

Georgia In The Name of God, Amen
Group County I Jeremiah Horton of said State & County being of sound

& disposing mind & memory, but of an advanced age & knowing that I must soon depart this life, desiring it proper that I should make a disposition of such property as a kind providence has blessed me with, do make and ordain this my last Will & Testament in manner & form following

Item 1st

I give and bequeath to my Wife Frances the following described lots & parts of lots of Land all lying in the Eleventh District of said County according to the Original Survey & known in the plan of said District as Lots number one hundred & sixty-four (164) & number one hundred & sixty-three (163) each containing two hundred two & a half acres more or less, also three parts of Lots number one hundred & sixty-five (165) and number one hundred & eighty-nine (189) included within the following boundaries. To Wit, Commencing at the branch crossing the north line of number one hundred & sixty-five & running down said branch to its junction with flat creek, thence down the middle of said creek to the South West Corner of Lot No one hundred & sixty-four including that portion of said Lot No one hundred & eighty-nine within the said boundaries, for her own use & benefit during her natural life or widowhood & at her death or marriage I give and bequeath the said Lands to my son John H Horton, provided said Lands shall not have been sold or otherwise disposed of & the proceeds thereof laid out in other lands in which event my said son John H is to have the Lands so bought or exchanged I also hereby authorize my wife to devise or deliver possession of said Land & such portion thereof as she may think proper to my said son John H upon his arrival at the age of twenty one years. I also give to my wife Frances the following negroes to Wit, Jack a fellow, Daniel a boy - Henry a boy - Pally a woman & her child Peter together with her future increase - Phyllis a woman her child John & her future increase - Mary a woman & her increase - Oliver a fellow & all other Slave property of which I may die seized & possessed not hereinbefore otherwise bequeathed & disposed of. I also give to my wife Frances all my stock of every description not herein otherwise disposed of together with my Wagon and team, my cart, pleasure Carriage Cotton Gin & all my household & kitchen furniture plantation tools all the growing or matured crop & also all the money, notes & other evidences of debt which I may have in possession at the time of my death to be held & enjoyed by her during her natural life or widowhood. I do hereby authorize & empower my said wife to sell & make titles to the lands or any portion thereof herein bequeathed to her & to leave the proceeds thereof in other lands as she may deem proper provided the Lands so purchased shall be held by her in the same manner & on the same conditions as the Lands herein bequeathed, and I also in like manner authorize her to sell or otherwise dispose of any of the said negroes left to her, whenever in her discretion she may think it to the interest of herself or children

Item 2^d

I give and bequeath to my son Thomas R & Jeremiah I Lot of Land number one hundred & eighty-eight (188) in said District & County and also all the portions or residue of the said Lots one hundred & eighty-nine (189) & No one hundred & sixty-five not included in the boundaries hereinbefore described & bequeathed to my said wife, to be

best

Item 3^d I give and bequeath to my daughter Eliza A Duncan the following negroes Ann a woman & her child Harriett, Misajah a boy & Emeline a girl with their future increase, which said negroes have heretofore been delivered to her, I also give to her & her children forever three hundred dollars in money or other property at the death or marriage of my said wife to be secured to her & her children in the manner hereinafter pointed out

Item 4th I give and bequeath to my son Thomas R the following negroes, Paddy a man John a boy & Lucy a girl & her future increase - also one horse & saddle worth about one hundred dollars - also one bed, bedstead & furniture two cows & calves & two sows & pigs

Item 5^d I give & devise to my daughter Rebecca a M Mercier the following negroes Hannah a woman & her increase, George a boy, Bill a boy & Jim a boy to her and her children forever which said negroes have heretofore been delivered to her

Item 6th I give and bequeath to my son Jeremiah S the following negroes Anderson a man Ben a boy & Caroline a girl, with her increase also one horse saddle & bridle worth about one hundred dollars, one bed bedstead & furniture two cows & calves & two sows & pigs

Item 7th I give and bequeath to my son John A the following negroes Dave a boy, Lewis a boy, Lee a boy, & Malinday a girl & her increase also one horse saddle & bridle worth about one hundred dollars, also two suits of clothes one board bedstead & furniture two cows & calves & two sows & pigs

