

James County Ga. Wills Transcribed. Vol. 45 4232
Wm. C. Ughal. Will Bk. C. Pg. 209 310

read and acknowledge the within instrument of writing to be his last will and testament and that himself was a subscribing witness thereto and that he saw Ridgeray Hogan and Henry Feagin subscribe their names thereto as witnesses and that they all assigned the same at the special request of the testator and in his presence and in the presence of each other and that the said testator was of sound and disposing mind at the time of its execution.

I have read and subscribed in open court this 5th March 1832. } J Feagin

Test: Charles McCarthy etc. &c.

Copy of John Kirk's Will.

In the name of God amen. I John Kirk of the County of Jones and State of Georgia of sound mind and memory do constitute and ordain this my last will and Testament first I commit my soul to God who gave it relying on the atonement of Christ for its eternal salvation, and my body to the grave to be decently entred at the discretion of my executors as touching my Temporal affairs it is my will that they be disposed of in the following manner (to wit) first It is my will that the following negroes (to wit) Dennis, Charity, Abbecker, Anarchy, Harris, Willie and Wiley be sold and the proceeds thereof be appropriated to the Payment of my just Debts and should there be a Surplus left it is my will that my mother, Linnia Kirk have the use of it during her life and then to be equally divided between my Brothers and Sisters Secondly, I bequeath to my beloved Brother Len Kirk one hundred Acres of Land known as the McGroug Place. Thirdly, I bequeath to my beloved wife Lucy G. Kirk the whole residue of my estate both real and personal to be used and enjoyed and disposed of at her will and pleasure and that Lucy G. Kirk and William Kirk be my Executors and Executor to carry this my last will and testament into effect. In witness whereof I have hereunto set my hand and affixed my seal this 3rd October 1825.

John R. Crockett
John Harrison
Thomas Hunt

John Kirk (Signature)

The heirs at law of John William Kirk deceased
the witnesses hereunto and the said

Case and appeal from the Court of Ordinary Special Jury sworn

- 1. Henshaw P. Thwait
- 2. Stephen Clow
- 3. Thomas H. Jordan
- 4. Richard Blount
- 5. Pleasant Philips
- 6. Abraham Card

- 7. Wiley B. Pope
- 8. David Stoum
- 9. Badinghe Spender
- 10. Horatio Bowen
- 11. Joseph G. Styles
- 12. Charles Worman

We the Jury establish this as a copy of the original will of John Kirk deceased and admit it to probate.

The heirs at law of John William Kirk by their next friends Sally Cabaness, William Kirk, Willie Hunt and her Kirk appellants

vs.
William Freeman and his wife Lucy C. Freeman formerly the widow of John Kirk deceased

This case having been submitted to a special jury at this term and by their verdict, they find the copy of the original will of John Kirk deceased should be established and admitted to probate.

It is therefore ordered and adjudged and decreed, that the decision of the court of Ordinary below be and the same is hereby confirmed, and that the copy of John Kirk's will on file in that court at the time of the above appeal was entered, be recorded in said court of Ordinary in lieu of the original will of John Kirk deceased proven to be destroyed and said copy be considered as established according to law and it is further adjudged that the Clerk of this Court certify the proceedings in this Court with said established will, to the Court of Ordinary for their consideration, and it is further also adjudged and considered that the Propounder of the will of John Kirk deceased respondents, recover of the appellant the sum of _____ for costs in this case laid out and expended, and said appellant be in custody of the law.

P. Philips Foreman.

April Term 1829.

Case and appeal for the Court of Ordinary On a motion to establish the will of John Kirk deceased

J. Smith

A true copy taken from the minutes of Court February 9th 1831
Robert W. Goodman Clerk

Nathaniel Mathis's Will

In the name of God Amen

I, Nathaniel Mathis of the State and County of _____ do hereby certify that the foregoing is a true and correct copy of the original will of _____