

that he saw the said R. B. Toby sign and
publish the within as his last will and
testament while of sound disposing mind
that he witnessed the same for himself and
secret and in his presence and in the
presence of Joel S. Estlin & Robt. Estlin
the same at the request of said Toby sign
in his presence and that the same was
executed voluntarily by him and the day
of execution to have been executed
before me Oct 25th 1846

James S. Hamilton
Ordinary

H. P. Henderson

Georgia I do solemnly swear
him well known that this writing contains
the true last will of Berry B. Toby known
so far as I know of, believe and that I
will well and truly execute the same
in accordance with the laws of the state
to help me God.

Witness to & subscribed
before me this 25th 1846
James S. Hamilton

Ordinary
Dec. 2nd 1846
James S. Hamilton

Ordinary

Georgia I do solemnly swear
that the name of Rod. Brown,
of advanced age and becoming that second
day to the lake of pasture I have seen him
the life and being of sound and disposing
mind, I am patient that I should
make a disposition of the property with
which I have provided for his widow and
children, and I do declare
that to be my last will and testament,
and nothing all with by me hereafter
made.

Then 1st I will that all my just debts be paid
without unnecessary delay by my Exors
who hereafter appear.

Then 2nd I will, give and bequeath unto my
beloved wife Lea Hamilton the whole
of my estate both real and personal
except description. All the wideness of
what I say my estate at my death, to have
and to hold the same during her natural
life for her own separate use and benefit, and
at her death to be divided into two equal
shares between my two children Nathan
& Hamilton and Leadia Seale.

Then 3rd I hereby constitute and appoint my daughter
Leadia Seale, guardian of the property herein
conveyed in the foregoing. I then to my son
Nathan S. Hamilton and I direct that she
shall only allow him such sum of the rent,
profits, or interest, arising from his share
as will support him suitable for his condition
in life, and no more, to allow him
to sell or dispose of any part of said
legacy arising under the will, and
should it be ever absolutely necessary
for her or his guardian to sell any part
of said property.