

State of Georgia, Before ^{me} Joseph J. Kouff Ordinary in and for
Caylor County, Said County on Monday the 6th of August 1860 being
a regular term of the Court of Ordinary in and for said County James
P. Miller and William H. Miller Executors of the last will and Testament
of William R. Miller late of said County Deceased and the Witnesses of
said Will to wit: William J. H. Mitchell John V. Gray and
James J. Gray which Witnesses being duly sworn depose and say
that they saw William R. Miller the Testator sign seal declare
and publish the Instruments now presented as his last Will and
Testament freely Voluntarily and of his own accord and without
any compulsion or Influence whatever that at the time of the execution of
said Will said Testator was of sound ^{and disposing} mind and memory that deponents
signed said Will as Witnesses in the presence of Testator and at
his special instance and request and in the presence of each
other ~~and in the presence of each other~~
me in open Court Aug 6 = 1860

Joseph J. Kouff } John V. Gray
Ordinary } William J. H. Mitchell
James J. Gray

It is Ordered that the Will be admitted to record as satisfactorily
proven in Common form and that the executors James P. Miller
and William H. Miller have leave to qualify and upon so doing
that Letters testamentary issue to them

J. J. Kouff
Ordinary

State of Georgia, In the name of God Amen. I James Duncan
Caylor County of said State and County being of advanced age but
of sound and disposing mind and memory knowing that I must shortly
depart this life deem it right and proper both as respects my family
and myself that I should make a disposition of the property with which
a kind Providence has blessed me I do therefore make this my last Will
and Testament hereby revoking and annulling all others heretofore made.
1st I desire and direct that my body be buried in a decent and
Christian like manner suitable to my circumstances and condition
in life. my soul I trust shall return to rest with God who gave it
as I hope for salvation through the merits and atonement of the blessed
Lord and savior Jesus Christ.

2nd I desire and direct that all my just Debts be paid without
delay by my Executors hereinafter named and appointed
3rd I give bequeath and devise to my beloved wife Susan M. Duncan
the plantation whereon I now reside containing all the lands and tenements
belonging also all the farming tools of every description and all the
stock in said plantation of every kind and description including horse
cattle hogs even hives & bee hives and also all the provisions that may

Be on hand at my Death including the growing crops of corn cotton &c together with the Waggons Carts & Suggies and all the household and Kitchen furniture that I may own at my Death also the following named Negro slaves to wit Moss a man Haven a man Green a boy John a boy Henry a boy William a boy Harrison a boy big Perry a woman little Perry a woman Emily a woman Matilda a woman & Thersmah a girl to have said property during her natural life or widowhood and at the death of wife or upon her intermarriage all of said property to be equally divided amongst my four children to wit Thomas H. Duncan James M. Duncan Martha E. Wooddy and Lucretia A. Duncan Subject to the restrictions and limitations contained in item ninth of this Will

Item 4th I give and bequeath to my son Thomas H. Duncan a Negro girl a slave by the name of Ann and her increase which Negro is now loaned to my said son and which Negro I value at Twelve hundred Dollars said gift to be subject to the restrictions and limitations contained in item ninth of this Will

Item 5th I give and bequeath to my daughter Martha E. Wooddy a Negro woman slave named Mary and her child Emily (said negroes are now loaned to my said daughter) (which negroes I value at Four hundred dollars) said gift to be subject to the limitations and restrictions contained in item ninth of this Will

Item 6th I give and bequeath to my son James M. Duncan a Negro slave named Wiley which negro is now loaned to my said son and which negro I value at Twelve hundred dollars said gift to be subject to the limitations and restrictions contained in item ninth of this Will

Item 7th I give and bequeath to my daughter Lucretia A. Duncan, John a Negro girl, a slave which negro I value at Eight hundred dollars, said gift to be subject to the limitations and restrictions contained in item ninth of this Will

Item 8th I give and bequeath to my children ^{Thomas H. Duncan, James M. Duncan, Martha E. Wooddy and Lucretia A. Duncan} all of my estate not heretofore disposed of by this Will, to be equally divided between them, subject to the limitations and restrictions contained in item ninth of this Will

Item 9th I devise and direct that all the property given by me in this Will (of whatever kind) to my children Thomas H. Duncan, James M. Duncan, Martha E. Wooddy and Lucretia A. Duncan, shall not be subject to any debt or contract of my said children but that each of said children shall receive their respective shares given in this Will in trust for them and for the support and maintenance and education of their respective children and at the respective deaths of my said children their respective share or shares of my said property shall vest absolutely in their respective children and in the event that any of my said children shall die leaving no child or children then their respective share of said property shall be equally divided amongst their brothers and sisters living at the time of the death of the said child or children and the share of the said child or children shall be subject to the same restrictions and limitations as is given in this Will

Item 1st I desire that at the death of my beloved wife Susan M. Duncan, that in the division of my property among my children hereinafter named that Shaddens E. Duncan shall have Two Hundred dollars to make him equal with my daughter Martha Moody and that James M. Duncan shall have Two Hundred dollars for the same purpose and that Emeline A. Duncan shall have Six hundred dollars to make her equal with the rest of my children and after said amounts are respectively paid to the above named children then the balance of my estate to be divided between my four children aforesaid according to them the third in this will.

Item 2nd I hereby constitute and appoint my wife Susan M. Duncan as executrix & James M. Duncan Executor to this my last will & Testament
This Sept 4th 1860 James Duncan

Witness, Testis, declared and published by James Duncan in his last will & Testament in the presence of us the undersigned who subscribed our names hereto in the presence of said testator at his special instance and request in the presence of each other, this Sept 4th 1860
W. H. Jenkins
Levi Stallings
James E. May

Georgia

Saylor County, Ga. Saylor Court of Ordinary December Term 1860
The will of James Duncan being produced in open Court by the Executors who had filed their petition to prove the same and the witnesses to said will, Messrs W. H. Jenkins, Levi Stallings and James E. May having subscribed the following affidavit endorsed on said will December Term 1860
Saylor Court of Ordinary came in open court Messrs W. H. Jenkins, Levi Stallings and James E. May being duly sworn depose that they saw James Duncan sign and publish the within as his last will and Testament while of sound and disposing mind that they witnessed the same for him at his request and in his presence each of other and that the same was read & republished by him on the day it purports to have been executed known to and subscribed before
Messrs W. H. Jenkins
Levi Stallings
James E. May

done this December 4th 1860

Joseph J. Huff Ord

Ordered that the Will be admitted to record as satisfactorily proven in common form and that the Executors, Susan M. Duncan and the Executor James M. Duncan have leave to qualify and upon so doing that either Testamentary issue to them
J. J. Huff Ordinary

Recorded Jan'y 4th 1861 J. J. Huff Ordinary