

State of Georgia In the name of God Amen!!

Know Cometh I John Shank of the State and County aforesaid being of advanced age and 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, do there fore make this my last Will and Testament

- Item 1st I desire and direct that my body be buried in a decent Christian like manner suitable to my circumstances and condition in life, my soul I trust shall attain to rest with God who gave, as I hope for eternal salvation through the merits and atonement of the blessed lord and saviour Jesus Christ whose religion I have professed and as I humbly request enjoyed for twenty four years
- Item 2^d I desire and direct that my just debts be paid without delay by my Executors herein after appointed as I am unwilling my creditors should be delayed in their rights especially as there is no necessity for delay
- Item 3^d I give bequeath and devise to my beloved Wife Mary with whom I have lived in the strictest quiet for thirty one years, during her natural life the present premises on which I live with the exception of one hundred acres of land in the south east corner of lot No one hundred and two (112) Midway a Negro Woman about 50 years old Joel about 40 years old, Peggy about 40, Haley a girl about thirty three years old Rebecca about seventeen years old, Linda a girl about sixteen years old, Sam a boy about fourteen years old, Pominah a girl about six years old, George a boy about four years old, Margaret a girl about three years old, Felix a boy about two years old Ann a girl one year old together with all the horses, cows, hogs, sheep, plantation tools household and kitchen furniture together with the growing crop, for her own support use and behoof for and during her natural life
- Item 4th I give and bequeath to my daughter Caroline Jennings Wife of Robert A Jennings and all her children free from the distribution of her present or any future husband my Negro Woman Mary about twenty eight years old, Maria a girl about thirteen years old Nancy a girl about seven years old, Isaac a boy about four years old, Malinda a girl about three years old, Adaline a girl about seven months old, forever and I appoint my worthy and trusty son John A Shank trustee of the property herein given and bequeath to my daughter Caroline Jennings and all her children
- Item 5th I give and bequeath to my daughter Jane Smith Wife of Wesley B Smith and all her children free from the disposition of her present or any future husband my Negro Woman Daphney about twenty five years old Elias a boy about eleven years old Alfred a boy about five years old, Anne a girl about three years old and I appoint my trusty and worthy son John A Shank trustee of the property herein given and bequeathed to my daughter Jane Smith and all her children
- Item 6th I give bequeath and devise to my son John A Shank one hundred one and one fourth acres of Land it being the south east half of lot No one hundred and two (112) also my Negro Woman Elizabeth about twenty three years old, Antiney a boy about eleven years old, Frances a girl about six years old, Austin a boy about six years old Sarah a girl about three years old, with all the rights, members and privileges to the above designated property forever
- Item 7th I give and bequeath to my son John A Shank one Cow calf, one bee head stand and furniture
- Item 8th I Will and devise in case of intermarriage of my widow she has the liberty to choose six Negroes out of the thirteen named in the third article to have and to hold during her natural life, then at her death to revert back to her two daughters and son, by first being appointed by three disinterested free holders on the same principle as set forth in the 4th & 5th Items

with cows and calves, three feather beds, bedsteads and furniture, the clock and all the little tables in the dwelling house one cow and stews one year's provision, the land with the exception of the part set off to my son John A. during her Natural life and I appoint my son John A. Shank Executor for his mother that the land and property thus devised be not wasted and squandered

Item 10th

I Will and devise that in case of intermarriage of my Widow the remainder of seven of the thirteen negroes be appraised by three disinterested freeholders and be equally divided between my three children on the same principle as set forth in the 4th and 5th items

Item 11th

I hereby constitute and appoint my beloved Wife Mary, executrix and my son John A. Shank Executor of this my last Will and Testament this 22nd July, 1852

Signed, sealed, declared, and published by John Shank as his last Will and Testament in the presence of us the subscribers, who subscribe our names, Wents in the presence of said Testator (at his special instance and request) and of each other this July 22nd 1852 William D. Morton, Benjamin W. Morton, D. C. Gillespie

