

In the name of God Amen

I James Gardner of the City of Augusta and State of Georgia desiring to make a testamentary distribution of my property and Estate while my mind retains its Vigor unimpaired by any of the Casualties of which men of every age, and particularly those in the decline of life are subject. Do make publish and declare this to be my last Will and Testament

First

That my body be interred after the manner of Christians and that the Expenses of the burial and of my last illness, as well as all debts which I may owe at the time of my Death be promptly paid by my Executors out of any Money I. May have at the time of my Death

Secondly

I Give and bequeath the whole of my Estate real and personal, of whatsoever the same may consist, which shall remain after the payment above directed, to my wife Elizabeth Gardner and to my friends William B. Montgomery and George W. Crawford to be held by them, their heirs Executors, Administrators, assigns, or Successors forever;

In trust nevertheless, and for the uses hereinafter expressed and for none other, to wit: in trust, and for the use of those among whom I shall by this my Will or any Codicil thereto direct my said Estate to be distributed and in the manner ^(and) proportions therein expressed:-

Having already given to my son Henry Gardner more than would be his proportion on an equal division of my Estate, but being desirous that he should not be left without a maintenance (he having been unfortunate in his efforts in business and to give him an evidence of my continued affection for him, my will is, that the trustees above named and their Successors pay to him annually the sum of One hundred and fifty Dollars until my youngest child shall have attained the age of twenty one years, from which time the sum is to be increased to the sum of three hundred Dollars to be paid annually during

this to be my last Will and Testament

First

That my body be interred after the manner of Christians
and that the Expenses of the burial and of my last illness
~~as well as all debts which I may owe at the time of my~~
Death be promptly paid by my Executors out of any money
I may have at the time of my Death

Secondly

I give and bequeath the whole of my estate
real and personal, of whatsoever the same may consist, which
shall remain after the payment above directed, to my wife
Elizabeth Gardner and to my friends William R. Montgomery,
and George W. Crawford to be held by them, their heirs
Executors, Administrators, assigns, or Successors forever;

In trust nevertheless, and for the uses hereinafter
expressed and for none other, to wit: in trust, and
for the use of those among whom I shall by this my Will
or any Codicil thereto direct my said estate to be distributed
and in the manner ^(and) proportions therein expressed:-

Having already given to my son Henry Gardner more than
would be his proportion on an equal division of my estate, but
being desirous that he should not be left without a maintenance
(he having been unfortunate in his efforts in business
and to give him an evidence of my continued affection
for him, my Will is, that the trustees above named
and their Successors pay to him annually the sum of
One hundred and fifty Dollars until my youngest child
shall have attained the age of twenty one years, from
which time the sum is to be increased to the sum of
three hundred Dollars, and to be paid annually during
the life of Henry Gardner and to him only. It is my
will that the sum be increased to the sum of three hundred
Dollars before the time above limited, if there should
sooner be a final distribution of my estate occasioned
either by the death of my wife Elizabeth Gardner, or by
her consent and advice and of one of her Co-Trustees
which annuity is never under any circumstances to be
subject to any debts which my said Henry has
Contracted

My Daughter Ann should not have
received from me before my Death an amount
of property equal to her just proportion of my
estate, My will is, that the Trustees above named
do immediately pay over to such person or persons as
be named by her, and for her sole and separate use and
benefit, a sum which with what she has already received
will amount to an equal distributive share of my estate
as hereinafter made among my other children:-

It is my Will and desire that no further
other division of my estate be made until my Youngest
Child attain the age of Twenty One Years, or until the
death of my Wife Elizabeth Gardner, but that the whole
be kept together for the use and Maintenance of Elizabeth
Gardner, and for the Maintenance and Education
of my Children other than those herein before named
and provided for, unless from events which I cannot
foresee it should in the opinion of Elizabeth Gardner and
one of her Co-Trustees become necessary, of which they
have the full power to judge and determine: Yet if
one or more of my daughters should be married with
the consent and approbation of their mother Elizabeth
Gardner, the Trustees above named, or their Successors
may set apart if they think it advisable to do so a portion
or the whole of the distributive share to which such
daughter or daughters would on a final division be
entitled, to be so secured that if she or they die without
leaving issue or leaving issue, that if she die before
attaining the age of twenty one years, the same shall
revert to and form a part of my undivided estate.

