

Will of John Mercer, deced.

State of Georgia, In the name of God, Amended. —

I, Lee County, I, John Mercer of the State and County, aforesaid, being in my right mind and of disposing memory, do make and constitute this my Last Will and Testament, as follows: —

Item 1st = That all my just debts be paid, —

Item 2nd = That the following property owned by my wife before our intermarriage be given up to her after my decease, which is as follows: One negro man named Henry, One negro woman named Hixy, and three children, namely, Sanders, (now dead,) Dennis and Davis, since our intermarriage Hixy has had three children, (one dead) Sonnellax, again my wife sold to Elijah H. Martin, for the sum of Three Hundred and Fifty dollars, for the benefit of her son-in-law, John S. Martin, to which transaction I gave my consent, ^{Lee County Wills} ¹⁸⁵⁴⁻¹⁸⁹¹ ^{www.georgiapioneers.com} a life time interest in her labor, and also my wife and Carl Trunk, also the Lot of Land on which Oliver P. Watson, now lives, in Chambers County Alabama, the deed of which is in my name, and after my decease, I wish my Executors who are hereafter named to make sure title to said Lot of Land, —

Item 3rd = I give and bequeath to my beloved wife, the House and Lot where I now live in Palmyra to live upon, and the East Half of Lot No. Two Hundred and Sixty Six, and fraction No. Two Hundred and Seventy Nine, all in the Second district of Lee County, for her negroes to work upon for her support, one horse, three cows, and calves, one sow and pigs, and Eight years old Hogs, Two Bedsteads & furniture, Tables and desk press & chairs, kitchen furniture, Crockery, Glass and tin-ware sufficient for her use, all of which my Executors shall make a schedule and she shall preserve them during her

Will of John Mercer, continued.

midwifery in keeping-house to her self. I wish my Executor to give her one year's provisions for her family, rice, and stock, but if she should wish to break up House-keeping at the time of my decease, and will relinquish the thing above bequeathed, in this 3rd Item, I wish my Executor to give her Four Hundred Dollars, as soon there-after as can be collected, but if the crop should be planted and in process of Cultivation, I wish the hands to work together to tend and house the crop, and in that event to give her Two Hundred Dollars More.

Item 4th = I give and bequeath to my Son Leonidas Remington Mercer the sum of Fifteen Hundred Dollars, -

Item 5th = I give, bequeath and desire with my Son Leonidas B. Mercer and my Son-in-Law William Jones, and my friend Dr. John B. Gilbert for the sole use, benefit and behoof of my Son Joel Ellatty Mercer, ^{Lee County Wills} ¹⁸⁵⁴⁻¹⁸⁹¹ ^{www.georgiapioneers.com} half of my Estate, (after my just debts are paid, and the fifteen Hundred dollars, bequeathed to my Son L. B. Mercer) consisting of money, Lands, negroes, Goods and Chattels, to be held by my Son Leonidas B. Mercer, William Jones and Dr. John B. Gilbert, in the possession of, and for the use, benefit and behoof of my Son Joel E. Mercer, and in case event to be subject to the payment of any liabilities of my Son Joel E. Mercer, or to be sold by him but to be used by him for the support of himself and family during his life, and then for the sole use and benefit of his heirs forever, in fee simple.

Item 6th = I give and bequeath to my daughter Rebecca Mercer, (now Jones by marriage) the other half of my Estate. - Item 7th = It is my wish that my Executor sell all my Lands, the Lot whereupon my Son Joel E. now lives excepted, as long as he shall think proper to remain upon it, Goods and Chattels, of public or private sale as they may think best, and in their own time, with the exception of those things bequeathed

Will of John Mercer bequeathed,

ed to my wife, but after her death, inter-
marriage, or my sleeping house, that they sell
the articles also, which was in her possession of
which they have a Schedule, and they divide the
negroes into two lots as nearly as they can be,
(taking care to keep Daniel and Phillis his wife
together), and the lots be drawn by some disinterested
persons for my daughter Rebecca be, and for the
use of my son Joel E. his lifetime, and after
his death to be possessed by her Children forever,

Item 8th = I do hereby appoint and constitute my Son, William B. Mercer, my Son in Law William Jones and
my friend John B. Gilbreck my Executors to this
my Last Will and Testament, and I do fully
empower them to do and perform as Executors
all that which is herein contained, and I
do now declare this to be my only true
Last will and Testament. In Witness Whereof
I have hereunto set my hand and affixed my
Seal, this Fifth November in the year of our
Lord One thousand Eight hundred & fifty-one,
(Signed,) John Mercer,

Signed, Sealed and acknowledged, by the said
John Mercer, as his Last Will and Testament, in
the presence of us, who in his presence and in the
presence of each other, have hereunto subscribed our
names, the day and year above written,

Attest,

Jeremiah Hillsman,
James Pope,
Leonard D. McDowd,

Georgia, } Before me came William Jones, and John
Lee County, } B. Gilbreck, two of the Executors of the Last
Will and Testament of John Mercer, deceased,
in open court, and produced the Last Will
and Testament of said John Mercer, deceased,
who being duly sworn say that they believe the
paper here produced to be the Last Will and
Testament of John Mercer, deceased, also

47

Will of John Mercer. Continued.

comes in open Court Simon D. McLendon, and Jeremiah Stillman, subscribing witnesses to said Will, who also being duly sworn say that they saw John Mercer, the Testator sign seal and publish the paper produced in Court as his Last Will and Testament, fully voluntarily and of his own accord and without any Compulsion or under influence whatever, that at the time the Testator was of sound and disposing mind and memory; that the deponents signed said Will as Witnesses in the presence of the Testator, and at his request, and in presence of each other, and of James Pope, who is also witness thereto, Sworn to and subscribed to in open Court, this 5th April 1852.

Recorded April 15th 1852.

George L. Dickson Deputy
Clerk William Newcom, Ordinary.

Lee County Wills

1854-1891

www.georgiapioneers.com

It being made to appear that the original Will of John Mercer, recorded, was destroyed by fire in the burning in the Court-House in said County; It is hereby ordered that the within Copy be and is hereby set up in lieu of said Original destroyed as aforesaid, and it is further ordered that the same be Recorded as such.

January Term 1865.

E. A. Watson,

Ordinary.