

The Last Will and Testament of Lewis H. Hearn decd.

State of Georgia In the name of God Amen!!
County of Group I, Lewis H. Hearn of said County and State
being of sound and disposing mind and memory, and 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, a kind Providence has
blessed me with, do therefore make this my last Will and Testa-
ment, hereby revoking all others heretofore made by me.

Item 1st I desire and direct that my body be buried in a Christian-
like manner suitable to my circumstances and conditions in life;
my soul I trust will return and rest with God who gave it.

Item 2nd I desire and direct that all my just debts be paid with-
out delay, out of my effects.

Item 3rd I give and bequeath to my beloved wife Dorcas Hearn the
place wherein I now reside containing in all two hundred and fifty
acres more or less by Clark's survey being fraction number Eighty
Seven and part of fraction Sixty-eight which land is bounded
as follows, to wit, Commencing at the South Corner of said fraction
at the Chattahoochee River and running up said river to a
branch monthing into said River above the Cotton house field,
thence up said branch to its head, thence a due West course to the
original line (the same being the land I bought of Charles H. Hearn)
for and during her natural life and after her death to be sold
by my Executors; hereinafter appointed at public or private
sale as they may think best for the interest of my Estate and
the proceeds shall be equally divided amongst my Children
Shan and Shan alike under the restrictive stipulations and
reserve as hereinafter pointed out or designated by which they shall
receive and hold this part of my Estate as well as all other portion
of my said Estate they are each to receive from my Estate.

If however at any time it may be deemed necessary to the comfort
or advantage of my said wife to the interest of my said Estate that
said land should be sold or any part of the same and reinvested
in other property for her benefit or for the benefit of my said Estate,
then application shall be made in writing to any Court of competent
jurisdiction which application shall show that my said wife is
either with my Executors desire and have consented for such sale to
be made; and upon obtaining an order to that effect the property
in such application and order designated may be sold agreeably to
the directions to the order and decree of said Court and reinvested
in other property to be subject to the terms of this Will in like
manner as the land was heretofore designated.

I also give and bequeath to my said wife the following named
negroes to wit: John and his wife Deany, and Martha and little
Martha, and Suban, and Jeff, for and during her natural
life, provided she shall never marry again, but should she
marry again, then and in that case, my desire is that the
said negroes shall be by my Executors and my said wife be valued
and divided and half of the said negroes shall be kept by my
said wife to and for her separate use and benefit for and
during her natural life, and then shall go to and be

equally divided between my children, under the same restrictions and in the same manner as hereinbefore pointed out by which they and to receive their portions of my estate under this Will, and the other half of the said negroes to be in like manner divided between my children under the same rules and conditions and manner except that these last named negroes are to be divided at the marriage instead of the death of my said wife. I also give and bequeath to my said wife the farming utensils of every kind which were used on my said plantation and two mules or horses of her own choice from all my mules or horses and two Cows & Calves of her choice from all my cattle and two Sows and Pigs of her choice from all my hogs and one two horse wagon and my Carriage and harness and all of the household and Kitchen furniture used on and belonging to my said plantation and a sufficiency of provisions of every kind made on my plantation necessary for her support one year after my death to be apportioned by my executor.

And 4th I give and bequeath to my son John F. McEarns my negro girl Stancy absolutely and my negro boy Sam under the following conditions, to wit: That the said boy Sam is to remain in the possession of my said wife who is to have the benefit of his labor to be appropriated to the education of my minor children till my youngest son Sidney F. McEarns shall become of the age of twenty one year or shall die or my said wife shall marry or shall die then the said negro to become the property of my said son John F. without reserved all property of every kind going to my said son John F. either at my death or the marriage or death of my said wife or the becoming of the age of twenty one year or death of my son Sidney F. in any way arising out of or proceeding from my estate in any mode when received by him shall be his without reserved or restrictions —

I give and bequeath to my son James F. McEarns my negro girl Rechel without reserved and my negro boy George upon the same conditions and restrictions I give the boy Sam to my son John F. as above recited in this item of this will the said negro George shall remain in the possession of my said wife subject to the education of my minor children as hereinbefore provided for the possession of the boy Sam and no longer and all property of whatsoever kind going to my said son James F. under this will or any provision of it or otherwise of my estate after he shall be entitled to receive it under the provisions of this Will shall be his without reserved —

I give and bequeath to my son Henry M. McEarns my negro girl Sarah to be placed in the hands of a guardian appointed by the Court of Ordinary for his use as well as all other property going to him under this Will or any provision of it, or otherwise, of my estate. I also give and bequeath to my said son Henry M. my negro boy Jack upon the same conditions, restrictions and stipulations as I above give the boy Sam to my son John F. and the boy George to my son James F. as above recited in this item of this Will. The said negro Jack shall remain in the possession of my said wife subject to the education of my minor children as above

provided for the possession of the negroes Sam and George and no longer, all property of whatsoever kind, going to my said son Henry M. Under the provisions of this Will or otherwise after he shall be entitled to receive it under this Will shall be his without reserve.