My further will and desire is, that a division of
my estate, on my Youngest Child arriving at the age of
Twenty One years or sooner if my Wife Elizabeth Gardner and
one of her Co-Trustees think it advisable, be made in the
following manner-to wit- that one third part (or if they
prefer it Twenty Thousand Dollars in property at a just
Valuation) my wife Elizabeth Gardner
I do give

as hereinafter made among my other Children.

It is my Will and desire that no further other division of my estate be made untill my Youngest Child attain the age of Twenty One Years, or untill the death of my Wife Elizabeth Gardner, but that the whole be kept together for the use and Maintainance of Elizabeth Gardner, and for the Maintainance and Education of my Children other than those herein before named and provided for, unless from events which I Cannot foresee it should in the Opinion of Elizabeth Gardner and One of the Co- Trustees become necessary, of which they have the full power to judge and determine: Yet if One or more of my Daughters should be married with the Consent and approbation of their Mother Elizabeth Gardner, the Trustees above named, or their Successors may set apart if they think it advisable to do so a portion or the whole of the distributive share to which such daughter or daughters would on a final division be entitled, to be so secured that if she or they die without leaving issue or leaving issue, that issue due before attaining the age of Twenty One Years, the same shall revert to and form a part of my undivided estate.

My further will and desire is, that a division of my estate, on my Youngest Child arriving at the age of Twenty One years or sooner if my Wife Elizabeth Gardner and One of her Co- Trustees think it advisable, be made in the following manner to wit- that one third part (or if they prefer it Twenty Thousand Dollars in property at a just Valuation) be set apart for my wife Elizabeth Gardner for her Life with power to dispose of the Same by Will to any one or more of my Children or their Issue and that the Residue be equally divided between my Children who may then be in life and the issue of such as may be dead as representing their Deceased parents, other than my son Henry Gardner and my Daughter Anna Gould, and that their respective shares be severally conveyed to them for their use by the Trustees above named or by

and that if My Wife Elizabeth Gardner should die, the portion set apart to her be distributed among my children and proportions. But in any distribution which shall be made, the Trustees will always retain until the death of Henry Gardner sufficient to secure to him his annuity in equal proportions from the shares into which my estate shall be divided.

I should either of the persons named as Trustees in this My Last Will, die the survivors have the power to appoint a Successor to be invested with as full power as if he were herein expressly named, which power of appointment it is my desire the survivors shall immediately exercise on the happening of the contingency. My Will and desire is that My Wife Elizabeth Gardner be and I hereby appoint her guardian of the persons and property of My Children until they attain the age of Twenty One Years, or until the Marriage of My Daughter should she live so long, and give her power to appoint other Guardians at her Death, and expressly declare it to be My Will, that should either of My Daughters Marry without the Consent and approbation of Elizabeth Gardner, and contrary to her Wishes, she shall from that time until she obtain the approbation of the said Elizabeth Gardner forfeit all interest in my Estate and the portion to which she would otherwise have been entitled shall fall into my Estate and be distributed as if such Daughter were Dead, without issue.

Reposing the most full and entire Confidence in my beloved wife Elizabeth Gardner, and in my friends General Sullivan W. Montgomery and George S. Swiggs James J. Gardner and George W. Crawford Esquire, I hereby appoint them the Executors and Executrix of this My last Will and Testament and do hereby solemnly revoke and annul all former Wills which have been at any time heretofore made by me.

