

Georgia Walton County....In the name of God Amen. I George W. Malcom of the county and state aforesaid being of sound and disposing mind and memory, but knowing that it is appointed unto all men once to die do make, ordain, publish, and declare this my last will and Testament in manner and form as follows. I commit my body to the dust to be buried by my Executors herein after named in a decent and christianlike manner. My soul I commend to God who gave it hoping for eternal life through our Lord Jesus Christ.

Item 1. I direct my Executors so soon as they can reasonable do it to pay all my just debts and claims against my Estate.

Item 2. I devise and bequeath to my beloved wife, Susannah Malcom during her natural life or widowhood the land and plantation where I now live in Walton County, with all the houses and buildings and improvements thereon and all my household and kitchen furniture of every kind and also all my farming utensils including my waggon. Also one horse and buggy, one mule and one yoke of oxen and as many and such Sheep cows, calves, hogges, and young stock and domestic fowls of every discription as she may see fit to have and take from my estate. Also, I give her during her natural life or Widowhood, Sally and Miley and I enjoin it on my son, George W. to see to it that said negroes behave themselves, obedient and dutiful to his mother, the said Susannah. I also give absolutely to my said wife for the twelve months, next after my death, a full and ample support and maintenance for herself and for said negroes and for her stock and domestic fowls, including medical bills and expenditures. And I hereby declare that the legacies herein given to my said wife are given in lieu and place of her dower, and should she determine to take and does take her dower then she shall forfeit each and all the degacies herein given to her.

Item 3. I devise to my son, Wm. M. Malcom to hold in trust for the sole use and benefit of my daughter Sarah A. Daniel and her children, the tract of land being in Clark county lying on Barbens Creek, known as the Browning tract of lands and adjoining Anselm L. Harfien and others which with what I have heretofore advanced for her benefit makes her amount \$900.

Item 4. I devise to my son, James R. Malcom to hold in trust for the sole use and benefit of my daughter, Susannah R. Norris and her children, fifty acres of land more or less in Clark county, and the Mills and buildings thereon adjoining lands of Wm. Stroud, and others, which with what I have heretofore advanced for her benefit makes her amount \$1000.

Item 5. I devise to my son, James R. Malcom to hold in trust for the sole use and benefit of my daughter Nancy M. Ivey, and her children, the place in Walton County, where her husband and herself now live, with all the buildings and improvements, thereon, containing one hundred acres more or less adjoining Wm. M. Malcom and others, which with what I have heretofore advanced for her benefit makes her amount \$600.

Item 6. I devise to my son George W. Malcom the place in Waltohn county where he now live and all the buildings and improvements thereon, which with what I have heretofore advanced to him make his amount of \$1000.

Item 7. I devise to my son in law Henry Green at the termination of the estate therein already given to my wife the land and plantation where I now live and the houses, buildings and improvements thereon. And in as much as the same will be mine during my natural life and will belong to my wife after my death during her natural life or Widowhood, he is to take the sum at \$1000.

Item 8. Whereas I have advanced my following named children and my grand Son, Wm D. Malcom as follows to wit, my Son, William M. Malcom \$600, my son, James R. Malcom, \$600, my son, Thomas J. Malcom, \$900, my daughter, Caroline M. Autry \$800, my daughter Elizabeth A. Peters \$600, my daughter Mary Davis \$600, my Grandson Wm D. Malcom, \$600., Now it is my expressed intention so to distribute my estate among all the legatees except my wife named in the will that each legatee may receive as near as I can do it the same amount finally from my Estate. And that such intention may not fail to be executed I direct that the valuation by me herein put upon the legacies herein before given and on the property as advanced shall be the exact valuation to be put and no interest or rents, issues or profits allowed upon the same by my Executors and the legatees where they come to settle my Estate.

