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It is proved by the Court that said will be admitted to record
and that letters Testamentary be granted to Frederick J. Swan or
of the executor in said will named

Georgia } I, Frederick J. Swan a solemnly swear that this
Monroe County } writing contains the true last will of the within
named }
Mamie } Rachel Luffman died so far as I know or
believe that I will not & truly execute the same by paying first the
debts & then the legacies contained in the said will as far as her goods
& chattels will thereto extend and the law charge me and that
I will make a true & perfect inventory of all such goods & chattels
so help me God
Frederick J. Swan
Given to & subscribed in open

Court - Jan'y 11 1841
E. C. Calaniff C. C. C.

Recorded by H. L. Lupton Aug 26 1841
E. C. Calaniff C. C. C.

Georgia } In the name of God Amen I Benjamin Hays of the
Monroe County } county and state aforesaid being in usual health of body
and of sound mind and memory, not being well apprised that it is
appointed for all men once to die, do make and ordain and publish this
as will and testament. First I give my soul to God who gave it, hoping through
the merits of the great Redeemer that it will be prepared for his presence. I
give my body to be decently buried in a manner suitable to my circumstances
at life and as to the worldly goods it has pleased God to bless me with I
shall distribute in the following manner - First It is my will that
all my just debts be paid

Secondly - I give and bequeath unto my beloved Wife Mary Hays
five hundred acres of land whereon I now reside, being a part of lot
number seven in the Eleventh District of said county together
with the following named Negroes, viz, Jack, Mareah and her
child, Danny, Eliza, Chance, Susan and her child Stephen,
together with the house hold & kitchen furniture and two
horses she may chose, any two cows and calves she may select, one
yoke of steers and cart, as many plantation tools as she may find
necessary to work the plantation with, also my barouche, as many
stock hogs as she may wish together with my stock of sheep,
together with as much provision as will be sufficient for support
for twelve months, all of which I give to my beloved Wife to be
hers forever and to be expaid of as she may think proper, together
with all the ready money which may be on hand at my death.

Thirdly - I give to my son Benjamin Hays the following
named negroes to be his in fee simple forever, viz,
Emmanuel a man, Lucy a woman and her child

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Jesse to be subject to the thirteenth item.

Fourthly - I give to the children of my Son John Hagar
Deceased the following Negroes, viz. Elijah a man and
Cindy a woman, subject to the thirteenth with the increase.

Fifthly - I give to my son Benjamin Hagar the following
Negroes, Raleigh a man and Esther a woman together with
the increase, subject to the thirteenth item.

Sixthly - I give to my Daughter ^{Stephen Thompson} ~~Samuel~~ the following
Negroes, Mary a woman and her infant child and old Panny
and Rincah, subject to the thirteenth item.

Seventhly, I give to my Daughter, Nancy Stroud the
following Negroes, Vin a man and Judy a woman
subject to the thirteenth item.

Eighthly - I give to my Daughter Elizabeth the following
Negroes, Phillis a woman and Burwell a boy subject to the
thirteenth item.

Ninthly - I give to my Daughter Sarah Trammell the
following Negroes, Abner a woman and Clara a woman
subject to the thirteenth item.

Tenthly - Having already advanced to my son James Hagar
the sum of twenty two hundred and forty dollars, now
then I have heretofore given to my other children
It is my will that he receive nothing from my estate
until the above named legacies are advanced to
that sum according to the expressed intention of the
thirteenth item.

Eleventhly, I give to my granddaughter Isibah Hawthory the
sum of four hundred dollars.

Twelfthly - It is my will and desire that all the rest and
residue of my property both real and personal not already
disposed of be sold as to my executors may seem most
advantageous and the proceeds be appropriated as
mentioned in the next item.

Thirteenthly - It is my will and desire that the court
appoint three disinterested freeholders who are to value
the Negroes given to each of the above named legates
(except my Wife) and after they are so valued - for the Money
arising from the sale of the property mentioned in the
twelfth item to make them all equal or as near so
as possible by paying the proceeds of the sale to those whose
Negroes may be valued at the least sum to make
them all equal - first taking out the bequest of
four hundred dollars mentioned in the eleventh

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item - and if the Negroes given and the proceeds of the sale should make the share of each legatee amount to the sum of twenty two hundred and forty dollars then it is my desire that my son James come in and share equal with the other legatees for the surplus over that amount.

"Fortiethly - If any of the Negroes mentioned in the above legacies should die before the appraisement then I will and desire that such loss may first be made up to the legatee to whom said Negro may be given and if of the proceeds of said sale mentioned in the twelfth item

"Fiftiethly - where any increase may take place in any of the legacies above mentioned, it is my desire that said increase be considered as vested and that such increase go to whom the mother may be willed.

"Sixtiethly - I appoint my beloved son Benjamin Haggard and John Thompson the Executors of this my last will and testament, hereby revoking all former Wills by me at any time made.

Signed, sealed, published Benjamin Haggard Seal
and declared to be the last will and testament of Benjamin Haggard in our presence and we have subscribed the same in the presence of the testator and in the presence of each other.

This the 4th day of March 1840

M. G. Hornace
Daniel M. C. Hay
W. A. Jones

Georgia

Monroe County? Personally appeared in open court Daniel M. C. Hay one of the subscribing witnesses to the foregoing will who being duly sworn deposed and said that he saw Benjamin Haggard sign seal publish & declare the foregoing instrument as for his last will and testament and that he was present in presence of testator & at his request in presence of each other and of this deponent attested said will as a witness and that said Benjamin Haggard at the time of the execution of said will was of sound disposing mind & memory & that said Benjamin Haggard at the time of the execution of said will was of sound disposing mind & without compulsion. Sworn to & subscribed in open court this 11th day of March 1841. Upshaws, Clerk Daniel M. C. Hay