

**Court of Probate**

**RICHMOND COUNTY, GEORGIA**

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**ESTATE OF: PHILIP CLAYTON**

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**EXEMPLIFIED COPY OF :  
ENTIRE PROCEEDINGS**



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held in it  
At a meeting of the Court of Ordinary for the County of  
Richmond on the 11th day of December 1807.

The foregoing last Will & Testament of Philip Clayton deceased  
was presented in Court and Newel W. Herbert one of the witnesses  
thereto subscribed, being duly sworn, made oath that he was  
personally present and did see the said Testator, sign, Seal, publish,  
pronounce and declare the same to be and contain his last Will &  
Testament, that he was of sound mind and memory  
according to the best of his knowledge & belief, and that he together  
with Rodham Fullop & Patrick W. Carns subscribed their names  
as witnesses to the same at the request & in the presence of the  
Testator and in the presence of each other, whereupon it was  
ordered to be recorded —

Test Isaac Herbert Clerk

Philip Clayton

W. B.

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At a meeting of the Court of Ordinary for the County of  
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Testament, that he was of sound ~~mind~~ <sup>mind and memory</sup>  
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ordered to be recorded. — Test Isaac Herbert Clerk

Philip Clayton  
Newel W. Herbert  
Rodham Fullop  
Patrick W. Carno  
Isaac Herbert Clerk

In the name of God Amen

I Philip Clayton of the County of Pickens  
and State of Georgia being sick & weak  
in body but of sound and perfect mind  
do Ordain establish and declare the  
following to be my Last Will Testament

First I recommend my soul to god who  
gave it me and my body to be decently  
buried

Secondly I give and bequeath to my beloved  
son George Proctor Clayton, one complete  
set of mourning

Thirdly I give and bequeath to my son

beloved Son Augustine Smith Clayton  
one Complete Suit of Mourning  
Silver table Spoon and one feather bed

Thirdly I give and bequeath to my beloved  
daughter Lucinda Clayton, six silver  
tee Spoon, one Silver Soup Spoon, one  
feather bed and the following negro slaves  
To wit - Pandal, Celia, Esther, Nelly  
Stephen, Hannah, Melinda, Malinda and  
Jenny, to her and her heirs for ever, but in  
Case my daughter Lucinda should ever  
enter into the Marriage State it is my  
will and desire that the first named  
negro Man Slave Pandal who hath  
been a faithful servant to me, should  
be emancipated and set free, if he should  
desire to be emancipated, and for they

purpose I desire that my executors herein  
after named or one of them shall as soon  
as may be convenient after the marriage  
of my daughter, ask the said negro man  
Randal whether he wishes to be set free  
or not, and in case he should answer  
in the affirmative, then my said Execu-  
tors are required to make application to  
the Legislature for permission to execute  
a deed of emancipation, and after being  
legally authorized so to do, they are  
hereby required to execute a deed of  
emancipation and to give personal  
freedom to the said negro man Randal  
and after the deed shall be executed  
my Executors will have the same duly  
recorded in the proper office in the  
County of Richmond Fourthly,

Fourthly It is my will and desire that my  
executory should collect all debts due me  
so soon as the law will allow, and that  
the proceeds of such Collections be applied  
towards the discharge of all Just debts due  
from me to individuals, and if the debts  
due to me should not prove sufficient  
to discharge the sum of Money which  
I may owe, It is my will that my executor  
should discharge the balance of debts due  
and owing by me, out of the proceeds of my  
crop, stocks of horses and Cattle and plantation  
utensils, and if those should not prove  
sufficient, my Executors are required to dispose  
of one or more of the negroes (Randal excepted)  
herein before devised and bequeathed to my  
daughter Lucinda in such manner as they  
may think most advisable to meet all just demands

4. Fifthly The two Suits of Mourning herein before  
be granted to my two Sons to be paid for by  
my executor out of the proceeds of sales of  
my personal estate, so that the sum of money  
to be raised by such sales shall be sufficient  
to purchase the two Suits of Mourning  
besides paying my Just debts.

Sixthly Whenever a sale of the property  
(a schedule of which hath been delivered  
into the hands of the Commissioners of Bank  
=ruptcy by Thomas Manning) shall be made  
by the assignee, it is my will and desire  
that the whole of my share or dividend  
(I being one of the Creditors) of the property  
shall be received by my executor, and by  
them be delivered to the guardian of William Walker



Walker Esq and Robert Walker Esq  
two infant Children of Thomas Hanny  
and the whole of the said dividend to enure  
to the said two infant Children of Thomas  
Hanny their heirs and assigns for ever.  
Seventhly.

The sum of money which I have  
been compelled to expend on the education  
of my two sons George and Smith, I  
think equally valuable with the property  
herein bequeathed to my daughter Lucinda  
which being considered will I hope  
free me from the imputation of par-  
tiality in disposing of the property now  
in my possession.

Eighthly. Lastly I do hereby nominate  
constitute and appoint my friend Thomas

Cumming <sup>William</sup> and Thomas <sup>William</sup> ~~Murray~~ <sup>and</sup>  
my son Augustus Smith Clayton Executor  
of this my last Will and Testament hereby  
revoaking and making null and void all  
wills and testaments by me heretofore  
made In witness whereof I have  
hereunto set my hand and affixed  
my seal this 29<sup>th</sup> day of August 1807

Signed Sealed and  
published to be the last  
will and Testament  
of the testator in pre-  
sence of

Th. Clayton Seal

Richard Hubbs  
Noel Hubbs  
Patrick Curran