

Benjamin
Walker County, I Spencer Marsh of said State and county make
this my last will and testament making all others by
me heretofore made.

Item 1st - I desire all my just debts to be paid

Item 2nd - I give to my beloved wife Ruth D. during her natural life
all my colour black - at her death to my daughter Sarah A. Marsh

Item 3rd - I give to my said wife during her natural life the house and
premises, whereat we now reside, being situated across road or life,
eighty acres more or less being half of lot of land No Twenty nine in the
2nd dist 4th section in said county; also my household table and kitchen
furniture (not above disposed of) all my tools, carriages, wagons, farming
implements, farm produce, and provisions and live stock that may belong
to or be kept or used on said premises at my death, with full power to use
consume or otherwise dispose of said personal property and the increase
thereof, and the rents and proceeds of said real property. I also direct my
executors to invest for her use a sufficiency of my effects to make the
amount of two thousand dollars in good Georgia State or city bonds in
their discretion and to pay her the interest thereon annually or semi-
annually as collected, during her life. But at her death said real property
and bonds and all of said personal property, that may be left shall lapse
and become part of the residue of my estate to be distributed as
hereinafter provided. But my said daughter Sarah A. Marsh shall
have her election to take my said house and premises after the death
of my said wife and account for the same at a fair valuation in the dis-
tribution hereinafter provided for.

Item 4th - I give to Edwin H. Marsh, Andrew P. Allgood and Cicero
D. McButcher in trust for my own family of lots of land two, two hun-
dred and fifty, two hundred and fifty and two hundred and fifty three
in the 2nd dist 3rd sect Walker Co. now in possession of said Joseph f.
for the use and subject to the limitations hereinafter specified

Item 5th - I give to my executors in trust for the Baptist Church at
Lafayette Georgia such amount of money as will be equal to two hundred
and fifty dollars in good Georgia State bonds or good city bonds to be
by them invested in such bonds, and the interest thereon paid annually
or semiannually as collected to the Treasurers of said church for the support
of a pastor thereof. Should such executors cease to act then the Superior
Court of said county shall appoint a suitable man to carry out this prom-
ise. And should said church cease to exist then said fund to lapse
and be disposed of as provided in the next item.

Item 6th - All the residue of my estate I give equally to my son Edwin
H. (whose share is to be subject to the trust and limitations hereinafter

subject to the limitations hereinafter specified as to the share of the said Joseph f. f. Provided that there shall be deducted from the said Joseph f. f. share the sum of five thousand dollars in consideration of the bequest of land herein before made for his use, and other advancements made to him. And for the purpose of a division of said residue the same may be sold by my executors at public or private sale as they may elect. But my interest in the property of the said Manufacturing Company shall not be sold except by the consent of said Edwin H. Marsh, Mary and Allgood and Sarah A. Hawthorn, but shall be turned over to them and the said trustees for the said Joseph f. f. for his use and the use of said legacies jointly until it be necessary to sell the same to meet the bequest herein before made to my wife.

Item 2nd - I direct that all the property herein given to my son Edwin H. to be held and used by him during his natural life without restraint the profits therefrom to be his; nor shall he be liable to give any bond or be sued in law or equity for any waste or supposed waste thereof, and at his death the corpus only thereof to be equally divided between all his children.

Item 3rd - I direct that the land herein given to said trustees for the use of said Joseph f. f. remain in possession of said Joseph f. f. as a home for himself and family and he is to use the same and receive the proceeds thereof and that all other property and effects herein given to said trustees for his use be held and controlled by them and a sufficiency of the interest or profits thereof be paid by them to him from time to time during his life as in their judgment is proper and necessary for the proper support of himself and his family, and after his death in like manner to his wife Florida, and his children until such time as either child of the said Joseph f. f. shall marry and have born unto her a child this said trust to cease and all the effects in the hands of said trustees to be equally divided between the children of the said Joseph f. f. and his said wife Florida if she be then surviving; Provided that the share of the said Florida upon such division shall in no case exceed an equal share with said children in said land her part to include the dwelling house and improvements and the interest on five thousand dollars in Georgia State or city bonds to be purchased by said trustees and held for her use, and the interest thereon paid to her annually or semiannually as collected during her natural life, but her interest in said land and said bonds to be for natural life only, and on her death to go to the children of said Joseph f. f. equally and should the said Joseph f. f. and all his children die leaving no issue and the said Florida then surviving, then said trustees are still to have for her use as aforesaid during her life said land and five thousand dollars in bonds to be used and applied for her use as aforesaid and said trust as to her interest shall not cease, but continued until her death when the trust shall cease.

children should die without issue or if the said Joseph F. should die leaving no child or issue of a child him surviving, then upon the happening of either of said events, the trust is to cease, and except as to the interest of the said Florida and all the property and effects by this will given to said trustees for the use of the said Joseph F. and his family as aforesaid shall go equally to the said son Edwin St. and daughters Mary Ann Allgood and Sarah A. Warthen subject to the foregoing provisions made for the benefit of said Florida during her natural life.

Stand 16th - Should any legatee die before my death the interest of said legatee shall not lapse provided he or she has descendants to take the same, and likewise should such legatee die before should such legatee die before the happening of any event upon which he or she would be entitled to any legacy.

Stand 17th - In addition to the trustees aforesaid for the said purposes and with the same powers relating to the interest of said Joseph F. I also appoint J. C. Clements as trustee with them, and should any of them refuse to act then or upon failure of any to act, then the acts of any of them done in pursuance of this will shall be valid and should all fail or refuse to act - I desire the Superior Court to appoint a fit and proper person to execute the powers conferred on said trustees.

Stand 18th - I appoint as my executors of this will my son Edwin St. and sons in-law Andrew P. Allgood and Dr. B. Warthen, my friends Cicero A. McClintock and J. C. Clements also A. F. Allgood and Edwin Marsh son of Edwin St.

In testimony whereof I Spencer Marsh hereunto set my hand and seal this 21st day of October 1875 - eight hundred and seventy five.

S. Marsh 

Signed sealed and declared by Spencer Marsh the testator to be his will in the presence of us who subscribed hereunto as witnesses at his special request in presence of said testator and of one another on the day and year last above written.

J. E. Patton
J. C. Stoddard
E. L. Culberson

George H. Walker County Clerk & Milton Ruskell Ordinary in and for said county do hereby certify that the foregoing first pages contains a true copy of the last will and testament of Spencer Marsh late of said county deceased, as appears of record in my office.

Given under my hand and seal of the court of Ordinary, this 29th day of January 1876.

Milton Ruskell Ordinary and
officio clerk

executors of Spencer Marsh deceased, with certified copy of the last will
 and testament of said deceased attached ~~and the letters and copy~~ having
 been presented that the letters might be recorded again and the copy of
 will be established in lieu of original and entered of record - the records
 of letters and records of wills having been destroyed - and it being known
 to the Court that the copy of the will is a true certified copy under the
 hand and seal of the Court of Ordinary, and that said will ~~was~~ duly
 probated and admitted to record, and that the executors E. St.
 Marsh, A. P. Allgood, N. B. Warthen, J. L. Clements, A. F. Allgood and
 Edwin Marsh named in said will were duly qualified.

It is therefore ordered that the letters testamentary be again re-
 corded on the records on the record of letters, and that the said copy
 of will be and the same is hereby established in lieu of the lost
 or destroyed which occurred with the burning of the Court House
 on the 2nd day of Feb'y 1883, and it is further ordered that the
 same be entered on the records of wills together with this order
 Milton Russell Ordinary