

Joseph Brittain's Will

Georgia Muscooke County

In the name of God. Amen,

I, Joseph Brittain of said State and County, being of sound and disposing mind and memory, but being of advanced age, & knowing that I must shortly depart this life, deem it right and proper, that I should make a disposition of my property. I do therefore make, publish and declare, this, to be my last will and testament, hereby revoking all wills, by me heretofore made

Item 1st I desire and direct, that my body be buried in a decent and Christianlike manner suitable to my circumstances and situation in life.

Item 2^d I give bequeath and devise, to my daughter Mrs Elizabeth Kelly, the south half of lot of land No 17 in the 7th District of said County, and also eight acres off of lot No 18, in said 7th District, the same being in the South West Corner of said lot No 18, To have and to hold to her and her heirs and assigns forever

Item 3^d I give, bequeath and devise, to my grand children John H. Brittain Sarah E. Langford and Melbey Ann Jones, children of my deceased son John Henderson Brittain, the sum of Five dollars each in money

Item 4th I give bequeath and devise to Benjamin F. Brittain, in trust for the sole use and benefit of my son Francis W. Brittain, his heirs and assigns the south half of lot of land No 16 in the 7th District of said County to his own use benefit and behoof forever

Item 5th I give, bequeath and devise, to my beloved wife Milly Brittain for and during her natural life, the balance of the lands I may be seized and possessed of at the time of my death, and which have not been disposed of in this will. Also all the Mules, Horses, Cattle, Hogs &c &c, to be used and enjoyed by her, for and during her natural life, and at her death said property both lands and stock, shall be sold by my Executor herein after named, and the proceeds of said sale, divided equally, between my children Benjamin F. Brittain, Francis W. Brittain, and Elizabeth Kelly, The share however coming to the said Francis W. Brittain shall be paid to the said Benjamin F. Brittain in trust for the said Francis W. to be for his sole use and benefit

Item 6th I give, bequeath and devise, all the money, Stocks, Bonds &c I may die seized and possessed of, to my beloved wife Milly Brittain, and to my children Benjamin F. Brittain Francis W. Brittain and Elizabeth Kelly, the same to be equally divided between them

Item 7th I hereby constitute and appoint my son Benjamin F. Brittain Trustee for my son Francis W. Brittain. And I also constitute and appoint my said son Benjamin F. Brittain as Executor of this my last will and testament

In witness whereof I the said Joseph Brittain have hereunto set my hand and affixed my seal on this the 27th day of October 1875

Joseph Brittain (J.B.)

Joseph Brittain Will

Muscogee County, Georgia Wills, Book C, 1875-1881
www.georgiapioneers.com

Signed, sealed, declared and published, by the above named Joseph Brittain as his last will and testament, in the presence of us, who at his request, and in his presence, and in presence of each other, have subscribed our names thereto as witnesses.

Henry F. Everett
James A. Bradford
John W. Cargill

Georgia Muscogee County

Before me Francis W. Brooks Ordinary in and for said County personally came James A. Bradford, Henry F. Everett and John W. Cargill to me personally known, who upon being duly sworn, depose and say, that they are present when Joseph Brittain then in life, but now deceased, executed the instrument hereto annexed, bearing date the 27th day of October 1875: that said Joseph Brittain published and declared the same to be his last will and testament, and signed his name thereto in presence of these deponents, who at the request of the said Joseph Brittain subscribed their names thereto as witnesses, in his presence and all in the presence of each other, and deponents further say that at the time of executing and publishing said will, the said Joseph Brittain was of sound and disposing mind and memory, and that the same was done without any undue influence, constraint or compulsion so far as witnesses know or believe.

Sworn to & subscribed before me
this August 6th 1877

F. W. Brooks Ordinary

James A. Bradford
John W. Cargill
Henry F. Everett

Georgia Muscogee County

I, Benjamin F. Brittain do solemnly swear that this writing contains the true last will and testament of Joseph Brittain deceased, so far as I know or believe, and that I will will and truly execute the same in accordance with the laws of this State. So help me God

Sworn to & subscribed before me
this 6th day of August 1877

F. W. Brooks Ordinary

Benjamin F. Brittain

Muscogee Court of Ordinary
August Term 1877

The foregoing instrument of writing admitted to Probate & Record in Common form as the last will and testament of Joseph Brittain deceased upon the affidavit of James A. Bradford, John W. Cargill and Henry F. Everett the subscribing witnesses thereto

August 6th 1877

F. W. Brooks
Ordinary