

State of Georgia }
Whitfield County } In the name of God, Amen.

I Seborn J. Spawm of said state and county, being in full health, knowing that I must shortly depart this life, deem it proper, both as respects my family and myself that I should make a disposition of the property with which hence Providence has blessed me, do therefore make publick and declare this my last will and testament, (to wit)

Item 1st. I desire and direct that my body be buried in a decent and christian-like manner. My soul I trust will return to God who gave it.

Item 2^d. I desire and direct that all of my just debts be paid without delay by my Executors hereinafter named, out of any moneys that I may have on hand at my decease, or the first moneys that may come into the hands of my Executors arising from any effects.

Item 3^d. I give and bequeath to my beloved wife Lucinda, the South half of Lot No 191, One hundred and Ninety one, in the 11th Eleventh District of the 3rd Third section, it being the lot of land on which I now live it to be divided by an East & west line directly through the center of said lot. I also give and bequeath to my beloved wife Two horse beasts of her own choosing out of my stock of horses, and five head of cattle of her own choiced out of all my stock of cattle, Two sows and their pigs of her own choosing, and Ten head of killing hogs, and all the farming utensils of every description, and one head of sheep, and the household and kitchen furniture, also Two horse waggons one of which is now in building, to be finished at the expense of my estate.

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hair. All my negro boy, Buck, about twenty six years old, all of the above property to her sole use, control and benefit during her natural life, and after her death to be sold by my Executor, and the proceeds equally divided amongst all of my lawful heirs as herein after described.

Item 4.th I will and bequeath to my beloved daughter Lucinda the North end of Lot of Land No 191 One hundred and Ninety one, it being the half of the lot of land on which I now live, to be valued at Eight hundred dollars; also one brown horse colt, two years old, one cow and calf of her own selection, also one bed and furniture, one sow and pigs, one side saddle, and all necessary cooking utensils. All of the above named property I will to my said daughter Lucinda and the children of her natural body (if she should have issue) forever, or if she should have no issue at her death, to descend to the residue of my heirs equally. And I appoint my worthy friend, John B. Norston, trustee of the property herein given and bequeathed to my said daughter Lucinda, and all of her children (if any,) and I desire that should the said trustee at any time in his judgement deem it necessary to sell said property or any part thereof, and pay over the proceeds of the same to my said daughter Lucinda or her heirs (if any) he is fully empowered to sell and convey the same.

Item 5.th I will and bequeath that all of the residue of my property (not herein devised) of which I may die seized and possessed, be sold at public vendue by my Executor, on a credit of six or twelve months, and the effects arising from said sales to be equally divided between my said daughter Lucinda and my two daughters (to wit) Hannah Prather, wife of G. W. Prather and Lodiicia Burroughs, wife of George M. Burroughs, until they shall receive the amount of the valuation of the land devised to my daughter Lucinda, (to wit) Eight hundred dollars each, and the residue, if any, to be equally divided between them and my said daughter Lucinda, and I appoint my trusty and worthy friend John B. Norston trustee of the effects herein given and bequeathed to my two daughters (viz) Hannah Prather wife of G. W. Prather, and Lodiicia Burroughs wife of George M. Burroughs, and all of their children; and if the said trustee in his judgement should see fit necessary at any time to pay over the whole or any part thereof of the said effects unto the said Hannah Prather or Lodiicia Burroughs or the children of their body, or vest the same in real estate or personal property for their special use and benefit, he is hereby authorized to do so. And should the said Lodiicia Burroughs die without issue at her death, the effects herein bequeathed to her to be equally divided amongst the balance of my lawful heirs in the same manner as heretofore devised.

Item 6.th I do constitute and appoint my beloved son Joseph B. Spann and John B. Norston the Executor of this my last Will and Testament, this 24th day of March 1853

Shaborn J. Spann (Seal)

Signed, sealed, declared and published by Shaborn J. Spann as his last will and testament, in the presence of the subscribers, who subscribed

our names hereto in the presence of said testator, (at his special instance and request,) and of each other this 26th day of March 1853

Jepp Wade
Thomas Kirkpatrick
Benj^m F. King.

Probate.

Georgia } Before me, William Gordon, Ordinary of said county, in
Whitfield County } vacation personally came Joseph H. Spann, Executor of
the last will and testament of Seaborn J. Spann, late of said county, deceased,
and produced before me the last will and testament of said Seaborn J. Spann,
deceased, and the witnesses of said will, to wit, Jepp Wade, Tho^s Kirkpatrick and
Benjamin F. King; which witnesses being duly sworn, depose and say that they
saw Seaborn J. Spann, the testator, sign, seal, declare and publish the instrument
now presented as his last will and testament, freely, voluntarily, and of his own ac-
cord and without any compulsion, or influence whatever; that at the time of the
execution of the said will said testator was of sound and disposing mind and
memory; that deponents signed said will as witnesses in the presence of the testator,
and at his special instance and request, and in the presence of each other.

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Sworn to and subscribed before
me, this May 17th 1853
Wm Gordon, Ordinary.

Jepp Wade (Seal)
Thomas Kirkpatrick (Seal)
Benj^m F. King (Seal)

Georgia } I do solemnly swear that this writing contains
Whitfield County } the true last will of the within named Seaborn
J. Spann deceased as far as I know or believe and that I
will well and truly execute the same by paying first the debts and
then the legacies contained in said will as far as his goods and chattels
will thereto extend and the law directs me and that I will make
a true and perfect inventory of all such goods and chattels to
help me do so

Sworn to & subscribed before me
this June 6th 1853
Wm Gordon O. C.

Joseph H. Spann