

The Last Will & Testament

Martha Foster

Dec^r

I Martha Foster of Clarke County being of sound mind do make my last will and testament as follows

- 1st I direct that my debts be paid out of my personal estate.
- 2nd I direct my negroes and other personal property to be sold on the usual terms after my death.
- 3rd I give and bequeath to my son Fairbairn D. Shepher & all my real estate consisting of the shares in the land formerly belonging to my deceased husband Thomas Shepher & to our purchase by me of my son Humphrey Shepher, the other under a decree of the Court being the share of Lucy Shepher & my daughter, also the undivided interest of Emily Taylor and Lucy Shepher & being five undivided minutes parts of my down land containing 154 acres and the mill situated thereon, excepting however all of the share purchased under the said decree of the Court & of an acre of land included in the buying ground which is to be reserved for the use of all the family of Fair Thomas Shepher and their descendants as a buying ground with liberty of access to it for that purpose.

The real estate is to be valued by three disinterested Commissioners to be appointed by the County Court of Clarke on motion, who are to be valued at its actual and intrinsic value which valuation is to remain as a charge upon the land until paid when making the valuation a Law mill which the said F D Shepher has included at Virginia where he resides.

However all of the same purchase & under the same ~~agreement~~ of the purchase & grant
of an acre of land including the buying ground which is to be reserved for the use of
all the family of said Thomas Shepherd and their ~~descendants~~ as a buying ground
with liberty of acceptance for that purpose.

The real estate is to be valued by three disinterested
Commissioners to be appointed by the County Court of Clarke on motion,
who are to be valued at its actual and intrinsic value, which valuation is to
remain as a charge upon the land until paid, when making the valuation
a Saw mill which the said P. D. Shepherd has erected at his own expense, and any
other buildings which he may erect on the land with my Consent are not to be inclu-
ded in the estimate of value.

The amount of valuation is to be paid as follows: One
third in twelve months from my death and the balance in two equal annual
payments thereafter, the two last payments to bear interest from my death
but of such valuation, I desire that in the event of my daughter Lucy Shepherd
(who is of unsound mind) becoming one, that twenty five hundred dollars shall be
paid for the comfortable support of said Lucy Shepherd, the interest to be applying
for that purpose, and if that is not sufficient then so much of the Principal, ~~as~~
necessary shall be applying the Principal to remain in the hands of said P. D. Shepherd
or his heirs or assigns until the death of said Lucy Shepherd.

11 I direct that all my estate, including the valuation of the real estate which is due
to the support of said Mary the third as aforesaid, shall be equally divided amongst my
said children viz, Mary Castleman, Jonathan M. Shepard, Emily Taylor, Humphrey Perkins
Parsimon W. Shepard, Fanny Estlin, and Thomas H. Crow, each of them to be charged
with the advancement which they have received or may receive from me of which an
account has been and will continue to be kept in a book for that purpose to be entered
from my death.

5th I constitute and appoint Thomas H. Crow Executor of this my last
will and testament.

In Witness whereof I have hereunto set my hand and seal this 11th day
of July 1846.

Signified, published & pronounced
by the testatrix as her last will and
testament in our presence, who in the
presence of testatrix and of each other
and after request, have subscribed our
names as witnesses thereto.

The words "said Humphrey" on the 1
page read as "Emily Taylor"
intending before signing.

L. H. Foreman
Wm. A. Castleman

Martha Foster Seal

Charles Bowen Secy

Clarke County Sci.

At a Court held for the County aforesaid on Monday the 25th day of September 1844. The Last Will & Testament of Martha Foster Decd.

The Last Will & Testament of Martha Foster Decd. was produced in Court by Thomas H. Crow the Exor therein named and proven by the Oaths of Province M^{rs} McCormick & William A. Castelman the two subscribing Witnesses thereto and ordered to be recorded. And on the motion of Thomas H. Crow the Ex^r of the said Martha Foster Decd. who made Oath according to Law and Together with Henry Morgan W^m A. Castelman & Province M^{rs} McCormick his security entered into and acknowledged Bond in the Penalty of Three Thousand Dollars Conditioned as the Law directs Certificate is granted him for obtaining Probate of the said Will of Martha Foster Decd. in due form of Law.

On the motion of Thos. H. Crow Ex^r of Martha Foster Decd. the Court doth appoint Jas. Castelman Francis McCormick Daniel H. Lowers & John Russell any Three of whom to act having been first duly sworn to appraise the value of any and other personal Estate of Martha Foster Decd. & Report according to Law.

On motion it is ordered by the Court that James Castelman Francis McCormick Daniel H. Lowers be and they are hereby appointed Co-administrators in pursuance of the Authority of the Last Will & Testament of Martha Foster Decd. to value at its actual & intrinsic Value the Real Estate in her said Will mentioned devised to her son Phil Appherd upon the following Credits namely One third in Twelve Months from her death and the Balance in two equal Payments thereof at the time but the said testator having been the Widow of her husband but in no manner

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& Castelman of Province McCormick his security entered into and acknowledged
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Law.

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McCormick & Daniel St. Jours be and they are hereby appointed Commissioners
in Pursuance of the Authority of the Last Will & Testament of Martha Foster Dec^d
to value at its actual & intrinsic Value the Real Estate in her said Will mentioned
and to her son Phil. Ripphard upon the following Conditions namely One Third in
Twelve Months from her death and the Balance in two equal Payments to be made
the two last Payments to bear Interest from the Day of her death but in making of the
Valuation aforesaid in the said Will which the said Phil. Ripphard has written & which