

WILL OF JOHN MALCOM.

Georgia, Walton, Co. In the name of God, Amen. I, John Malcom, Sr. of the county and State aforesaid, being of sound and disposing mind and memory, do make and declare this my last will and testament as follows: I commit my body to the dust to be buried in a decent and christian like manner and my soul to God hoping for mercy through Christ.

Item 1st.

I wish all my just debts to be paid without unnecessary delay. And whereas I have heretofore given to my nine children next hereinafter named property re. as follows. To Mahala Hawk, the wife of Hillsman Hawk, I have given the value of two thousand seven hundred dollars, to Alexander Malcom to the value of fourteen thousand five hundred dollars, which is fully if not more than a distributive share of my estate, to Mary Hawk, wife of Thurmond Hawk to the value of three thousand three hundred dollars, to Irena Peters, the wife of William Peters to the value of four thousand four hundred dollars, to Nancy Nelson, the wife of Ashly Nelson to the value of two thousand one hundred dollars, to Sarah Nelson the wife of Moses Nelson while she was in life to the value of two thousand nine hundred dollars, to Julia Ann Cox while she was in life to the value of one thousand seven hundred dollars, to James Malcom to the value of two thousand five hundred dollars, to William Malcom to the value of two thousand two hundred dollars. And whereas I have loaned to my daughter Martha Hester wife of Monroe Hester property to the value of eleven hundred dollars to my daughter Rebecca Stark I have loaned to the value of nine hundred dollars.

Item 2nd

My executors are hereby directed to set apart twenty four thousand dollars worth of property which they are to value in which property they are to include the place where I live on or as much thereof as they may think, but to include my household and kitchen furniture, also such negroes thereat such plantation tools, food for man and beast, and everything there necessary to work said plantation advantageously for the income of the property as set apart. My said wife and my three youngest children living the natural life of my wife are to be supported and the children educated. From all things considered my Executors may think it rite at any time then said twenty four thousand dollars worth of property may be sold at public or private sale by them and my wife and the said three children from the interests of the same are to be supported and said children educated. At my wifes death said twenty four thousand dollars worth of property or the proceeds of the same shall have been sold shall be under no further incumbrance, but shall thence forwards be in my Executors hands, like the other assets.

Item 3rd.

After my death and payment of my just debts my Executors are to dispose of all my estate of every kind and description except said twenty four thousand dollars worth of property as follows: The five children of said Sarah Nelson shall receive five hundred dollars worth of land to be located and valued by my Executors which is all they are to get from my estate. The three children of Julia Ann Cox shall receive five hundred dollars worth of land to be located and valued by my executors which is all said three children are to get from my estate.

Item 4th

So soon after my death as my Executors shall think rite for the interest of all concerned. All of my estate of every kind and description except said twenty four thousand dollars worth, is to be sold at either public or private sale by my Executors as valued to the respective legatees by my Executors as follows: The property above named in this item except said twenty four thousand Dollars worth or its proceeds named in this item shall be disposed of that Mahala Hawk, Mary Hawk, Irena Peters, Nancy Nelson, James Malcom, William Malcom, Martha Hester, Joannah Green, Rebecca Starke, Amanda A. Malcom, John Malcom, George Malcom & Jefferson Malcom shall all be made equal worth either in distribution after those have in the settlement accounted for the property advanced or loaned to them respectively, as stated in the aforesaid recital of this will, and at its valuation as there stated without real interest, rent, or hire on their part.

Item 5th.

If at the death of my wife said twenty four thousand dollars worth of property shall not have been sold my Executors if they shall think rite, may sell the same at public or private sale and dispose of the proceeds or they may value and dispose of the said property as follows (and this disposition includes the property of said property shall have been under the authority given in the 2nd item. First, my youngest son, Jefferson shall have two thousand dollars, to be paid him at the age of twenty one years, in property or money, as the case may be. Then the balance shall be equally divided, share and share and share alike between said Jefferson Malcom, Mahala Hawk, Mary Hawk, Irena Peters, Nancy Nelson, James Malcom, William Malcom, Martha Hester, Joannah Green, Rebecca Stark, Amanda E. Malcom, John Malcom, and George Malcom. It is always to be understood that all the legacies give to my said daughters with the exception of Mahala Hawk are given in trust and to be held by their trustees for their sale and separate use and free from the contracts and liabilities of their respective present or future husbands, and at my daughters deaths child legacies are to go to their children, them respectively surviving.

Item 6th.

I nominate and appoint Thurmond Hawk trustee for his wife Mary Hawk, Wm. Peters, trustee for his wife Irena Peters, John Stark trustee for his wife Rebecca Stark, and I nominate and appoint James Malcom and William Malcom trustees for Nancy Nelson, Martha Hester, Joannah Green, and Amanda E. Malcom.

Item 7th.

The legacies and provisions herein made for my wife is to be in place and stead of her dower. Lastly I nominate and appoint George Malcom, Sr. Hillsman Hawk and William Malcom Executors of this my last will and testament. In witness whereof I have hereto set my hand and seal this 4th day of October A.D, 1862. John Malcom L.S.

Signed Sealed and published by the Testator for his last will and testament in our presence who in his presence and in the presence of each other have at his request subscribed our names as witnesses hereto an erasure having been first made on the first page and pen mark thus -- on the erasure. Also the words "hands" and "Been" having been first underlined. And the word "nominate" having been first written part on an erasure upon this page.

Charles D. Davis
James R. Malcom
George Malcom

Recorded December 30, 1862