Will of Benj. Turner

In the name of God Amen.

I Benj. Turner of the County of Lumpkin & State of Georgia being in good health of body and of sound & disposing Memory & being desirous to settle my worldly affairs while I have strength & Capacity do Make and Publish this my last will & testament hereby revoking & Making void all former Wills by me at any time heretofore Made.

And first & principally

I commit my soul into the hands of the Creator who gave it and my body to the earth to be decently interred & my Executrix herein after named may direct And as to such worldly Estate wherewith it has pleased God to entrust me I dispose of the same as follows etc.

Secondly

I desire that all my just debts be paid without unnecessary delay by my Executrix herein after named & aforesaid

Thirdly

I authorize & empower my Executrix hereinafter named to sell & dispose of so much of my personal estate as may be necessary to pay off said debts & said taxes and defray the expenses of administration of my Estate & all necessary incidental Expenses & I authorize & empower my said executrix to sell such Property for the purpose aforesaid at Public or Private sale as in her discretion she may Judge best & she is authorized & empowered in her discretion to sell or dispose in manner aforesaid such parts of my personal Estate as she may think best.

As to the balance of my estate my negro Girl Jane Number 61 in the District of Cherokee I have heretofore given to my daughter Mary Ann Lee (now Mary Ann Lee) of said County of Lumpkin

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of Originally Habershaw do said State & all other Lands which I own or may own Possess or may hereafter own or possess & all My Horses Cattle Sheep Hogs & all My Household & Kitchen Furniture & all my implements of Agriculture & all the Balance of My Estate Real & personal Property of Whatsoever nature or kind the same may be My Will & desire is and I Will & direct that the same shall be kept together by my Executrix herein after named and be held and Managed & used for the Maintenance & support of my ~~Present~~ wife Jemmeria E Turner & ~~my~~ Children by her namely William H. Turner John B Turner Martha J Turner & Jno. C. Turner. Who are all Minors until the youngest one of said Children arrive at the age of twenty-one Years: and When the youngest one of My said Children just named shall at the age of twenty one years. It is my Will & desire & I direct that all My estate both real & personal then remaining shall be divided between & among My said Wife Jemmeria E Turner & My said Children of which She is the mother Namely William H Turner John B. Turner & Martha J Turner & John L. Turner Share & Share alike each one shall take their Share allotted to him or her on such division as his or her own absolute right & property. Provided always that if My said Wife Jemmeria E Turner should marry again at any time before the youngest one of said Children arrive at the age of twenty one years then & that case I will & ~~Desire & I direct that all My Estate both~~ real & personal then remaining in the hands of My Executrix hereinafter Named shall on such Marriage of My said wife and as soon thereafter as

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Will of Berry Turner.

be divided between and among my said wife & my children by her Namely William A Turner John B. Turner Martha J. Turner & James L. Turner share & share alike & that each one shall from thenceforward have & hold the share of said estate then allotted to him or her as his or her own property and Provided further that if my said wife should remain unmarried after my decease until her death & should depart this life at any time before the youngest one of said Children shall arrive at the age of Twenty One years then & in that case it is my Will & desire & I direct that all my estate both real & personal then remaining shall upon such death of my said wife be divided equally among my said Children William A. Turner John B. Turner Martha J. Turner & James L. Turner share & share alike & each one shall take & hold his or her share as his or her own right & property.

Fifthly

As my object in making this will is to secure to my said wife Jemima E Turner & to my Children by her a provision for their support comfort & welfare & for the education of my minor children so is my will & I direct that if any child or children should be hereafter born unto me by my present wife or in my life time or if a posthumous child should be born unto me by my present wife such child or children shall share in the division of my estate with my present wife & Children by her namely William A. Turner John B. Turner Martha J. Turner & James L. Turner just as though such child or children were already born & were named among the Children & my present wife already born & if

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before a division of my said Estate so made then such child or children born to me hereafter shall have equally with the said Children of my present wife named above share & share alike

Secondly I desire & direct my Executors hereinafter named to see to it that my said minor Children William A. John B. Mosley & James B. are well raised & that they each receive a good Common English education & I authorize & empower my Executors herein after named to sell & dispose of at Public Sale or Private Sale or otherwise at her discretion to dispose of such part of my Estate & indemnify such part of the rents issues & profits accruing & arising from time to time to said Estate as may be necessary to enable my said Executors to maintain & Educate my said minor Children as above mentioned

Eighthly To the Children of my deceased wife (my first wife) namely Elizabeth Griddle Hyery Turner Murph Sugney Sally Elbert Mary Mercy Barbary Ann Seabolt & Sealy Sidle & to my Grand Children Martha J. Turner a daughter of my son Thomas M. Turner dec'd & George Ann Turner, Rebecca Caroline Turner & Charlotte Turner Children of my son Alfred Turner dec'd I bequeath a Fathers & a Grand Fathers Blessing which is all that I am able to do Conscientiously with the duties which I owe to my present wife Lemuria E. Turner & my Children by her who are all minors & can yet be raised & Educated & who from the Children of my old age I cannot hope to live to labour for until they are raised neither can I have to leave to them Estate raised & educated & I love the Children born by me by first wife and I gave the labour of the prime of my life to raise them & I made arrangements to them so long as I was able to do it

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Inasmuch as I am desirous to make my Grand Children the Children of such of my Children as have died and I would gladly do more for all of them if I was able to do So and to the states I owe to my present wife & Children by her I write this that it may be known that I have not forgotten the Children of my first wife nor any of My Grand Children but as a father & grand father while I feel for my Children born to me by my (first) deceased wife the warmest affection & also for my Grand Children I also feel that it is my duties to give all the Property real & personal which I own & possess (& which is not much) to my Present wife Jemima E Turner & to my Children by her namely William N. Turner. John B Turner. Martha J Turner & Jonas L Turner So that my said wife may have a Maintenance & My said Minor Children may be maintained raised & Educated

Entirely

I appoint my beloved wife Jemima E Turner Guardian of all my Minor Children Namely William N Turner John B Turner Martha J Turner & Jonas L Turner & of any Child or Children that May be hereafter born to me.

Entirely

I appoint my beloved wife Jemima E Turner Executrix of this my last Will & testament. This 20th day of January 1869

Berry Turner (L.S.)

Signed Sealed & published by Berry Turner as his last Will & testament in Presence of us the undersigned who subscribed our names hereto in the presence of said Testator & the Testator & each other this 20th day of January 1869

Geo. W. Price
Jesse Hulsey

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