

I Thomas Shepherd of said State and County, being of sound mind and disposing of making and personal of which I have the proceeds do make public and declare the following as my last will and testament, Writing at former will.

Item 1st After the payment of my just debts, which I direct to be paid out of other assets than any specifically bequeathed herein, I give and bequeath to my beloved wife Sarah Shepherd, the following negro, to wit: George, Clayton, Harriet and Selcy, and their increase I give and bequeath to her. My said wife her thousand dollars in money, to be raised out of my estate in such manner as my executor may deem expedient. Also I give to her, one bed, bedstead, and furniture. And such of my household and kitchen furniture as she may deem it profitable to have in the simple.

Item 2nd I give and bequeath to my son Thomas J. Shepherd, the plantation whereon now live, in said State and County, containing some five hundred acres, more or less. Also to my said son Thomas J. I give and bequeath one negro man, by the name of Simon, the above specified property in this second item I give to my son Thomas J. Shepherd, over and above the portion hereinbefore given to him.

Item 3rd All the balance of my estate, both real and personal of every nature, whatever of which I may be possessed or entitled to, shall be equally divided into five shares. I give and bequeath to the children of my deceased daughter

the Elizabeth Gay, one share to be equal to portions of among them. And when said portions shall be payable to them, if any of them shall be married or unmarried, I appoint my son Edwin Shepherd trustee for such minor or minors unmarried children to hold their portions for their use, until they come of age or marry, and then to be delivered to them absolutely in the simple.

Item 3rd I give and bequeath to my son Edwin Shepherd, one of the above mentioned five shares in the simple.

Item 4th I give and bequeath to the daughter of my deceased daughter Eliza Tommey, one of the above mentioned five shares, to be equally distributed among them, and if any of them should be minors and unmarried, whosoever may become payable, I appoint Thomas J. Tommey trustee to receive and hold the same for their use, if such until they become of age, or marry, & then to pay over to them absolutely in the simple.

Item 5th I give and bequeath to my son John J. Shepherd, one of the above mentioned five shares in the simple.

Item 6th I give and bequeath to my son Thomas J. Shepherd, one of the above mentioned five shares in the simple.

Item 7th I further wish that Thomas J. Shepherd, Edwin Shepherd, and the children of Eliza Tommey (acting by the trustee of minors) shall be allowed to take all my shares, at such value as they may be appraised by persons appointed by the Court to appraise my estate, upon the payment by them to the children of my deceased daughter Elizabeth Gay and to my son John J. Shepherd, their portion of said shares in money, and give them the said Thomas J. Shepherd, Edwin Shepherd and the

Item 10.

children of my former or dear brother
in the Case may be twelve months time
from my death, within which to raise the
money and pay over the share due the
said Joseph, Ephraim and the children
said Joseph, Ephraim, say, without interest
of the said Joseph, Ephraim, and
in the case should be to be paid over, and
my son Thomas I demand, the children
of my former or dear brother or fail
within two time above given to pay over
in money as above mentioned & thereby
to release all the claims among themselves
Then the division of the Negro property must
be made with the other property, to be
in the joint share at over mentioned,
as though this division in the 9th Nov.
of my will were not herein contained.
I request my son Thomas & Ephraim
and my son in Law, Vincent P. Tomney
to act as executors of this my last will
and testament.

In witness whereof I the
said Thomas Shepherd, have to this my
last will, consisting of four pages, set
my hand and seal, this 10th day of May
1867.

Thomas Shepherd (S.S.)

Signed, Sealed, Published and
declared, by the above named Thomas
Shepherd, as his last will and tes-
tament, in presence of us, who at his
request and in his presence, in presence
of each other, have subscribed our
names as witnesses hereto.

Jedediah Reynolds
William Barry
Robert G. Harper

Georgia
North County

Codicil.

Without altering the above will,
I further draw this disposition herein
after made of the say John - sometimes
called, He may affect it. I make the
following additional provision by way
of codicil. I give and bequeath to my
son, Ben. John, sometimes called, He, &
solely without Thomas, Ephraim, brother
of the said Ben. John, for the use of my
wife & family, in his arriving at twenty
one years of age.

In witness whereof I have
here to set my hand and seal, this 13th
day of December, in the year of our
Lord 1868.

Thomas Shepherd (S.S.)

Signed, Sealed, Published and
declared as Codicil to the above
will, in presence of us. We signing
as witnesses in presence of testator
and of each other, at his request,
the day and year aforesaid.

Jedediah Reynolds
William Barry
Robert G. Harper

Proven in solemn form of Law
and admitted to records. Sep-
tember Term 1870, Court of Ordinary

J. P. Thomas
Ordinary