In Witness whereof I have hereunto set my hand and seal this twentieth day of May in the year of our Lord one thousand eight hundred and thirty three.

to appoint a Successor to be invested with as full power
as if he were herein expressly named which power of appoint
it is my desire the survivors shall immediately exercise in
the happening of the Contingency. My Will and desire
is that my wife Elizabeth Gardner be and I hereby
appoint her guardian of the persons and property of
my Children untill they attain the age of Twenty One Years,
or untill the Marriage of my Daughter should she
live so long, and give her power to appoint other
Guardians at her Death, and expressly declare it to be
my Will that should either of my Daughters marry without
the Consent and approbation of Elizabeth Gardner, and
Contrary to her Wishes, she shall from that time untill
she obtain the approbation of the said Elizabeth
Gardner forfeit all interest in my Estate and the
portion to which she would otherwise have been intitled
shall fall into my Estate and be distributed as if such
Daughter were Dead. Without issue.

Reposing the most full and entire Confidence
in my beloved wife Elizabeth Gardner, and in my
private Friends William R. Montgomery and George L. Swigg
James F. Gardner and George W. Crawford Esquire, I
hereby appoint them the Executors and Executors of
this my last Will and Testament and do hereby
Solemnly revoke and annul all former Wills which
have been at any time heretofore made by me.

In Witness whereof I have hereunto set
my hand and seal this seventeenth day of May in the
Year of our Lord One Thousand Eight Hundred
and Ninety.

James Gardner

Signed Sealed published and in charge of my
declared by the Testator to be his last Will and Testament
Will and Testament in our presence and in the presence of each other
Signed by us as witnesses thereto in his presence and in the presence of each other
W. Campbell
August 1890

Should my Daughter Ann D Gould not have
received from me before my Death an amount
of Property equal to her just proportion of my
Estate, my will is, that the Trustees above named
do immediately pay over to such person or persons as she
be named by her, and for her sole and separate use and
benefit, a sum which with what she has already received
will amount to an equal distributive share of my Estate
as hereinafter made among my other Children:-

It is my Will and desire that no further or
other division of my Estate be made until my Youngest
Child attain the age of Twenty One Years, or until the
death of my Wife Elizabeth Gardner, but that the whole
be kept together for the use and Maintenance of Elizabeth
Gardner, and for the Maintenance and Education
of my Children other than those herein before named
and provided for, unless from events which I cannot
foresee it should in the Opinion of Elizabeth Gardner and
One of her Co-Trustees become necessary, of which they
have the full power to judge and determine: Yet if
One or more of my Daughters should be married with
the Consent and approbation of their Mother Elizabeth
Gardner, the Trustees above named, or their Successors
may set apart if they think it advisable to do so a portion
or the whole of the distributive share to which such
daughter or daughters would on a final division be
entitled, to be so secured that if she or they die without
leaving issue or leaving issue, that issue die before
attaining the age of Twenty One Years, the same shall
revert to and form a part of my undivided Estate.

My further will and desire is, that a division of
my Estate, on my Youngest Child arriving at the age of
Twenty One years or sooner if my Wife Elizabeth Gardner and
One of her Co-Trustees think it advisable, be made in the
following manner to wit- that one third part (or if she
prefer it Twenty Thousand Dollars in property at a just
Valuation) be set apart for my wife Elizabeth Gardner
for her Life, with power to be disposed of the same by Will
to any one or more persons or their Issue and the

as hereinafter made among my other children:-

It is my Will and desire that no further other division of my estate be made untill my Youngest Child attain the age of Twenty One Years, or untill the death of my Wife Elizabeth Gardner, but that the whole be kept together for the use and Maintenance of Elizabeth Gardner, and for the Maintenance and Education of my Children other than those herein before named and provided for, unless from events which I cannot foresee it should in the opinion of Elizabeth Gardner and one of the Co-Trustees become necessary, of which they have the full power to judge and determine. Yet if one or more of my daughters should be married with the consent and approbation of their Mother Elizabeth Gardner, the Trustees above named, or their Successors may set apart if they think it advisable to do so a portion or the whole of the distributive share to which such daughter or daughters would on a final division be entitled, to be so secured that if she or they die without leaving issue or leaving issue, that issue die before attaining the age of Twenty One Years, the same shall revert to and form a part of my undivided estate.

