

and that you attested the same as witnesses in the presence of the
testator and at his request - so help you God
Borrow to me Court Oct 3rd 1853.
Wiley A. Sims Executor.

Hiram Merrius
John L Dennis
Elijah Starnes

Recorded yth Oct 1853.

Wiley A. Sims Executor

The last Will and Testament of John Bird Executed

State of Georgia } In the Name of God, Amen!

Strong County } I John Bird of the County and State aforesaid being of sound
and disposing mind and memory, but Rememering that it is
appointed for all men once to die, do make public and declare the following to be my last
Will and Testament thus

1st Item I desire that all my just debts be paid so soon as can be done legally and properly
after my death -

2nd Item After the payment of my debts I Will the Remainder of my property (except as herein
after excepted) to be kept together on the plantation on which I may be living at the
time of my death, to be used, controlled and managed by my Executors and the
proceeds applied to the comfortable support of my Wife, and to the Education and
support of my three Children Alonzo Church Bird, Lavinia Amanda Bird,
and Corvelia A Bird untill the death of my wife Amanda M Bird -

3rd Item On the arrival of my son Alonzo Church at the age of Twenty one years, I desire that my
Executors give him off the following Negroes, Wilson, Wiley, Moses, George and Ambros
and on the marriage of my daughter Lavinia Amanda or her arrival at age I
desire my Executors to settle on her for her own exclusive use, separate sole and free
from the control of her husband by the interposition of a Trustee as they may
appoint, or otherwise and after her death to her issue and in default of issue
then to her Brother Sisters or the Representatives of Brother & Sister Alonzo Church
Bird and Corvelia A Bird then living, the following Negroes and their increase
to wit: Oan a boy about thirteen years old, Isamma a girl about two years old
Aron a boy about eight years old, and Sam a boy about three years old, and
Julius a boy about two years old, and on the arrival of my daughter Corvelia A
Bird at the age of Twenty one years or on her marriage then I desire my Executors
to settle on her for her own sole, exclusive and separate use for her life and after
her death to her issue & in default of issue then to her Brother Sisters or the
representations of her Brother and Sister Alonzo Church Bird & Lavinia Ama
Bird then living the following Negroes and their increase to wit: Green a boy
about thirteen years old, Adeline a girl about five years old, Henry a boy
about seven years old, and Leri a boy about two years old, and in the event of the
death of either of said children before their arrival at age or marriage and
without issue then I desire the property given in this Will to the one dying to
be divided between the survivors or all the survivors -

4th Item On the death of my said Wife Amanda M Bird, I desire my Executors to give off
my Negro woman Martha if alive to my son Alonzo Church, my negro woman
Pah to my daughter Lavinia Amanda, and my negro woman Patsy to my
daughter Corvelia A Bird in the same manner and under the same restric
tions contained in Item 3rd and also out of the property then remaining &
not above disposed of, I desire my Executors to give to each of my said
children the sum of Six hundred dollars in Cash and also then to

divide equally between said three children such share of Rail Road stocks as I may be possessed of - Then after such divisions and provisions as aforesaid I desire whatever property may remain Real or personal to be divided equally between all my children or their Representatives then alive including the three above mentioned and bequeath to, and not requiring any of my children who are now married to bring into hotch-pot what I have already given them -

4th Item If my wife should die before said children, or all of them first named should come of age or marry, then I desire my Executors to manage the property of said minors according to their discretion until the happening of such events -

5th Item I nominate and appoint my Brother Joseph Bird my friend Dr Nathaniel A Smith Executors and my wife Amanda M Bird Executrix of this my last Will and Testament - I also appoint my friend Benjamin H Hill Esq Executor of this my Will if he will accept the trust, and in any event, I desire that he act as the Attorney and Counselor of my Executors & Executrix receiving of them a reasonable and adequate compensation therefor and I also desire that he see this Will executed and carried out - In witness of all which I have hereunto set my hand and affixed my seal, and published the foregoing freely & deliberately as my last Will this the 23rd day of November A.D. 1844

signed, sealed, published & acknowledged

John Bird (Sd)

in presence of
Edmund S Harris

Thomas B Greenwood

Joseph Boyd

I make this Codicil to my foregoing Will

1st Item I give to my son Alonzo Church in addition to what I have given him in my Will a negro child Charles born of Pat - Since the making of the Will, to my daughter Lemina Amanda I also additionally give the negro girl child Kieroni born of Pat since the making of my Will, to my daughter Cornelia A I give additionally the negro girl child Mary Ann born of Pat, since the making of said Will all given to my children in the same manner as specified in the Will -

2nd Item Should my wife die before the arrival of my children ^{at age} to their marriage as mentioned in the 4th Item of my Will then I desire the use and proceeds of the Land on which I shall be living at the time of my death to be applied to the education & support of said minor children - The other land that I may have elsewhere to be divided as mentioned in Item #5 of my Will, I also give each child one Bed & furniture

3rd Item Should any of the negroes I have given my children mentioned in the Will die then I desire my Executors to make up the loss before a division out of my other property - In testimony of all which I have hereunto set my hand & seal and published and declared this as a Codicil to my last Will and Testament this the 1st day of December 1842

John Bird (Sd)

In presence of

S. H. Colquhoun

Amos M. Colquhoun

Benj H Hill

State of Georgia
Forsyth County

Court of Ordinary, November Term 1853

In Open Court appeared Edmund S Harris Thomas B Greenwood and Joseph Boyd who being duly sworn depose and say that they were present and saw John Bird sign, seal, publish & declare the

paper writing propounded to be his last Will and Testament that they at his request attested
 the same as witnesses in the presence of the Testator and each other and that at the time he was
 of sound and disposing mind and memory and did the same freely and voluntarily
 and at the same time appeared John H. H. Colquhoun & Benjamin H. Hill and being duly
 sworn depose and say that they were present and saw John Bird sign seal, publish and declare
 the Codicil propounded to be a codicil to his said Will and that deponents and said John
 H. Colquhoun signed the same as witnesses at his request in the presence of Testator & each other
 and that at the time he was of sound disposing mind and memory and did the same
 freely and voluntarily to the best of all their knowledge and belief sworn to & attested before
 Open Court Nov^r 7th 1853
 Wiley H. Sims Ordinary }

C. S. Harris
 Thos B Greenwood
 Joseph Boyl
 J. H. H. Colquhoun
 Benj H Hill

And Nathaniel W Smith one of the Executors nominated in said Will having
 duly propounded the same and produced said Witnesses & made Protest of the same
 Whereupon it is considered ordered and adjudged by the Court that said paper writing
 admitted to Record as the last Will and Testament of said John Bird deceased as duly
 proven and that letters Testamentary do issue to said Nathaniel W Smith as the Executor
 thereof on his taking the oath prescribed by Law, and said oath being then taken in open
 Court ordered that said letters do issue and it is further ordered that James Calhoun
 Alphonso Hemphill, Abner H. Borden, Nathaniel W. Ogden, and Daniel McMillan or
 any three of them be and the same are hereby appointed appraisers of said Estate
 Wiley H. Sims Ordinary

Recorded 8th Novem^r 1853

Wiley H. Sims Ordinary