

Last Will and Testament of Daniel H. Zachary Dec^d Recorded.

Harris County Will Book 2 (1850-1875)

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State of Georgia In the name of God Amen

County of Harris I, Daniel H. Zachary of said State and County being of sound mind and disposing memory and knowing that it is appointed for all men to die do make this my last will and Testament revoking all wills heretofore made by me.

Item 1st It is my Will and desire that all my just debts be paid by my Executors hereinafter named as soon as can be conveniently.

Item 2nd I will and bequeath to my beloved wife Mary Zachary the following property to wit: Peter a man 31 years old, Adeline a woman 30 years old, and her two children Maria 10 years, and Washington 12 years old, Julia a woman 26 years old and her two children, Sam a boy 7 years old and Harry about 4 years old, together with all the money notes and accounts and evidences of debt, that I may be possessed of at the time of my death, after paying all my debts, and all the future increase of the Negro Slaves above mentioned - Also all Stock of all kinds, horses, mules, cows, Hogs and all other kind of kind I may have at my death - Household and Kitchen furniture, and all plantation tools, Waggons, Carts, buggy, Oxen and C. - Also my lands on which I live 122 acres of lot No. 33, in the 4th district - and 1-36 in the 4th District Harris County, 180 acres of lot No 2 in the 4th District.

The above property is given to my wife Mary Zachary and its increase as above stated for and during her widowhood, or whilst she remains single, but in the event she marries, the above property with the increase to be equally divided between my said wife, and all my then living children (in the legal representation of children) to wit: William S. Zachary, Martha E. Campbell, John H. Zachary, Elizabeth Zachary, Daniel H. Zachary, Mary Ann A. Battenwhite, Miss Sarah Zachary, Mary Hampton Zachary, David A. Zachary and the said of share and share alike

Item 3rd I give and bequeath to my Daughter Elizabeth Zachary, who is partially blind, a negro girl by the name of Ellen 11 years old and all her future increase, and if my said Daughter should die leaving no child or children, or the representation of children, then the above named negro girl Ellen with all her increase to be equally divided between her mother, Brothers and Sisters, then in life, or their legal representatives, the negro girl Ellen given over and above her equal share given in Item 2 and 3 on account of her being partially blind.

Item 4th I give and bequeath to my son Hampton Zachary, on account of his being afflicted with Ep. Plepsy, of fits, over and above what is given him in Item 2 a negro boy by the name of Robin 8 years old; and if my son Hampton should die, without any child or children or the representation of children then said Negro boy to revert back to my Estate, and be disposed of in the same manner the negro are disposed of in Item the second.

Item 5th It is my Will and desire that my Daughter Elizabeth and son Hampton together with the property given them, remain with their mother until they marry.

Item 6th It is my Will and desire that nothing herein given or bequeathed in this my Will, shall so operate as to prevent my said wife from giving to my children not married as much property, as those who are married in their marriage, in order that all may have an equal portion.

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except those two afflictions, which I have provided for.
 My will and desire is, should my wife wish after my death to sell the land
 here before given her in Item 2^d she do so and purchase other land and
 also sell my daughter Martha E. Campbell a home if she should need one.
 I hereby appoint Philander Campbell and my wife Mary Zachary Executors
 and Executor of this my last will
 Daniel H. Zachary 1863

signed, sealed, declared and published by Daniel H. Zachary as his
 last will and testament in the presence of the undersigned who
 subscribe our names hereto in presence of said Testator at his spe-
 cial instance and request and in presence of each other
 This May 26th 1863

Henry E. Mosey
 Abraham Rush
 Alex N. Johnson

State of Georgia } Court of Ordinary August Term
 Harris County } 1863

In Open Court Came Mary Zachary the Executrix appointed in
 a paper writing purporting to be the last will and testament
 of Daniel H. Zachary late of said County deceased as Executor
 of said deceased, and produced said paper writing; and
 also personally came Henry E. Mosey Esq, Abraham Rush and
 Alexander N. Johnson the subscribing witnesses to said paper
 writing who being duly sworn depose and say that they saw
 the said Testator Daniel H. Zachary, sign, seal, declare and
 publish the said paper writing now presented in open Court
 as his last will and testament, freely, voluntarily of his own
 accord, without any compulsion or undue influence what-
 ever that at the time of the execution of said will said Testa-
 tor was of sound disposing mind and memory - that he
 promissibly signed said will as witnesses in the presence of the
 Testator and at his request, and in the presence of each other.
 Sworn to and subscribed before me in open Court

This August 3^d 1863.

Geo. W. Mullins

Ordinary

Henry E. Mosey Esq
 Abraham Rush
 Alex N. Johnson

I do Solemnly swear that this writing contains the true last
 Will of the within named Daniel H. Zachary deceased, so far
 as I know or believe, and that I will will and truly execute
 the same in accordance with the laws of this State
 So help me God.

Sworn to and subscribed before me this August 3^d 1863
 in open Court
 Geo. W. Mullins Ordinary
 Mary Zachary