

Test of Benjamin
Macon County

Test Well & Intament of Ezzel H. Adams,
resident of said State & County,

Item 1st - Intending my Will to be a final disposition of my
Estate, I hereby make any and all Wills heretofore
made by me.

Item 2nd - I wish my Executors herein after named, as soon as
possible after my death, to pay all my just debts.

Item 3rd - I give to my Wife Martha Adams, for and during
her natural life - the following property to wit:
my Plantation known as the John Place, situate in this
County but formerly in De Kalb County, on the east side of
Pilot River - and containing Eight Hundred Acres
more or less - also three mules to be selected by her from my
Males, twenty five head of stock Hogs, and four Cows
& Calves, One yoke of Oxen and Carts, all to be selected
by her in the same manner - Also my Horse & Buggy -
also four feather Beds, Bed shades and mattresses & bedding
for the same, to be selected and chosen by her, and
such House hold & Kitchen furniture as she may require,
to be judged of and determined by my executor and
to be chosen and selected by her, Also the following named
negro slaves to wit: Old Eliza, about 30 years old, Benjamin,
a Woman, about 30 years of age, and her Children Adeline
about Eight years old, Albeck a boy about two years old and Jim
a boy about ten months old I have a fellow about thirty
years old and his Wife Judy or Jane about twenty five years
old, Amos a fellow about twenty years old, and his
Wife Minerva about eighteen years old, also Peter a girl
of yellow complexion and about fifteen years old, and Margaret
a girl of yellow complexion about twenty years old, & having
her child a girl about five years old - also Virginia a girl
child (or Margaret) about three years old, And upon the
death of my said Wife, all of the above described property
and the monies thereof, to revert or come back into my
estate, and to be equally divided among my last heirs,
And such shares or portion of said property named in this
Will & the monies thereof as shall fall to the or come to my

daughter (after the death of my ^{said} wife) to wit, Elizabeth Massey
(Wife of James Massey) Celia (Wife of Nathan Massey), Charlotte
(Wife of Thomas Lytle), Sarah Ann, (Wife of Asaphen Eshelby),
and Martha (Wife of Martin Schuler) shall be the sole and
separate property of my said daughter respectively, and their
children (by then present or any future husband) not subject
to the debt or contracts of their present or any future husbands,
but to be held in trust for the sole and separate use,
benefit & behoof of my said daughter & their children
respectively, and should any of my said daughter die before
my said wife, then their Portion or share of said property to go
their children surviving them, then their And should any of
my said daughter die before my said wife leaving no child
or children surviving them, then their share or shares of
said Estate in remainder not to go to their husbands,
surviving them, but to return to or remain a part of
my estate, and be divided among my other heirs. but
subject to the same trust, limitation and condition
as far as any of my daughter are concerned, as aforesaid
This provision for my said wife, continued & set forth in
this item is intended by me, to be in lieu of dower,

Item 4th

I give and bequeath to my son James S Adams, my lot of
Land number thirty six (36) in the fifteenth (15th) District
of originally Houston, now Macon County, containing two
Hundred two & a half acres more or less, also one feather
Bed, Bedstead, Mattress & Bedding for said Bed and
Mattress, also a portion of Household & Kitchen furniture,
about equal in am^t, quality & value to the portion heretofore
given off by me to my other children or a majority of them
to be judged of and determined by my executor, also
two Cows & calves, a yoke of Oxen to cart and two sows
and Pigs

Item 5th

I give and bequeath to my son William, my lot of
Land number thirty five (35) in the fifteenth District of Macon
County, but originally Houston County, containing two
Hundred two or half acres be the same more or
less, also one feather Bed & Bedding for the same

On But Shad & Matres and a flock of turkeys and chickens
Turnstone to be judged of and determined by my Executors equal
in quality, value and amount to the portion to the portion
lastly given off by me to my other children as a portion of
them, also two (2) Cow Slaves, a pole of Oxen and by last
and two Sows & Pigs.

Item 8.

I wish my Executors to keep ~~to keep~~ together all the rest and
residue of my estate both real and Personal until such time
as all my debts may have been paid, and the law suit
(in equity) pending against me in Macon County Superior Court
in favour of Felix St. Johnson, as Complainant shall have
been finally ended and determined, unless my said Executors
and my other legatee shall, before the happening of these
contingencies by unanimous Consent, make an amicable
and satisfactory agreement among themselves as to a division
of such residuary Estate.

I wish my Executors to pay my debts from
such money as may be in hand at the time of my death
and from the proceeds of such Cotton or other crops as may
be on hand, or made and sold by my Executors (in their
discretion) and should have not be sufficient to pay all my
debts and liabilities, then my Executors in their discretion
to sell such of my property embraced in said residuary estate
for the purpose as may be necessary; and such as they
may consider best for the interest of my estate to be sold.

And after all my debts and liabilities are paid off and
out of & from said residuary estate or the property not being
before or after given or disposed of specifically, and after the
final determination of said suit or equity Cause - or
upon such amicable and satisfactory agreement by
unanimous Consent as aforesaid as to a division -
it is my will and desire, that all the rest, residue and
balance of my property of every kind and description (not
herein and specifically designated and disposed of) be
equally divided share and share alike between and among
my children to wit: John D. JAMES, Jr. William & Joseph
and my daughter Elizabeth Messing (Wife of George Messing)
Celia Wife of (Nathan Messing) Caroline, Wife of
Thos. J. Lytle, Sarah Ann, Wife of Asa H. Shady.

And Martha Wife of Martin I Shickel, as portion of my said daughter, Elizabeth, Julia, Caroline, Sarah Ann, and Martha, to be their separate property and to be held in trust for the sole and separate use and benefit of the said Elizabeth, Julia, Caroline, Sarah Ann, and Martha, and their children, by their present or any future husbands, and the same not to be in any manner subject to any debt liability or contract of the present or any future husband, of either of my said daughters, but should either of my said daughters die, leaving a husband surviving her but without child or children surviving her, then the said trust as to her & her children to cease, and her said share or portion in the said trust property or fund to vest absolutely and unconditionally in her said husband surviving.

Item 7th

I give and bequeath and bequeath to Mary Ann Horne the daughter of my Wife, by a former husband, a Negro girl as much as seven or eight years old, to be settled and taken by me & expended from the residuary property of my Estate, further, said Negro girl and her increase to be the separate property in trust, of the said Mary Ann Horne, for her natural life, not in any manner to be subject to the debts and contracts of her present or any future husband, and after her death, the said Negro girl and her increase to become the property of the children of the said Mary Ann by the present or any future husband.

Item 8

I do hereby appoint my son John D Adams and my two sons in law, Nathan M Masses & George L Masses, Executors to this my last Will and testament. In testimony whereof I have hereunto set my hand, this the twenty fifth day of July, in the year of Our Lord, Eighteen hundred and sixty one (1861)

E. H. Adams

Signed and published by Ezekiel H Adams as his last Will Testament, in our presence as witnesses, shunks, by his request 25 day of July 1861.

W. J. Patton

Recorded 15 Jan. 1862

J. L. Parsh. Ordway

L. B. Henderson

J. B. M. Hamal

George H. Fish