I give and bequeath to my son Sidney J. Adams, my negro girl Pam to be placed in the hands of a guardian appointed by the Court of Ordinary for his use as well as all other property going to him under this Will or any provisions of it or otherwise, whatever of my Estate. I also give and bequeath to my said son Sidney J. my negro boy Robert upon the same conditions, stipulations and restrictions as I have above given the negro boy Sam. to my son John P., and the negro boy George to my son James T. and the negro boy Jack to my son Henry M. as above recited in this item of this Will the said negro Robert shall remain in the possession of my said wife subject to the education of my minor children as above provided for the possession of the boys Sam, George and Jack and no longer, thus to be placed in the hands of his said guardian, all property going to my said son Sidney J. after he shall be entitled to receive it under this Will of whatsoever kind of my Estate shall be his without reserve.

+ Item 5 I give and bequeath to my son John P. Adams as Trustee for my daughter Mary P. Cleveland and her children my negro girl Marrish to and for her sole and separate use and benefit free from the marital rights, debts, contracts, liabilities or claims of her parents or any future husband, she may hereafter have, for and during her natural life, then to go to her child or children should she have or leave any, if not then to revert and become part of my estate and be divided by my executors and trustees under the same rules, provisions and regulations as provided and pointed out for the division of property at the death of my said wife, I also give and bequeath to my said son John P. as Trustee for my daughter Mary P. Cleveland my negro girl Margaret to and for her sole and separate use and benefit free from the marital rights, debts, contracts or claims of her parents or any future husband, for and during her natural life, then to go to her children if she should have or leave any, if not then to revert and become part of my estate and be divided by my executors and trustees as provided for the division of property at the death of my said wife, the said negro Margaret shall remain in the possession of my said wife subject to the education of my minor children as above provided for the possession of Sam. by my son John P. and George by my son James T. and Jack by my son Henry M. and Robert by my son Sidney J. and no longer and then to be taken possession of by the said Trustee for the purposes above mentioned, as well as all property going to my said daughter under this Will or any provision of it or otherwise, of my estate whatever shall be taken possession of by the said John P. Trustee, to be held to and for her sole and separate use and benefit free from the marital rights, debts, contracts of her parents or any future husband as hereinbefore provided to revert as before provided for in case she should die without child or children.

Item 6th I give and bequeath to my daughter Mariah C. Kearns my negro girl Mabella to and for her sole and separate use and benefit free from the marital rights, debts, contracts, liabilities or control of any husband she may hereafter have, the said negro to be placed in the hands of a guardian appointed for that purpose by the County of Ordinary to be held as above provided for and during her natural life and after her death to go to her child or children should she have or leave any, but if not then to revert and become part of my estate and be divided under the rules and provisions for the division of property at the death of my said wife, between my children. I also give and bequeath to my daughter Mariah C. Kearns, my negro boy Charles to and for her sole and separate use and benefit, for and during her natural life, then to go to her children should she have or leave any, but if not to revert and become part of my estate to be either with all the property of whatever kind she may be entitled to receive or going to her under this Will or any provisions of it or of any part of my estate and be divided between my children as provided for the division of property at the death of my said wife; the said negro Charles shall remain in the possession of my said wife subject to the education of my minor children as provided for the possession of them by John G. and George G. Samuel T. and Jack H. Henry M. and Robert L. Sidney H. as fully recited and set forth in the 4th item of this Will and no longer, all of said property going to my said daughter Mariah C. after she shall be entitled to it under this Will, shall be placed in the hands of a guardian appointed as before provided, till she shall marry or become of the age of twenty one, then shall be placed in the hands of a suitable trustee legally appointed or constituted.

Item 7th Should any of the negroes so given off to any of my said children, die before they are taken possession of by them or guardians or trustees, as the case may be, then and in that case my desire is that the negro or negroes so dying shall be made good to such child or children (after the said negro or negroes so dying shall be valued by my executor and executor) out of the residue of my estate at the marriage or death of my said wife before a general division shall be made or at any other time there shall be property belonging to my estate subject to division.

Item 8th It is my will and desire that as soon after my death as practicable my executor and executor herein after appointed shall sell at public outcry or otherwise as they may think to the best interests of my estate, all the lands, tenements, houses, stocks, cattle, mules, hogs, sheep, goats and property of every description whatsoever or in any wise belonging to my estate not herein before disposed of (except there should be negroes) & by this Will, and collect up all debts and money due my said estate and divide the proceeds between my children, which when received by them they shall have the same kind of estate in it that they have in other property going to them, the parts going to my sons who are of the age of twenty one years at the time shall be delivered to them and the parts going to my sons who are not of age, shall be placed in the hands of guardians appointed as provided for

in the 4th item of this Will and the part going to my daughter Mary P. Cleaveland to be placed in the hands of her said Trustee or a Trustee legally appointed by the Chancellor to and for her sole and separate use, as is fully provided for in the 5th item of this Will to be held under the same conditions and to have the same kind of estate in said property as provided for her property in the said 5th item of this Will only that this property is to be immediately placed in the hands of her said trustee and this part of that division as well as all other property going to my daughter Moriah C. Hearn shall be placed in the hands of her Guardian, if single or under the age of twenty one year, but if married or of age then to be placed in the hands of her trustee legally appointed, to and for her sole and separate use and benefit and not otherwise as is fully provided for in the 6th item of this Will only that, this property shall be immediately taken possession of by her said Trustee or Guardian.

