

James Daniel

Last Will and Testament

Wilkes County, GA, Will Book HH, Pages 74-77

NOTE: Although he states he's of Oglethorpe County, the will was recorded in Wilkes County.

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Provided by Nelda Vaughn

In the name of God Amen

I James Daniel of Oglethorpe County and State of Georgia being in low health of body but of sound mind do make this my last Will and Testament as followeth (Viz)

1st My will & desire that my Executors hereinafter named shall pay all my Just debts out of my Estate & I give & bequeath unto the heirs of my son James Daniel Die the plantation whereon the citadels now lives; also two negro men named Cook and Sam. & a negro woman by the name of Diley which they hold receive together with two hundred Dollars which I paid Brother William Daniel for my son James Daniel Die & all other property Rec^d by them from me at any other time previous forever -

2^d I give & bequeath to my son Curvingham Daniel the plantation whereon he now lives. also three negro men by the name of Ceaser Nancy & Phill & a woman by the name of Dinah together with all other property rec^d of me previously to him & his heirs forever

4th I give & bequeath to my son John Daniel the plantation whereon he now lives and four negro men namely Fred Tomvat & Tom Brown together with all other property Rec^d of me at any other time to him & his heirs ^{forever} forever . . .

5th I give & bequeath the plantation whereon my son William Daniel lived & died supposed to be two hundred acres to the same more or less to his little Daughter Elizabeth William Daniel and to the heirs of her body but if she should die without a husband or children then in that case the land is to be returned to my Legatees hereinafter named forever.

I also give to my son William's Widow & Elizabeth W Daniel his three children one negro man named Ned and one woman named [redacted] together with all other property rec^d of me heretofore to be equally divided among them and no more of my Estate . . .

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- 6th I give & bequeath to my Daughter Jane Daniel
one negro woman named Lydia & her two children
Isaac and Frank also one good feather bed & furniture
one Bunkbed case & her two youngest Calves five sheep
one Trunk and Chest of Drawers also one thousand
Dollars in money to be invested in the hands of my
Executors for her use during natural life then to be equally
Divided among my Legatees herein after named But if
she Jane Daniel marries the property herein bequeathed
is to be considered at the disposal of the Executors but not
as their own property but to be divided as above or sent
to her as they may think proper
- 7th I give & bequeath unto my Daughter Sarah Ellington
and her children by Josiah Ellington three negroes Gigg
Cecily Jimmy and Sabry also five hundred and fifty Dollars
in money together with the other property they have
rec^d heretofore
- 8th I give & bequeath to my son in law John Colbert one
negro woman named Clara and her children
together with all other property he has rec^d of me heretofore
and no more of my Estate
- 9 I give & bequeath to my son Samuel Daniel that part
of a tract of land lying on the upper side of Fishing Creek
next to Joseph Watsons and a negro man named
Joe & two boys Reubin & Harry and all other property
he has received of me in time past
- 10th I give & bequeath to my son Thomas Daniel the
other part of that ⁴⁰ tract of Land lying on the mouth
of Fishing Creek and Oconee River one negro man
named Bob one boy Carter and one woman Aggy
together with all other property he has rec^d of me
in time past.
- 11th I give & bequeath to Nancy Daniel the consort of
Richard Daniel Dec^d and their child Francis the
one thousand acres of Land when he lived at the
time of his death also eight hundred Dollars in
money which he has received & three negroes

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Being that is Joe. John and Reddick together with all the other property used of me in his life time & no more of my Estate

17th I give & bequeath to my son David Daniel the plantation where I live and three negroes Peter George and Jacob one cow & calf five sheep half the plantation tools one trunk & croquet case together with such things as he has heretofore had.

18th It is further my will that the remainder of my Estate that is not disposed of together with what money may be on hand except five hundred & fifty Dollars which is to be paid to my son James Daniel's Deed Legatee & no other (viz) Son James Daniels Legatee Cunnningham Daniels Sarah Ellington and Sons Legatee Samuel Daniel Thomas Daniell and David Daniel.

But it is my will further that my Daughter Jane Daniel remain in peaceable possession of the two rooms and the Closet in the East end of my Dwelling house so long as she chooses to continue therein provided she remains single but if she marry the whole of the house is to be considered as my son David Daniels Property and entirely at his Disposal

14 I do hereby nominate and appoint Consulate & ordain Cunnningham Daniel John Daniel & Samuel Daniel Executors to this my last will & Testament in writing whereof I have hereunto set my hand and affixed my seal this twenty eight day of September eighteen hundred & nineteen

Signed in the presence of
 A. B. Linton
 James C. Cunnningham
 Gornett Andrews

James Daniel

Georgia } Personally appeared in open Court
 Wilkes County } Alexander B. Linton & Gornett
 and being duly sworn say that they

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saw James Daniel sign seal & publish
the within Instrument of writing as his last will
and Testament and at the time of his so doing he
was of sound & disposing mind & memory and that
they signed their names as subscribing witnesses and
that they saw James Cunningham sign his
name also, as such
sworn to in open }
Court this 5th day of }
November 1891 }
A. B. Lintner
Cornelia Andrews

John Dizon C. C. C.
Recorded this 20th Nov 1891

Source: Family Search