgments on which they are founded (the same
having been regularly transferred & assigned to me,)
to wit, Two in favor of James Woodruff & Company, One in
favor of James Woodruff & Company, and one in favor
of Dana Woodruff & Co., One in favor of Aaron Humphreys &
Survivors & Co. and two in favor of Nicholas Davis—all
against said James M. Doughton, & issued from the
Superior Court of said County, returnable to Mark
Term 1836 of said Court.

3rd
I bequeath & devise to James P. Foster & James M. Doughton
in trust for my daughter Mary Anne Doughton the
following negro Slaves, to wit, Big Peter, & Little Peter,
Big Jeff and Burrell, all men, Eliza a girl, Myra
a girl, Lucy a woman & her infant child, Deener a woman
and her infant child, Ducky and old woman, Martha
Ann a girl, together with their future increase, I
also devise to said and in trust
for my said daughter Mary the tract of land whereon
I now live in said County containing Four Hundred
and fifty acres more or less, adjoining Midway, Thomas
P. Maguire, and others, Jackson, Hancock & Parker Heights
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I do give bequeath to said Trustees in trust for my said daughter Mary, with the exceptions herein of the said six slaves, all my other stock of all kinds, my household and kitchen furniture, plantation utensils, Carriages, waggons, &c. and the crop of all kinds growing or on hand - (their property with the exceptions hereafter made) to be for the sole use & benefit of my said daughter Mary, while she remains single & for the use of herself and her family after her marriage - And the profits of said property, to the extent for these purposes under the direction of said Trustees. At the death of my said daughter Mary, my will is that the whole of said property, together with the increase & profits thereof, be divided equally among her children, should she have any of them children if any. But should she have neither children or grand children living at the time of her death, then I will & direct that the whole of said property, with the increase & profits thereof be equally divided among my surviving children or their legal representatives - The representatives of any which may have died, to stand in place of their parents, and receive the share to which he or she would have been entitled. The part or share which may be assigned to James M. Haughton, if living, to be vested in the Trustee named in the foregoing fourth item, and under the same limitations and restrictions, and for the same purposes therein specified.

1th In addition to the negroes conveyed to my beloved wife Jane R. Haughton by deed of gift bearing date 17th October 1847 (regularly recorded), which said negroes and the increase thereof now amount to fifteen, I give & bequeath to my said wife two feather beds & curtains, & such trunks, Bann Baskets, as she may desire, and also the sum of One Hundred Dollars, to be raised from my crop growing or on hand - And should my wife choose to remain on the plantation where I now live my wife and desire are, that she have the use of my household and kitchen furniture & plantation utensils in common with my daughter Mary, & that she have the liberty of working two negroes now on said plantation to wit, Jerry and Harrison with the negroes of my daughter Mary, for which she shall be entitled to two shares of the crop annually made on said plantation. My will is furthermore that my said wife may remove to said plantation such male servants as she may find necessary for her convenience.

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271 responsibilities therein before expressed, or such as
the law may impose on him in virtue of said
trust. At the death of said James M. Houghton
my wife I desire and that the property so devised
be trust for him together with the increase & profits
thereof be equally divided among all his children
and the descendants of such as may have died. The
children of a deceased parent to be entitling to the
share or portion which the parent would have received
Prima, however, if the present wife of my said
son James should die, & he should marry again, &
should have by such subsequent marriage, children
living, at the time of his death, then I bequeath that
devide the property herein devised in trust for said
James M. Houghton together with the increase & profits
thereof to the children of such second marriage -
And should my said son marry a third time, my
will I desire and that the children of such third
marriage should share equally with those of the second
in the distribution of said property & the increase
& profits thereof. I also bequeath and transfer to
said Vincent R. Thornton Trustee as aforesaid and
for the use & benefit of said James M. Houghton &
his family, as aforesaid, the following Decrees by
the Judgments on which they are founded (the same
having been regularly transferred & delivered to me,) to wit, Two in favor of James Woodsuff & Company, One in
favor of James Woodsuff & Company, Jackson, and in favor
of Dana Mangruder, One in favor of Ann Mangruder
Survivors & also two in favor of Nicholas Sings - all
against said James M. Houghton, & issue from the
Superior Court of said County, returnable to March
Term 1826 of said Court.

5th

I bequeath & devise to James R. Foster & James M. Houghton
in trust for my daughter Mary Keene Houghton the
following negro slaves, to wit, Big Peter, Little Peter,
Big Jip and Berran, all men, Eliza a girl, Myra
a girl, Lucy a woman & her infant child, Jennie a woman
and her infant child, Buckey an old woman, Martha
Ann a girl, together with their future increase, I
also devise to said Foster & Houghton in trust
for my said daughter Mary the tract of land known
as on line in said County containing four hundred
and fifty acres more or less, adjoining William
P. Mayson, 1816-1842, Jackson, Harbison & Peter Bayton

