

Georgia
Richmond County }

In the name of God Amen.

I Hugh Nibbitt of the County and State aforesaid, being weak and infirm of body but of perfect mind and sound and disposing memory, do make ordain and publish this to be my last will and testament - That is to say -

First. I will that my body be buried in decent Christian burial, and that my funeral expenses and just debts be promptly paid by my Executors.

I give and bequeath unto my beloved wife Eleanor L. Nibbitt the free use and occupation of a dwelling house in Augusta now in the occupation of Franklin C. Heard, together with the yard, appendages, and structures attached and belonging, untill my youngest child then surviving shall arrive at the age of twenty one years, and then to belong to my said wife and six children hereafter - or to the survivor or survivors of them then and then alive.

I give and bequeath unto my said wife Eleanor L. Nibbitt all the household and kitchen furniture of which I may die possessed, and also the sum of her own choice from all the slaves of which I may die possessed - to have and to hold the same to her, her heirs and assigns forever.

It is my will wish and desire that all the rest and residue of my Estate both real and personal or of whatsoever nature or kind the same may be, be evenly and equally divided, between my wife Eleanor L. Nibbitt and my six children viz. Elizabeth B. Nibbitt, Hugh O. Nibbitt, John Nibbitt, Robert Nibbitt, Mary Ann White Nibbitt and James Nibbitt, to have and to hold the same to them and their heirs forever.

It is further my wish, will and desire that if any of said children should die under the age of twenty one and without lawful issue, then and in that event the share or portion of my Estate being due to said child or children shall go to his her or their surviving brother and sisters share and share alike.

6th It is my express will, that the legacy and seventh part of my property hereby given in fee simple to my said wife Eleanor S. Nesbitt be considered and taken in lieu and bar of her dower or thirds in and singular my lands and real Estate, and that unless she consent, and elect, within twelve months after my decease to receive the same in fee and lieu of her said dower - It is then my will that my said wife take nothing from my personal Estate, but be exclusively confined to her dower in my real estate, and that the remaining part of my property both real and personal be equally divided among my six children in the manner before stated share and share alike - to them their heirs and assigns forever.

7th It is my will and desire that my Estate remain undivided in the hands of my Executors until a division may become necessary by the marriage of some one of my children before named, or by the arrival of some one of said children at the age of twenty one years. Provided nothing contained shall be construed to prevent the removal of my Executors or any of them, by the Court of Ordinary for a mismanagement of my estate. And Provided also that nothing in this clause contained shall prevent my wife Eleanor S. Nesbitt from claiming and receiving her distributive share of my estate should she think proper to do so at any time after the expiration of twelve months from the qualification of my Executors or either of them.

8th It is my will that my Executors carefully and judiciously manage my estate whilst the same remains undivided in their hands, and to annually pay over to the distributees under this my will or to their lawful guardians as the case may be, their and each of their shares or portions of the net income of my estate share and share alike. It is further my will and desire that the guardians hereafter named of said children respectively shall annually as well as the said net income of my estate, receive and collect the income of said children's property and after discharging the necessary expenses of said children's education shall carefully, safely and judiciously invest the same in said income on interest, or real estate, or in any of their discretion.

Witness my hand and seal this 10th day of March 1884.

by appoint Samuel Clarke and
of the persons and property of any
they respectively become legally qualified to
and estate.

An writing whereof I have hereto set my hand and
the day of July in the year of our Lord one thousand
eight hundred and twenty seven.

signed sealed and published
in presence of us, in presence
of each other

Hugh M. Clarke

John Forsyth
C. F. Campbell
Arthur Shaff

Georgia

Richmond County } Clerk's Office of the Court of Ordinary
Wednesday the 12th day of November 1825

An Chambers, Present their Honors, John G. Holt &
Gabriel Berry

The last will and testament of Hugh M. Clarke late of said
County deceased was presented by John Moore and William Bond
the Executors in and by said will named and appointed, for probate
and proven upon the oath of Edward F. Campbell, a subscribing
witness to the same,

Whereupon, Ordered that the said last will and testa-
ment, be presented to the next Court of Ordinary to be admitted
to record, and that in the mean time Letters Testamentary be
granted to John Moore and William Bond, the Executors in
said will named.

The said Executors were at the same time duly
qualified.

Just William Longstreet Clerk

At a Court of Ordinary held in and for the County of
Richmond on Thursday the sixth day of January 1827, the
said last will and testament of Hugh M. Clarke late
of said County deceased, was presented in Court and
to be recorded.

Just William Longstreet Clerk