

In the name of God Amen
I John R. Helton
planter of Macon County, Georgia being in
the enjoyment of my usual health and duly
appreciating the prosperity of arranging my
worldly affairs while blessed by a kind pro-
vidence with health of body & soundness of
mind and with gratitude to a Benificent
Creator for many mercies and favors do
make publish and declare this my last Will
and Testament hereby revoking and annulling
all other Wills and Testaments by me made
Item First

I wish all my just debts Paid without
any unnecessary delay and my body buried in a
decent and christian like manner and a
Marble Monument to be created over my remain-
ing and enclosed by a substantial iron or
granate fence the whole not to cost more
than One Thousand Dollars

Item Second

I give and bequest to my brother
Noah Helton of Salaporsia County, Alabama and
Leroy M. Helton of Macon County, Georgia
and William H. Kearnell of Gates County, North
Carolina Twenty One (21) Negro Slaves to be
selected out of my estate at my death of
my most valuable negroes that I may die
possessed of and for the uses and purposes
and trusts following to wit: To have and
to hold the same upon the special confidence
and trusts following for the sole and separate
use of my seven nieces(?) hereafter named
to wit: Elizabeth Ann Welsh Ruthy Jacobine
Welsh Martha Manah Welsh and Sarah
M. Welsh daughters of my sister Ann
Welsh And Mary Frances Hare Jane Elizabeth
Hare and Corlie Hare daughters of my
sister Louisa Hare My said sisters now
residing in Gates County, North Carolina

Also I give and bequeath to said
said like trust Terms and Condition such farm
or plantation as I may leave in Cultivation at
my death with all the lands and appertin-
ences belonging thereto and that my said Trust-
tees employ said twenty or Slaves thereon also
I give and bequeath to them as aforesaid upon
the Trust aforesaid all necessary plantations
tools implements of husbandry, Mules Stock feed-
ing for one year to be selected by my Executors
The said Trustees to take charge of said twenty
one negroes said plantation and appertinences
said Mules and Stock provisions Tools imple-
ments of husbandry, &c. &c. and with the same keep
up and carry on my farm and plantation and
after defraying the necessary expenses of the pl-
antation to divide the net profits thereof into
seventy equal shares and pay to each of my before-
named nieces one equal part or share to the sole
and separate use of my said nieces respectively
free and exempt from the control or legal liabil-
ities of any husband or husbands with whom they
or either of them may marry. When either of
my said nieces shall marry she may if she desire
so to do draw out here share of the negroes
and the remaining negroes to remain in common
for the benefit of those who do not so draw
out until all marry. The property in all cases
and at all events and under all circumstances
to be and remain to the sole and separate use
of my said nieces respectively for and during
their full period of their natural lives respectively
and at their death respectively to their children
respectively free and exempt in all cases under
at all times from the control of their respective
husbands or in any way bound by or for the
control or liabilities or either of them in any
way whatever. If either of my said nieces
the children of my sister Ann Melah should
die without leaving children living at her

death on the final descendant children then living them and in that event and part to share to rest in god and belong to her surviving sisters and so as to my nieces the daughters of my sister Susan Hall If I die without children or the final descendant of a child or children then living to go to rest in the surviving sister or surviving sister If all my said nieces should die without living children then living or the final descendant of a child or children then living the whole of said estate real and personal and all the Natural increase thereof to return to rest in and become a part of my estate and disposed of as herein after mentioned If either of said nieces or two or more of them should desire to take my land and plantation and the stock thereon and thereon and reside on the same then and in such case I wish them at the measure of the last surviving said niece to have the same she or they taking the same at a fair valuation to be then made one full half to be paid to my said seven nieces and the other full half to other nephews and nieces then living or to their children if then dead Except as following

My niece Fanny Hancock formerly Fanny Harrell and daughter of James H. Harrell is not in any event to receive any thing from my estate And to save repetition I now state that in all cases wherein I speak of a distribution among my nephews & nieces in this my will I wish it understood and taken that she does not participate and is entirely excluded from any share or interest my estate I authorize and empower my executors and the survivors or survivors of them to sell off my estate real and personal when the time or period of sale or distribution arrives and to sell for cash or on reasonable credit Well

secured and the payments conveyed to
at public or private sale and without apply-
ing to the Ordinary for leave to sell and
make execute deliver to the purchasers good
and effectual deeds of conveyance And as
above stated one half of the net proceeds
of the sale to my said seven nieces and
the other half to my other nephews and nieces
with the restriction and qualification above
stated

