

The Court met on Monday September the 7<sup>th</sup> 1846  
Present their honors James Crocker, Thomas J.  
Hughes & James Griggs Justice of the Court

Georgia Court of Ordinary September Term 1846  
Habersham County, It appearing to the Court that  
James Merritt of said County has heretofore made his  
application to the Clerk of this Court for letters of  
Administration with the will annexed of James Adams  
Senr. deceased, and said application having been pub-  
lished agreeable to law, and no legal objections being made  
it is ordered by the Court that the said James Merritt  
be and he is hereby appointed Administrator with  
the will annexed on the estate of the said James  
Adams Senr. deceased, and that George Adams  
Alexander Freeman & Penben Clark be taken  
as security for said Administration and that  
Micajah Turner Benjamin F. Trotter, James C. Adams  
Joseph Nix & Ezeziel McBray be and they are  
hereby appointed appraisers on the estate of said  
deceased

In the name of God amen I Martha Burns of  
the State of Georgia & the County of Habersham being of  
sound mind & memory, conscious of the great uncertainty  
of life & desirous of making a proper disposition of  
such property as I may die possessed of in case of my  
death, I do make, declare, publish, & ordain this my  
last will & testament, & do hereby revoke & declare  
null & void all & every other will or wills &  
testaments that I may have heretofore made.  
Item, first I leave & give to my beloved sister Susan  
Wynn (Widow of Hamilton Wynn deceased, for and  
during her natural life or widowhood, the following  
negroes, to wit. Antoinette, Cora, Austin, Delia, Middy,  
Ambo, Prince, Hannah, Cynthia, Gabriel, Jane

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Jones, & Oliver, & also all my part & entire interest in the  
land & plantation whereon she now lives & the Stock & plantation  
tools, to have & hold all the above described property negroes  
land, Stock, plantation tools &c & to enjoy the use & benefit of  
the same for & during her natural life or widow hood as aforesaid  
& upon her death or marriage I make the following dispo-  
sition of said property - that is to say the negroes Antoinette,  
Cora, Delia, Prince, Hannah, Cynthia, Gabriel, Jane,  
Jones & Oliver, together with their natural increase - I  
give to my niece Eliza Jane Hamilton Shepherd to &  
for her sole & separate use & benefit, to have & enjoy the  
same solely & separately as aforesaid, for & during her  
natural life, & at her death to be equally divided between  
her children - the said negroes thus given to my niece  
Eliza Jane Hamilton Shepherd, are not to be sold  
hired, lent or divided, in any way during her life, or the  
minority of her children the - The negro girl Nancy I give  
to my Grandniece Martha Burns Shepherd, the eldest  
daughter of Eliza Jane Hamilton Shepherd, & in the event  
of said Martha Burns Shepherd dying without issue  
the said Nancy & her natural increase if she has any  
to be connected with Antoinette & the other named negroes  
given to my niece Eliza Jane Hamilton Shepherd, for her  
use & divided among her children The negro girl Louiza  
I give to my grand niece, Mary Susan Shepherd, second  
daughter of Eliza Jane Hamilton Shepherd, & in the  
event of said Mary Susan Shepherd dying without issue  
the said Louiza & her natural increase if she has any to be  
connected with Antoinette & the other named negroes, given to  
my niece Eliza Jane Hamilton Shepherd, for her use  
& divided among her children - The negro girl Lucinda  
I give to my grand niece, Sarah Alexander Shepherd  
third daughter of Eliza Jane Hamilton Shepherd, &  
in the event of said Sarah Alexander Shepherd dying  
without issue, the said Lucinda & her natural increase  
if has any to be connected with Antoinette & the other named

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 negroes given to my niece Eliza Jane Hamilton Shepherd,  
 for her use & divided among her children - The other three  
 negroes, Austin, Amos & Willy & their increase, as well as  
 my part & interest in said tract of land, stock & plantation  
 tools - I leave & give to my nephew, Edwin Minor, Wynne,  
 to hold during his life in trust for the sole & separate use of  
 his wife & children, & as well such children as may be  
 in life at that time, as such child or children of him the  
 said Edwin Minor Wynne which may be afterwards  
 born, & at his death the property so bequeathed as aforesaid  
 to be equally divided between the children of him the  
 said Edwin Minor, Wynne - It being my wish & will  
 that it be distinctly understood that the said Edwin Minor  
 Wynne, is to have no other nor further interest in, to, or  
 over said property, than to hold the same, in trust for the  
 sole use & benefit & purposes, aforesaid, & that in no case it  
 may be subject to or liable for his individual debts  
 or contracts in any case whatever

