

State of Georgia

Whitfield County

In the Name of God, Amen. I George M. Harris of said State and County being of feeble health and feeling that I must soon depart this life, deem it right and proper both as respects myself and my family, that I should make a disposition of the property, with which a kind providence has blessed me, do therefore make this my last will and Testament, hereby revoking all others heretofore made by me.

Item first I desire and direct that all my just debts be paid by my Executor and Executrix herein after appointed without unnecessary delay out of any portion of my property, that my Executor and Executrix herein after appointed, may think most advisable, and to the Interest of my Estate.

Item Second. I give, bequeath and devise unto my beloved Wife Mary A. Harris and my four Children, that is, Luisa A. Harris, William C. Harris, Susan Harris and Georgia Harris, all my lands and other real property situated round and about Tunnel Hill in said County and in the County of Catoosa and all other lands and real Estate, which I own either in possession, remainder or reversion in any other place or places whatsoever, and I also give to my said Wife and Children my Negro woman named Rose and her infant Child and all my personal property whatsoever, both about Tunnel Hill and elsewhere, including all my Goods, Chattles, Moneys, Choses in Action and Choses in possession and all remainders and reversions whatsoever upon the following Terms. to wit. I desire that my said wife and said Children shall have said property in equal partitions, that is my said wife to have one Fifth and Each One of my said Children one fifth Part of said property, but I desire and it is my Will, that my said daughters parts of said property should not vest in them, but only the use of their said portions to Vest in them, and I hereby will my said daughters portions of said property to my friend Thomas M. Cherry, to be held in Trust for my said daughters Luisa A. Harris, Susan Harris and Georgia Harris, and to their use free from the control of such husband or husbands, as they or

any of them may hereafter marry, and not to be subject to the payment of the debts of such husband or husbands, and I hereby appoint my said friend Thomas N. Cherry Trustee for said purpose.

Item Third. I desire that my said property be kept together untill such time as my Executor and Executrix herein after appointed, shall think proper to sell and dispose of the Same, and thereby give to them a discretionary power to act as they may think most beneficial to the Estate, and to sell and dispose of all or any part of my said property at such time or times, as they may think proper and for the interest of the Estate, free from the Control of the Court of Ordinary, and without any Order from said Court, whether said property be real or personal.

Item Fourth. I further will and desire, that in case my Executor and Executrix should make any Sales of my said property and should think it advisable and for the Benefit of my said Estate, that they should vest the proceeds of said property in any other property, either real or personal, as they shall think proper, to do so without any order from the Court of Ordinary.

Item the Fifth. I further desire, that when my said Executor and Executrix shall make any Sales of my said property, that they place the Money arising from said sales at Interest, and that the Interest on said Money shall be collected, and paid over to my said Wife and Children, or in case of my said daughters portions to their Trustee as aforesaid, annually by my said Executor and Executrix, to be used for the support of my said Wife and Children, and the Education of my said Children.

Item Sixth. I further will and desire, that when any of my said children shall marry or arrive at the age of Twenty One Years, that my said Executor and Executrix, shall pay over to him, (in case it be my Son) and to the said Trustee in case it be any of my said daughters for their use, and to be held in trust for them, their equal Portion

of all the Moneys, which they (the said Executor and Executrix) may have on hand, arising from the Sale of any of my said property, that is One Fifth of said Moneys to my said son, or to said Trustee for my daughters, as the case may be, at their Marriage or arriving at the Age of Twenty One years, or that said Executor and Executrix may give them any portion of said Property in payment towards their part, that said Children and my Executor and Executrix may be able to agree upon, without selling the same, provided and it is my Will, that my Executor and Executrix shall not sell and distribute among my said Children such Portions of my Property, as may remain unsold at the Time of them or any of them arriving at the Age of Twenty One Years, or marrying as aforesaid, unless my Executor and Executrix shall think it for the benefit of the Estate to make such Sale or distribution, but shall sell it only at such Time, as they think best, whether my said children be of the Age of Twenty One or married or not, And in Case my said Executor and Executrix cannot agree as to the Time or Times, when said property should be sold, they shall chose some disinterested third Person, who shall decide upon the Time of Sale, and his decision shall be final.

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Item Seventh I further will and desire, that my said Wife shall have only a life Estate in her said part of said property, and that it shall be in and of all dower and that she shall have no power in said Estate, but only her fifth Part for Life as aforesaid, and that at her Death her portion shall go to and vest in my said Son and Trustee for the use of my said daughters, in equal Portions, and to be managed as heretofore pointed out for the Management of their other said Portions or Parts.

Item Eighth I further desire, that in case any one or more of my said Children should die before arriving at the age of Twenty One Years or marrying, that the Part or Parts of said child or children,

as may die before arriving at the Age of Twenty One Years, or marrying, shall go to my said Children who may live to said Age of Twenty One Years or marrying, and my said wife in equal Portions, share and share alike, in the same Manner, that I have heretofore directed, that they shall have their several Parts, and I desire that my said Children shall have their said Parts as aforesaid forever in fee simple, but my wife to have only a life Estate in hers as aforesaid.

Item Ninth I hereby appoint my friend Thomas B. Cherry my lawful Executor and my beloved wife Mary A. Harris my Executrix, and I desire that my Executor Thomas B. Cherry shall do the Business, that is, make all the Collections and Payments, which are to be made in the Management of said Estate, and I hereby give to my said Executor the Power and Authority to appoint a Successor or Executor to act in his Place, when it shall seem convenient for him, to act as such Executor, and to give to such Person, as he may appoint all the Powers and Control over said Property, that he (the said Cherry) has by this Will.

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G. B. Harris Seal

Signed sealed declared and published by George B. Harris as his last Will and Testament in the Presence of us the Subscribers, who subscribed our Names in the Presence of said Testator, at his special Instance and Request and of each Other this Fifth Day of September 1854

C. J. Emerson L. S.
J. Guthrie L. S.
Peter Mason L. S.
E. H. Harris L. S.

Seal