Item 8th I Will & devise that the lands & negroes herein bequeathed to my sons Jeremiah S & John A remain in possession of my said wife to be managed and controlled by her for their benefit until they arrive at the age of twenty one and to be turned over to them as they each successively arrive at age I also Will that my son John A have a good english education out of the proceeds of the property left in the possession of my said wife & that they be to the support of my said wife till they arrive at legal age, & in the event that any portion of the said negroes bequeathed to my sons Jeremiah S or John A should die or become discolored from good service before they arrive at age then their distribution shares to be made equal with my other children at the death or marriage of my said wife or sooner if she can span it to them

Item 9th I Will and devise that should either of my said sons should die during their minority - without marriage or leave then their distribution shares shall come back to my estate to be held by my said wife during her life or widowhood & at her death or marriage to be distributed as hereinafter directed

Item 10th It is my further Will that should my wife Thomas see proper to marry again that she shall first be made equal with my children in the distribution of my property - and then the balance in her hands not otherwise disposed of be sold and equally divided between her & my children & in the event of her death unmarried then the said property to be equally divided between all my children I Will further that the shares or portions to which my said daughters Eliza A Duncan & Rebecca M Mercier may be entitled under this clause in my Will shall be secured to them & their children by my executors hereinafter named whom I hereby authorize & empower to make such conveyances in Trust or otherwise as shall secure the said shares to the sole & exclusive use & benefit of my said daughters & their children & in the event of the death of either of

my said daughters without issue then their said distribution shares to
devise to my Estate & be equally divided amongst the balance of my
Children

Item 11th It is my express Will & desire that should any of my Children refuse to bear
their equal proportion of expence in any law suit or judgement that may come
against my Estate then the Child so refusing shall not be entitled to
any portion of the property to be distributed under the fourth Item or Clause
in my Will till such expence be defrayed

Item 12th I hereby constitute & appoint my beloved Wife Frances & my Sons Thomas R
& Jeremiah S Executors & Administrators of this my last Will & Testament
requesting them to pay all my just debts without delay
In Witness whereof I have set my hand & Seal this the 26th day of October
A.D. 1850 Intervent before assigned, signed, sealed, published & declared
before us the day and year above written
James S Phillips } Jeremiah Horton (S)
John T Carter }
John H Phillips }
Amos Sewell }

Georgia Probate Court of Ordinary May Term 1854
Personally appeared in open Court James S Phillips John T Carter
and John H Phillips subscribing witnesses to the assumed paper pur-
porting to be the last Will and Testament of Jeremiah Horton Deceased
and being duly sworn deponents & swore that they saw the said Jeremiah
Horton the Testator sign seal publish & declare the assumed instrument
now presented to the Court as his last Will & Testament freely, voluntarily and
of his own accord & without any Compulsion whatever that at the time of the
executing of said Will said Testator was of sound & disposing mind &
memory the deponents signed said Will as witnesses in the presence
of the Testator and at his special instance and request and also in the pres-
ence of each other persons in open Court this 1st day of May 1854
James S Phillips } Thomas C Evans Ordinary
John H Phillips }
John T Carter }

Georgia Probate Court of Ordinary May Term 1854
This day came Thomas R Horton and Jeremiah S Horton Executors of
the last Will & Testament of Jeremiah Horton late of said County
Deceased and performed in open Court for probate & record
said Will & Testament and said Executors having produced in open Court
James S Phillips John T Carter & John H Phillips the subscribing witnesses
to said Will & said Will & Testament having been sworn upon the oaths of said
witnesses in due form of Law and it appearing to the Court that due & legal
notice of the application of said Executors to probate said Will having been
given to all the parties in interest It is ordered by the Court that the same
be admitted to record, it is further ordered that the aforesaid
Thomas R & Jeremiah S be qualified as executors to said Will
and that Letter Testamentary do issue to them accordingly also that Henry
Brooks, Cyrus R Jenkins Wm Johns, Wm Hapson & Vincent L Lattis be
appointed to appraise said Estate & make return of the same to this
Court in Term of the Law
Thomas C Evans Ordinary