Item 9. My Executors are hereby directed and required after my death and within a reasonable time after that event to sell in such manner and on such time as they may think best all the residue of my Estate not herein before disposed of and to dispose of the funds arising therefrom as follows as follows. First they are to pay to my son, Wm M. Malcom \$400 to my son, James R. Malcom, \$400 to my son in law James M. Peters, \$400 to my son in law John Davis \$400, to my grandson Wm D. Malcom \$400, to the trustee of Nancy M. Ivey \$400, by said trustee to be held in the same way and for the same purpose as he is to hold the land herein before given him for the use of her and her children, to Wm. M. Malcom as trustee for my daughter Caroline M. Autry, \$200 to be by him held in trust for the sole use and benefit of said Caroline and her children, to Thomas J. Malcom \$100 to the Trustee of my daughter Sarah A. and her children (Daniel) \$100 to be by him held for the sole use and benefit of Sarah A. and her children. And when this shall have been done then all the legatees to my estate (my wife excepted) will as near as I can do it have received one thousand dollars each. If there should be a surplus from the sale of said residue, that surplus is by my Executors to be divided into twelve equal parts and one part to be paid to Wm M. Malcom one to James R. Malcom, one to James M. Peters, one to John Davis, one to my Grand Son, one to the Trustee of my daughter Caroline M. Autry, one part of it to the Trustee of my daughter, Nancy M. Ivey., one part to Thomas J. Malcom one part to the Trustee of my daughter Sarah A. Daniel, one part to the trustee of my daughter Susannah R. Norris, one part to Henry Green, and one part to George W. Malcom. And should it happen that the funds arising from the sale of residue from insufficient to make up by my Executors a \$1000 to each legatee together with what they have respectively received. Still the specific legacies of the lands herein before devised are to remain devised in all respects as herein before mentioned but the funds herein before named is to be so disposed of that each legatee (my wife excepted) may receive advancements being as near as can be a \$1000 a peice. And in this last event when the sale of that portion of my Estate given to wife takes place as hereinafter directed then each legatee who lacks his or her \$1000 is first to receive from my Executors enough their respective advancements being included to make up a \$1000 a peice. And after that if a surplus remains in the hands of my Executors such surplus is to be divided into twelve equal parts and one twelfth part to be paid to each of

Item 9. the aforesaid twelve legatees, respectively it being always understood that the twelfth part of those daughters of mine who are to have Trustees are to be paid to their respective Trustees to her by said Trustees held for the same uses and benefit as is herein before specified.

Item 10 I direct at the termination of my wives interest in the legacies bequeathed and devised to her be it by her death or marriage that my Executors shall sell all the property. I have given her execept the land that with the improvements belonging thereto having been devised to my son, George W. and my son in law Henry Green. And the proceeds of said last sale are to be disposed of as is herein before directed. And at the death of all and each of my daughters for whom I have created a Trust Estate by this will said Trustees are to terminate and the Trust Estates to decend in fee simple to their children respectively.

Iastly I nominate and appoint James R. Malcom, William M. Malcom, Executors of this my last will and Testament.

In testimony whereof I have hereto set my hand and seal this 5th day of May in the year of our Iord one thousand eight hundred and fifty five.

George W. Malcom L.S.

Signed published and declared by the Testator as his last Will and Testament in our presence who have in Testators presence and in each others presence and at Testators request subscribed our names as witnesses this day and year above named as the date of said will. Charles D. Davis

John Felker

Hillman Hawk.

Georgia Walton County

Came before me in open court, Charles D. Davis and John Felker, subscribing witnesses to the within instrument of writing who being duly sworn say that they saw George W. Malcom Sign seal publish and declare the as for his last will and testament, while he was of sound and disposing mind and memory, and of sufficient testamentary capacity to execute a will that he Testator signed the said will freely and voluntarily and without any other influence being exercised over him that they together with Hillman Hawk signed the same in the presence of said Testator of each of each other at the special instance and request of Testator and the same was executed on the day and year it purports to have been executed. Sworn to and Subscribed in open court this Mar 7, 1864.

John Felker

C.D. Davis

Recorded April 9, 1864. Jesse Mitchell Ordinary.