My further will and desire is that a division of my estate, on my Youngest Childs arriving at the age of Twenty One years or sooner if my Wife Elizabeth Gardner and one of her Co-Trustees think it advisable, be made in the following manner to wit- that one third part (or if she prefer it Twenty Thousand Dollars in property at a just Valuation) be set apart for my wife Elizabeth Gardner for her Life, with power to dispose of the same by Will to any one or more of my Children or their Issue and that the residue be equally divided between my Children who may then be in life and the issue of such as may be dead as representing their Deceased parents, Other than my Son Henry Gardner and my Daughter Anna Gould, and that their respective shares be severally conveyed to them for their use by the Trustees above named or by their

and that if My Wife Elizabeth Gardner die the portion set apart to her be distributed in the same manner and proportions. But in any distribution which may be made, the Trustees will always retain until the death of Henry Gardner Sufficient to secure to him his annuity in equal proportions from the shares into which the same shall be divided.

Should either of the persons named as Trustees in this My Last Will, die the survivors have the power to appoint a Successor to be invested with as full power as if he were herein expressly named which power of appointment it is my desire the survivors shall immediately exercise on the happening of the contingency. My Will and desire is that My Wife Elizabeth Gardner be and I hereby appoint her Guardian of the persons and property of My Children until they attain the age of Twenty One Year or until the Marriage of My Daughter. Should she live so long, and give her power to appoint other Guardians at her Death, and Expressly declare it to be My Will, that should either of My Daughters Marry without the Consent and approbation of Elizabeth Gardner, and contrary to her Wishes, she shall from that time until she obtain the approbation of the said Elizabeth Gardner forfeit all interest in My Estate and the portion to which she would otherwise have been entitled shall fall into My Estate and be distributed as if such Daughter were Dead. Without issue.

Reposing the most full and entire Confidence in my beloved wife Elizabeth Gardner, and in my friends General William W. Montgomery and George S. Swigg James G. Gardner and George W. Crawford Esquire, I hereby appoint them the Executors and Executrix of this My last Will and Testament and do hereby solemnly revoke and annul all former Wills which have been at any time heretofore made by me.

In Witness whereof I have hereunto set my hand and affixed my seal this 10th day of May in the

to appoint a Successor, to be invested with as full
as if he were herein expressly named which power of appoint
it is my desire the Survivors shall immediately exercise on
the happening of the Contingency. My Will and desire
is that my Wife Elizabeth Gardner be and I. hereby
appoint her Guardian of the persons and property of
my Children untill they attain the age of Twenty One Years
or untill the Marriage of my Daughter. Should she
live so long, and give her power to appoint other
Guardians at her Death, and Expressly declare it to be
my Will, that should either of my Daughters Marry without
the Consent and approbation of Elizabeth Gardner, and
Contrary to her Wishes, she shall from that time untill
she obtain the approbation of of the said Elizabeth
Gardner forfeit all interest in my Estate and the
Portion to which she would otherwise have been intitled
shall fall into my Estate and be distributed as if such
Daughter were Dead. Without issue.

Reposing the most full and entire Confidence
in my beloved wife Elizabeth Gardner, and in my
Friends General William H. Montgomery and George S. Swiggs
James G. Gardner and George W. Crawford Esquire, I
hereby appoint them the Executors and Executors of
this my last Will and Testament and do hereby
Solemnly revoke and annul all former Wills which
have been at any time heretofore made by me.

In Witness whereof I have hereunto set
my hand and seal this Seventeenth day of May in the
Year of our Lord One Thousand Eight Hundred
and Forty

Signed Sealed published and no change of any kind
declared by the Testator to be his last Will and Testament in and before and
Signed by us as Witnesses thereto in his presence
and in the presence of each other
W. Campbell
Augustus Howard
P. H. ...