Georgia Court of Ordinary March Term 1858
 Traugott Comby & John A. Shank Executors nominated in the within paper meeting proclaims the same as the true last Will and Testament of John Shank late of said County deceased and produces in open Court, at a regular term thereof Benjamin W. Morton and D. C. Gillespie two of the subscribing witnesses to the same, which witnesses being duly sworn depose and say that they saw John Shank the Testator sign, seal, publish and declare the within paper now propounded as his true last Will and Testament; that at the time of signing, sealing and declaring said Will, said Testator was of sound mind and disposing memory; that he signed the same freely, voluntarily, and without any of force, menace, that they signed the same in his presence and in the presence of each other as witnesses, and at his special instance and request that they saw William D. Morton also sign as a witness in the presence of Testator and alike at his special instance and request all of which having been proven to the entire satisfaction of the Court, it is ordered that said Will be admitted to Record as the true last Will and Testament of John Shank deceased and that John A. Shank and Mary Shank be qualified as Executors and Executrix to the same. It is further ordered that Ben W. Morton, Leonard A. Johnson, William Gaudin, Robert McJannet and R. D. A. Harper be appointed to appraise the Estate of said Deed and make return of the same in Terms of the Law.

Thomas W. Evans Ordinary

Recorded 2 March 1858 Thomas W. Evans Ordinary

Georgia { We Permelia Sims, James S Phillips, Elizabeth Allmons
Troup County { Mary J Horton and Nancy F Horton being present on
Tuesday night the second day of February in the year of Lord
Eighteen hundred and fifty eight at the residence of Mrs Malinda Williams
widow on the night aforesaid, the decaying conscious she was about to die, or more
shortly do so and being in perfect possession of her mental faculties heard her call upon
James S Phillips and tell him what she wished done with her property after her death, she
also wished him not to forget it, First she willed her daughter Mary J Horton to have
a certain Negro girl named Lilla, that a certain other Negro girl named Sarah should
be appraised and she willed that her daughter Nancy F Horton should take said girl
in view at the appraisement and keep her in the family where she could be taken care
of, and that her daughter Nancy F should pay to her two sisters Mary J and Lilla F
and her brother Walter & Horton their proportional part of the appraisement of said
Negro girl it being one fourth to each, That she also willed that tombstones be erected
over the graves of herself, her deceased husband Walter Horton and her four deceased
children, that she wished the residue of her property to be equally divided between her daughters
Mary J, Nancy F, Lilla F and her son Walter & Horton, and that she wished James S
Phillips to carry out her Will as above expressed, she at several times thereafter during
her illness requested James S Phillips not to forget to carry out her Will, on the Monday
morning following she breathed her last this 10th day of February 1858
intended before aforesaid

James S Phillips *ES*
Mary J. Horton *ES*
Nancy F Horton *ES*
Permelia Sims *ES*
Elizabeth Allmons *ES*

Georgia { In person appeared before me Edward Allmons, a justice of the Peace
Troup County { for said county, James S Phillips, Permelia Sims
Elizabeth Allmons, Mary J Horton and Nancy F Horton who being duly
sworn depose and testify that this paper contains the legible and verbal disposition
of the personal property of Mrs Malinda Williams deceased, and is just and true
in all its parts Edward Allmons JP { James S. Phillips Mary J. Horton
February 10th 1858 { Nancy F Horton, Permelia Sims
Elizabeth Allmons

Georgia { Court of Ordinary March Term 1858
Troup County { James S Phillips executor presents the within paper writing as the true
Cognate Will of Malinda Williams deceased of said county and produces
in open Court Mary J Horton Nancy F Horton, Elizabeth Allmons and himself witnesses
which witnesses being duly sworn, depose to the verity and validity of its contents at
the time of declaring and publishing said Will, and all the facts and circumstances
connected with the same having been proven to the satisfaction of the Court, it is
that the same be admitted to Record and that James S Phillips be appointed as
Executor thereof. It is further ordered that Edward Allmons, Mrs Sims, Lee Jenkins,
Wm Hopson and John Oliver be and they are hereby appointed to appraise said Estate
all of which being done before Court is done according to Law
Thomas C. Evans Ordinary

Recorded 2 March 1858 Thomas C. Evans Ordinary