The Hill on which Vine Cottage stands & twenty acres  
 of woodland adjoining said Cottage, running South  
 & west up towards the mountain, I give to my niece  
 Eliza Jane Hamilton Shepherd, for a summer  
 residence during her natural life, then to her Eldest  
 daughter Martha Burns Shepherd, & in the event of  
 her death to go to her sister Mary Susan second daughter  
 of said Eliza Jane ~~Hamilton~~ Shepherd & so to Sarah  
 Alexander her third daughter & so on - my beloved  
 sister Susan Wynne, is not to be removed off the lot on  
 which she now resides or interrupted in any her life time  
 To Edward T. Shepherd I give in trust for the sole useance  
 benefit of his wife Eliza Jane Hamilton Shepherd &  
 her children, the negroes & summer residence mentioned in  
 my will - In witness whereof I hereunto set my hand  
 & seal this the 17<sup>th</sup> day of February 1844

James Crocker  
 Penben Jordan  
 John Bond

Martha Burns *(seal)*

Georgia  
Habersham County. Before us Thomas McPhee  
James Griggs & Thomas I. Hughes  
Justices of the Inferior Court of said County personally  
came James Crocker, Reuben Jordan & John Bond  
witnesses to the within will and each being duly sworn  
depose and Sayth that they saw Martha Burns sign  
Seal publish and declare this writing to be and contain  
her last will and testament and that they assigned the  
same in the presence of the said Martha Burns as  
witnesses, and that they considered her the said Martha  
Burns to be at that time of sound disposing mind  
& memory, and that she executed the same freely  
without compulsion, so far as they know or believe  
sworn to & subscribed  
before us this 13<sup>th</sup> August 1846 James Crocker  
Thos McPhee J. I. C. Reuben Jordan  
James Griggs, J. I. C. John Bond  
Thomas I. Hughes, J. I. C.  
Philip Martin D. C. C. O.

I do not want the negroes that have been raised  
up here with the exception of Cora, to go down the  
country as long as Sister Wynn lives, on account  
of its being so sickly. I hope Edward when he  
has the control of them will see it for their  
interest, to keep them up here after the death of  
Sister Wynn for this reason as Edwin M Wynn  
lives up here, with his mother I leave them and  
every thing else to her, to him her life time in  
trust to do by her & every thing else that I leave  
to her to the best advantage he can studying her  
interest in every thing I leave, what he considers  
his duty to do, thinking it would be for her benefit  
studying her interest in every thing he does for her  
September the 12<sup>th</sup> 1844 Martha Burns  
He is obliged to hire the negroes let be at

private hiring, & for them not to be hired out of  
Habersham County in the State of Georgia  
September, 12, 1844.

Georgia  
Habersham County, Court of Ordinary September  
Term 1846

The within last will  
and testament of Martha Burns having been duly  
proven in vacation, before Thomas McRae, James  
Griggs and Thomas J. Hughes, three Justices of the  
Inferior Court of said County, upon the oaths of  
James Crocker, Reuben Jordan & John Bouch,  
Ordered that the same be admitted to record  
at this regular Term of the Court

Recorded 7<sup>th</sup> September 1846  
Philip Martin, D.C.C.

In the name of God Amen - I Thomas Gazaway  
being in a lowe state of health, but of sound mind  
and memory, knowing that it's appointed to all men  
to Die, do make this my last will and testament  
In the first place I Give my Soul to God who gave  
it, and my Body to be decently Buried by my friends  
and Relations, and as to my worldly estate, I give  
and bequeath to my Beloved wife Lewey Gazaway  
all my Stock, horses, Cattle, hogs and Sheep, house-  
hold and kitchen furniture, together with all notes  
Delts, dues and demands, after my just debts are  
paid - and I do hereby appoint my Son John  
W. Gazaway, my executor of this my last will and  
testament - in presents of us this 8<sup>th</sup> August  
1846. John Warmack  
Spencer Taylor  
Thomas <sup>his</sup> Gazaway  
mark