Geo. M. Morgan.

Isaac Morgan

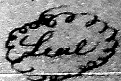
Georgia

Whereas I, Isaac Gardner of the City of Augusta in Said State have made and duly executed my last Will and Testament in writing bearing date on the Seventeenth Day of May in the Year of our Lord Eighteen Hundred and Thirty; Now I do hereby declare that this present Writing to be a Codicil to my Said Will, and direct the same to be annexed thereto and taken as part thereof, And I do hereby give unto the said Elizabeth Gardner, (William & Montgomery & George (Esq. Crawford) their heirs and Successors all & every part or parcel of Property of whatsoever Kind or Nature it May Consist which is according to my Said Will directed to be set apart and appportioned to my Daughter Anna, to hold the same upon Trust and for the interests and purposes under & subject to the powers, provisions, and declarations, hereinafter expressed, With respect thereto therunto thereto to wit that the said appportionment & distribution thereof shall be applied to the sole use Maintenance and Support of my said Daughter Anna during her Natural Life, and after her Death to be Equally Divided Among her Children, that are Now in Life or which May hereafter be Born. But that under no Circumstances shall the same or any portion thereof be Appropiated or in any wise applied to the payment of any Debt of the present or future Husband of the said Anna; Nor shall the said Distribution thereof be paid, held, or used by her present or future husband, so that the same shall be used or applied in the payment of any Debt of the said Anna.

any Debt or Demand which may exist or hereafter exist against him or any future Husband.

And it is to be hereby expressly understood, and I do order and direct that if I should make advance of any kind whatsoever to, for or on account of the present or any future husband of my said Daughter Anna either in the payment of Money, incurring liability for the payment of Money by Endorsement or otherwise, or should transfer or Deliver over any Property, then the sum or the Value thereof, shall on a final Division of my Estate, be added to and become a part of the Distributive Share, to be apportioned to the said Elizabeth Gardner, William B. Montgomery & George B. Crawford their heirs & Successors for the benefit of my said Daughter, Anna, according to the trusts, provisions, powers, and Conditions heretofore expressed and set forth. And I do hereby ratify and confirm my said Will in every thing except where the same is hereby revoked and altered as aforesaid.

In Witness Whereof I the said James Gardner have to this Codicil set my hand and seal this Twenty Fifth Day of July in the Year of Christ 1831

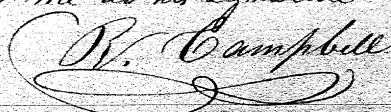
James Gardner. 

Signed Sealed and published
by the said James Gardner as
and for a Codicil to be added
to and considered as a part of
his last Will and Testament in
presence of us who have subscribed
our names in his presence,

the Word, "Will" interlined

Acknowledged to me as his signature

I Seal.



or the Value thereof, shall on a final Division of
Estate, be added to and become a part of the
Distributive Share, to be apportioned to the said
Elizabeth Gardner, William B. Montgomery & George
B. Crawford their heirs & Successors for the benefit
of my said Daughter, Anna, according to the trusts, powers,
and Conditions heretofore expressed and set
forth. And I do hereby ratify and confirm
my said Will in every thing except where the same is
hereby revoked and altered as aforesaid.

In Witness Whereof I the said James
Gardner have to this Codicil set my hand and
seal this Twenty Fifth Day of July in the Year of
Christ 1831

James Gardner. 

Signed Sealed and published
by the said James Gardner as
and for a Codicil to be added
to and Considered as a part of
his last Will and Testament in
presence of us who have subscribed
our names in his presence,
the Word "Will" interlined
Acknowled to me as his signature
I Seal.



A. Piequet Not Publ.
S. B. Cooke



I do further nominate and appoint my son James
one of my Executors, to execute this my Will and Codicil
Witness my hand and seal this Twenty Third day
of May Eighteen hundred and thirty Four.
Henry B. Holcomb
Geo W. Morgan
Isaac Morris

James Gardner