

and tract of land be sold & equally divided between my wife, Mary, provided my son Alexander has the refusal of said land by him paying ten hundred & fifty dollars for said land & that same to be divided between my five children, but if he, Alexander refuse to pay the said ten hundred & fifty dollars the proceeds of said land when sold be divided between my nine other children leaving out Alexander. I give & bequeath unto my son Laughlin McHenry the half of land whereupon he now lives, supposed to contain one hundred acres, already surveyed off. Sixth, I give & bequeath unto my son Duncan McHenry a certain tract of land commencing at a fence corner on the road back of Jas. E. Brown, running South until it strikes Wm. Rucker line & said tract lying back of said line joining Wm. Rucker & W. E. Duncans on the South Laughlin McHenry, on the East, & John W. McHenry on the North. Seventh, I give & bequeath unto my son John W. McHenry all that portion of land whereupon he now lives, lying north of a line already surveyed, commencing at a fence corner on a public road back of Jas. E. Brown, running West until it strikes Laughlin McHenry line, said land bounded on the West by Jas. Brown, South, I have already given my son Daniel E. McHenry five eighty acres of land - my beauty land - & also give & bequeath unto my son Daniel E. McHenry another small piece of land containing beauty one acre, commencing at a fence corner on the road being the corner of Duncan McHenry land thence South along said Duncan McHenry line to a distant corner thence West to a stake corner in the field near beginning corner, thence to beginning corner which I believe will make him equal with my four other sons, Eight, I give & bequeath to my daughter Flora Clark one hundred & forty dollars & to her four children by her first husband one hundred & forty dollars & I have already given her a cash value of twenty dollars, which will make three hundred dollars, the said one hundred & forty dollars to be paid to said Flora Clark & one hundred & forty dollars to her four first children, At the death of my wife Sarah McHenry all of any of my property not otherwise disposed of. Ninth, I give & bequeath unto my daughter Katherine Payne ten hundred & eighty dollars to be paid to her at the death of my wife. I have given a cash worth beauty dollars to make her three hundred dollars. Tenth, I give & bequeath unto my three daughters Mary Brown, Mary Brown, Sarah A. Brown three hundred dollars each to be paid out of my estate not otherwise disposed of at the death of my wife. Eleventh,

Hart County Wills (1847-1862)

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The Codicil to said will. It is my will that my negroes
shall remain to take out of the Counties of Hart & Elbert
& should they come to sale to be sold as set forth in my
will & the functions to give bond & security to my executors
that they will not remove my negroes without the sanction
of Hart & Elbert. 3rd I appoint my son John G. McBurny trustee
of the property set apart to my wife Sarah McBurny &
shall have full power to continue said property or to think
wise be his advantage & advancement of my estate.
Signed, sealed & published as the Codicil of my last will
& testament of the 15th of March 1857, in the presence
of us who subscribed our names hereto in the presence
of John McBurny at his special request. This November
the 1st 1857

Allen Magee } John McBurny (Seal)
Wm Jones }
E. R. White J. P. }

State of Georgia } Before me J. J. Jones only in & for said
Hart County }
Alexandria W. McBurny }
I, J. J. Jones, County Clerk of said County, do hereby certify that
said will & testament of John McBurny, late of said County
deceased & produced before me the last will & testament of the
said John McBurny deceased & the Codicil & the witnesses to said
will & Codicil to wit: Allen Magee, Wm Jones & E. R. White, who
witnesses being duly sworn depose & say that they
saw John McBurny, the testator, sign, seal, declare & publish the
instrument now presented as his last will & testament & Codicil
freely, voluntarily & of his own accord & without any com-
pulsion or undue influence whatever at the time of the
execution of said will & Codicil. Said testator was of sound
& disposing mind & memory, that deponent signs said will
& Codicil in the presence of testator & at his special instance & re-
quest & in the presence of each other, sworn to & subscribed
before me. This December 17, 1857.
J. J. Jones only.

Allen Magee
Wm Jones
E. R. White J. P.