Item 9th It is my will and desire that my executor and executors shall provide well out of any funds belonging to my estate, when necessary, before making a general division, for the taking care of my old negroes, to wit, John, Dey and Martha, after they shall become old and so helpless as not to be able to take care of themselves, as they have been good and faithful servants. I am not willing that they shall be neglected in their old age but be provided with whatever may be necessary for their comfort.

Item 10th I give and bequeath to my son in Law William Cleaveland five Dollars, to be paid by my executor and executors out of the first money collected after the payment of my just debts.

Item 11th I hereby constitute and appoint my beloved wife Dorcas Hearn Executrix and my sons John H. Hearn and James J. Hearn Executors of this my last Will & Testament, to Will and truly execute and carry out the same.

This the 5th day of October A.D. 1858

Lewis C. Hearn



Signed, sealed, declared and published by Lewis C. Hearn as his last Will and Testament in the presence of us the Subscribers, who subscribed our names hereunto in the presence of said testator at his special instance and request and in the presence of each other the said Will being contained in the seven foregoing pages.

This the 5th day of October A.D. 1858.

James C. Herring
Benjamin F. Burright
H. P. Motley
Abraham M. Harris

Codicil to the Last Will and Testament of Lewis H. Hearn

State of Georgia } Whereas I, Lewis H. Hearn did on the fifth
Troup County } day of October, in the year of our Lord
Eighteen Hundred and fifty-eight, sign, seal, declare and
publish my last Will and Testament, in presence of James
S. Herring, Benjamin F. Custright, W. P. Mobley and Noah
M. Harris who signed the said Will and Testament as
witnesses; and whereas I am desirous of altering and chan-
ging a bequest and devise in said Will, I therefore make
and publish this Codicil to said Will.

Now therefore, my will is that my beloved Wife Prosser
Hearn shall have four mules or horses, four Cows and
Calves, four Sows and Pigs and one four horse waggon
instead of two mules or horses, two Cows and Calves, two
Sows and Pigs and one two horse waggon as specified
in the third item of my last will and Testament.

Also that my youngest Daughter, Moriah, have five
hundred dollars added to her portion of the Estate.

This March 12th. 1862.

Lewis H. Hearn (LS)

Signed, sealed, declared and published by Lewis
H. Hearn as the Codicil to his will and testament, of the
fifth day of October, Eighteen Hundred and fifty-eight,
in the presence of us, the subscribers, who subscribe
our names hereunto, in the presence of said testator, at
his special instance and request, and of each other,
This March 12th 1862.

J. T. Smith
J. W. Heralson
J. H. Dunsen Jr.

Court of Ordinary April Term 1862

State of Georgia } Before me Samuel Custright Ordinary of
Troup County } Said Court in open Court came in person
James Hearn } Executor said John S. Hearn and James Hearn
Executors of the last Will and Testament of Lewis H. Hearn
deceased, late of said County and also James S. Herring one
of the witnesses to said Will and Herndon W. Heralson
and Sanford H. Dunsen witnesses to the Codicil to said
Will and Testament, which said witnesses after the pro-
nouncement of said Will and Codicil in open Court, being duly
sworn depose and say, that deponent James S. Herring
saw the said Lewis H. Hearn sign, seal, publish and
declare the said instrument, as his last Will and Testa-
ment voluntarily and fully without compulsion, and he
signed said Will as a witness in the presence of testator
and also in the presence of Benjamin F. Custright,
W. P. Mobley and Noah M. Harris the other subscribing
witnesses to said Will, and deponent Herndon

W. Haralson and S. H. Danson say that they saw the said Lewis H. Hearn sign, seal, publish and declare the Codicil to said Will as a part of the same, voluntarily and freely without compulsion, that they signed said Codicil as witnesses in the presence of said Testator and of each other and all of said deponents say that at the time of the execution of said Will and Codicil the said Testator was of sound and disposing mind.

Shown to and subscribed before me
in Open Court April 7th 1862.

Samuel Cuthright
Ordinary

James S. Herring
S. H. Danson
W. H. Haralson

Court of Ordinary April Term 1862.

Georgia
Grass County } It appearing to the Court that the last
Will and Testament of Lewis H. Hearn deceased together
with the Codicil to said Will have been proved in Open
Court to the satisfaction of the Court and no objections
having been filed; It is ordered by the Court that said
Will and Codicil be considered proved and admitted to
records and that letters testamentary do issue to Dorcas
Hearn Executrix and John S. Hearn and James Hearn
Executors of said Will and Codicil. And it is further
ordered that Sanford H. Danson, Charles W. Hearn, Her-
man W. Haralson, Emmanuel Britton and Russell K.
Pythrip be, and they are appointed appraisers to
appraise said estate and return the same according to
law.

Samuel Cuthright
Ordinary

Recorded April 9th 1862

Samuel Cuthright
Ordinary