I do give & bequeath to said daughter Mary, with the exceptions hereinof to be made by Wives, all my other stock of all kinds, my household and kitchen furniture, plantation utensils, Carriages, waggon & Hens, and the crop of all kinds growing, or on hand (their property with the exceptions hereafter made) to be for the sole use & benefit of my said daughter Mary, while she remains single, for the use of herself and her family after her marriage. And the profits of said property, to be applied for those purposes under the direction of said Trustees. At the death of my said daughter Mary, my will is and desire are that the value of said property, together with the increased value & profits thereof, be divided equally among her children, should she have any at that time, if any. But should she have neither children or grand children living at the time of her death, then I will & direct that the whole of said property, with the increased profits thereof be equally divided among my surviving children or their legal representatives - The representatives of any which may have died, to stand in place of the ancestor, and receive the share to which he or she would have been entitled. The part or share which may be assigned to James M. Houghton, if living, to be vested in the Trustees named in the foregoing fourth item, and under the same limitations and restrictions, and for the same purposes therein specified.

6th

In addition to the negroes conveyed to my beloved wife Mary R. Houghton by deed of gift bearing date 17th October 1837 (originally recorded), which said negroes and the increase thereof now amount to fifteen, I give & bequeath to my said wife two feather beds, & furniture, & such trinkets, Bona Roba &c. as she may desire, and also the sum of One Hundred Dollars, to be raised from my Oak growing or on hand - And should my wife choose to remain on the Plantation where I now live my wife and desire are, that she have the use of my house and household & kitchen furniture & plantation utensils in common with my daughter Mary, & that she have the liberty of working two negro men on said plantation to wit, Jerry and Harrison with the negroes of my daughter Mary, for which she shall be entitled to two shares of the crop annually made on said plantation - My wife furthermore is, that my said wife may retain on said plantation such male servants as she may find necessary for her convenience.

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7th In the better protection of my aged servants, Caesar, old
Tom, Pompey and Jack and to render their last days
more comfortable, I give hereunto them to James Polk
and James M. Houghton in trust for my daughter Mary
Kee. Houghton said Negroes are to be placed the sole
and entire control of said servants. They are to run on
on my plantations, and to be superintended out of the
presence hereunto in trust for my said daughter,
they are to work only, when they are fully able to
do not to be placed under the control of an Overseer,
nor exposed to hardships. I also hereunto to said James
Polk and James M. Houghton, in such Trust, the
sum of Five hundred Dollars to be paid out of the
proceeds of my crop which may be growing on my
hand, from which said sum said Trustees shall pay
over on the twenty fifth day of December Annually
to said Negroes, during their natural lives respectively,
the following sums, to wit; to Caesar Fifteen Dollars,
and Ten Dollars each to old Tom, Pompey & Jack. My
will further is that, the part, of said sum of Five
hundred Dollars remaining at the end of each
Year, after paying the sums herinbefore directed
shall be placed out at Interest by said Trustees,
to whom I give Ten per Cent of the Interest there
made for their trouble. And at the death of the last of said
Negroes I give to said Trustees Ten per cent of the funds
which may then be on hand; the remainder of said funds
I direct to be divided equally among my children or
their legal representatives

And I nominate and appoint James H. Foster and James
M. Houghton Executors of this my last Will and
Testament. In witness whereof I have hereunto
set my hand & seal, this 9th day of June 1835.

Witness hand acknowledged Joshua Houghton Decd
the presence of us, who
have attested in witness
presence of the Testator, and
of each other.

Thomas H. Foster
John Chase
John A. Baugh J. P.

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Codicil

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Since making the above will I have placed out the sum of Ten Dollars on interest, out of the Crop growing in 1835, consequently that part of my will is borne of my Executors taking out of the Crop the said sum of \$10. I have on Thursday 25 Decr in 1836 from the Messrs being the several Executors directed by me for them to pay Annually the Texas Company \$1000 on Tom being dead. When I have hereto set my hand and affix my seal, this the 26th December 1836.

Test

John Houghton Esq

J. P. King

By way of further Supplement Hereto to the above the said of John, my will & devise is, that my old servant Charles have the sum of Twenty Dollars instead of Fifteen as heretofore devised, the others to remain as they were.

17 April 1837

J. Houghton

Test J. P. King

Georgia Green County Court of Ordinary Nov 1841

Personally appeared in open Court John A. Baugh one of the subscribing witnesses to the within Last Will & Testament of John Houghton deceased. I have said that he has seen & subscribed the same, & that he perceives the same to be his last will & testament, & that he with John Chew and Thomas D. Foster subscribe their names as witnesses to the same in the presence of the Testator, & that he believed him to be of perfect sound mind & memory at the time of his signing the same.

1 Nov 1841

John A. Baugh

W. L. Strain A.K.

Green County of Ordinary Nov 1841

Georgia

J. P. King

Personally appeared in open Court J. P. King a subscribing witness to the within foregoing Codicil to the will of John Houghton deceased, who being duly sworn, says that he saw the Testator sign, seal & read him acknowledge the same to be a Codicil to his last will & testament, & that he believed him to be of perfect sound mind & memory at the time of his signing the same.

Shown to in open Court

1 November 1841

J. P. King

W. L. Strain A.K.

Recorded 2nd day of November 1841

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William L. Strain A.K.

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