

Will of Thomas Brooks

Georgia, Spalding County.

I Thomas Brooks, of said County, being of sound mind and disposing memory, and knowing the uncertainty of life, do make and ordain this my last will and testament, hereby revoking all and every will previously made.

Item 1st. I will my soul to God who gave it, and direct that my body be decently interred in a Christian like Manner.

Item 2^d. I will and direct that all of my just debts be paid by my Executors as soon as possible after my death.

Item 3^d. I give and bequeath to my present wife, Sarah Brooks, and my children by her, born and to be born, and my daughter Elizabeth T. Brooks, born of my second wife, all of my household and kitchen furniture; also all my stock and plantation tools, of every kind; also, all my wagons, Carts, Carriages, &c; and also my entire settlement of land on which I now live, which embraces all the land I own, except what is attached to my Bell and Manley place, or my Grice place. And my said wife and her children, as aforesaid, and my said daughter, Elizabeth T. Brooks, are to have the right and privilege of straightening Towaliga Creek through my Grice place, by ditching, if they desire to do so at any time hereafter. My said wife, and her said children, and my said daughter Elizabeth T., are also to have all money, choses in possession or in action, [*a right to payment or a right to bring a claim*] which I may have at the time of my death; and also, my stock in the Savannah, Griffin and North Alabama Railroad Company, which belong to me at my death, together with every other species or article of my property, not otherwise disposed of in this my last will and testament. The said property so bequeathed in this Item of my will to remain together, without distribution for the support, and maintenance, and education of my said wife and children, until the youngest child born, or to be born, shall arrive at the age of twenty one. If, however, my wife shall marry again before my youngest child shall attain his or her majority, then I desire that the said property shall be divided between my said wife and her children and my said daughter,

Elizabeth T. Brooks, share and share alike; but if my said wife shall remain my widow until my youngest child arrives to the age of twenty one, then, and, in this event, I direct an equal division of said property between my said wife and her children by me, and my said daughter Elizabeth T. Brooks, share and share alike, my said wife taking a child's part. If my said wife should die, then the said property so given to her and her children, and my said daughter Elizabeth T. Brooks, to be left with my Executors to be distributed to them, share and share alike, as they arrive at full age or marry. It is directed that the portion of property going to my daughters by my present wife, and said Elizabeth T. Brooks, shall be in trust for their sole and separate use, free from the debts, contracts and liabilities of their husbands, respectively; and I hereby create? my son, Thomas J. Brooks, their trustee to protect said property.

Item 4th. I give and bequeath to my sons Thomas J. Brooks and W.P. Brooks, what is known as my Grice Place, situated in Spalding County, Containing four hundred and five acres, more or less, numbers not recollected, but located in the Second district, Henry now Spalding County.

Item 5th. I will and bequeath what is known as my Manley or Bell place, situated in Spalding County, said State, Containing about two hundred and fifty acres, more or less, to my son Francis M Brooks, and my daughter Mrs. Mary Williams, during their natural lives, as a home; said property not to be disposed of by them, or any other person, but to remain a home for my said son and daughter, during their natural lives, and no other family is to be allowed to live on said premises; and the portion bequeathed to my said daughter, after her death, is to go to William J. Brooks and Lucy Stephens, my son and daughter, and the portion belonging to my son, Francis M. Brooks, after his death, is to go to my grandsons William Williams, Joseph Williams and Charley Williams, children of my daughter, Mary Williams.

Item 6th. I will and direct that my present wife, as a condition precedent to the enjoyment of the property bequeathed to her shall raise one hundred dollars out of the property bequeathed to her and her children, as aforesaid, by sale or otherwise, to be paid to my daughter, Lucy Stephens.

Item 7th. I do by these presents nominate, Constitute and appoint my Son, Thomas J. Brooks, my sole Executor to execute this my last will and testament, and request him to superintend the proper distribution of said property.

Executed, signed, sealed and delivered, as my last will and testament, in presence of the undersigned witnesses, and in presence of each other, revoking all other wills, this the twenty fourth (24th) day of July, eighteen hundred and sixty nine (1869).

Thomas Brooks

John Andrews)
W. W. Huff)
L. T. Doyal)

Codicil

Georgia, Spalding County.

Whereas, I, Thomas Brooks, did on the twenty fourth day of July, 1869, sign, seal and deliver and publish my last will and testament, in presence of John Andrews, W. W. Huff and L.T. Doyal, who signed the said will and testament as witnesses at my request, and in my presence; and whereas, I am desirous of altering and changing a bequest, and desire in said will, I, therefore, make and publish this codicil to this my said will.

1st. I revoke and annul so much of the fifth item of my said will as gave or devised what is known as my Manley or Bell Place, situated in Spalding County, of said State, containing about two hundred and fifty acres of land, more or less, to Francis M. Brooks and Mrs. Mary Williams, during their natural lives, as a home, and after their death to go to William J. Brooks and Lucy Stephens, my son and daughter and to William Williams, Joseph Williams and Charles Williams, children of my daughter Mary Williams, and in lieu thereof, it is my will and I hereby bequeath said Manly or Bell place after my death, to my children by my first wife, share and share alike, and no one else to share any portion of said land.

Georgia, Spalding County.

Court of Ordinary. August term, 1870.

Before me, J. D. Dismukes, Ordinary of Said County, in open Court, Leonard T. Doyal, John Andrews and W. W. Huff, the three subscribing witnesses to the last will and testament, and Codicil thereto annexed; of Thomas Brooks, late of said county, deceased, who being duly sworn, saith, that they saw said Thomas Brooks sign, seal, publish, and deliver the foregoing instrument, as his last will and testament, voluntarily and freely, and without compulsion, and that they signed said will and Codicil thereto annexed, as witnesses, in the presence of said Thomas Brooks, at his request and in the presence of each other, and that said Thomas Brooks was of sound and disposing? mind and memory when the said will and codicil was so executed.

Sworn to and subscribed before me; this first day of August, 1870, in open Court,

T. D. Dismukes,
Ordinary

John Andrews
L. T. Doyal
H. H. Huff

Source: Spalding County, Georgia, Will Book A 1852-1880, #74, page 148, *Thomas Brooks*, signed 24 July 1869; proved 1 August 1870