Item third I wish all my estate real and
personal kept together until the death of
my two sisters Ann Wesh and Louisa Hadd
and I will and direct that my executors
do pay to each of them one hundred dollars
per annum during their respective natural
lives to their sole & separate use respectively
and all my legatees with them should my
said seven nieces arrange satisfactory with
my said sisters as to assuming and paying
said annuities respectively then and in such
case upon my said sisters being fully satis-
fied then the period of settlement may not
be postponed for the purpose of proceeding for
for said annuities as above provided for
And a division and distribution may be had
or made all of my legatees and devisees all-
signing and discharging this burden

Item fourth I give and bequeath to my nephew
Josh B Felton son of David Fisher Felton
four, two (42) acres of land more or less in Gates
County North Carolina known in the division
of the Estate of Noah Felton as lot number
nine and to his heirs and assigns forever
and if he dies without leaving a child or
children living at his death then to his
brothers and sisters then living in equal
shares

Item fifth I give and bequeath to my

Nephew John M. Helton son of my brother
Elisha Helton forty two (42) acres of land more
or less known in the division of Estate of
Noah Helton as number six (6) and if he
dies without leaving child or children then
living then to his brothers and sisters
Item fifty

I give and bequeath the Eliza Ann Gartin
daughter of David Elisha Helton forty one acres
of land more or less lying and being in Gates
County North Carolina known in the division
of the Estate of Noah Helton as lot number
four (4) and if she dies without leaving child
or children then living then to her brothers and
sisters

Item 7 I give and bequeath to my niece Martha
Fremma Helton daughter of David Elisha Helton
forty acres of land lying in Gates County North
Carolina known in the division of the Estate
of Noah Helton as lot number one (1) and if
she dies without leaving child or children
living at her death then to her brothers and
sisters

Item 8 I give and bequeath to my sister
Loucia Hare during her life and at her
death to her children the place wherein she
now resides and to their heirs forever to their
sole and separate use respectively, as a home
and not subject to any husbands debts contracts
or legal liabilities

Item 9 All the rest and residue of
my Estate not herein before disposed of
of any and every kind or nature whatsoever
situated I give and bequeath to my other
nephews and nieces in equal shares or portions
The children of David Elisha Helton first
accounting for the value of the property
I have given them under this my will
And after so accounting to share equally
with the others The children of John

Mr Helton son of Shadrick R Helton to take and receive the part or share that would fall to said John M Helton also the same as to the Children of Noah B Helton and not him And the said Mary Hancock and her heirs excluded from any participation as above stated

Item 10

I nominate and appoint Levy Murre Helton and William H Helton Trustees Testamentary Guardians of the Children of John M Helton son of Shadrick R Helton also I appoint them together with Harrell of Gates County, North Carolina Justices and Testamentary Guardians of the Children of Noah B Helton

Item 11

I nominate constitute and appoint my friend and relation Noah Helton Junior of Alabama Levy Murre Helton and William H Helton Executors to this my last Will and Testament - directing them in some short and convenient time after my death to make a full and perfect inventory and appraisement of my Estate and Return the same to the ordinary for record And in all things earnestly enjoin them to carry in letter and in spirit this my last Will and Testament.

Item 12

As to Item 10 in this my Will the same being the general residuary Clause in this my Will is that whereas I having given twenty one negroes to my seven nieces the Children of my two sisters Ann Welsh and Louisa Hale and feeling that I have according to my Estate provided as liberally for them as I can consistently with a due regard to the Claims of others on my bounty Will order and direct that in the distribution of my other negroes over and above said twenty one negroes they nor either of them shall not participate therein

nor in any event receive any share or part thereof but shall and may participate and share equally with my other nephews and nieces as to the sale of the said perishable property stock money and notes and all other property except the negroes property (The clause on first Page in 55 line made and done before signing and sealing.)

In witness whereof I John R. Felton have hereunto set my hand and seal to this my last Will of two Sheets of paper containing eight Pages at known by my signing my name at the bottom of the third Page and by signing my name and now hereto affixing my seal this 26th twenty sixth day of September 1856 at Macon Georgia

John R. Felton (S)

Georgia
Bibb County ³ Signed Sealed, published and declared by the Testator John R. Felton as and for his last Will and Testament— who at his request and in his presence and in the presence of each other have hereunto signed our names as Witnesses
The 26th Sept 1856

Thomas P. Stubbs
Thomas J. Lane
Daniel Wangabook

Georgia
Macon County ³ Personally came before us and each of us John R. Felton and published before us and in our presence and hearing that the above and foregoing contains his true last Will and Testament & that the same was signed and sealed & published by him as such in and at his request and in his presence and in the presence of each other

have signed the same as witnesses this 4th day
of November 1836
Test John A Hunter
James A Stubble
Schabod Davis

John R. Feltom

Recorded March 23 1837

H. J. Collins Ordinary