

In the name of God amen, I Thomas Kennedy of the county and state of aforesaid being of advanced age and knowing that I must shortly depart this life, deem it right and proper both as respects my family & myself that I should make a disposition of the property with which a kind providence has blessed me, do therefore make this my last will and testament hereby revoking all others heretofore made by me.

Item the 1st I desire and direct that my body be buried in a decent and christian like manner suitable to my circumstances and condition in life. My soul I trust shall return to rest with God who gave it.

Item 2nd I desire and direct that all my just debts be paid without delay by my Executors hereafter named and appointed.

Item 3rd I give and bequeth unto my beloved wife Margarette Kennedy the following named negroes to wit Sintha a women about thirty four years of age, Green a boy about eighteen years of age, and Jane a girl about eight years of age- together with a sufficient amount of my land including the place where I now reside with woodlands included that may be necessary for her and the negroes above named to cultivate the quantity to be fixed by my Executors hereinafter named. I also give to my beloved wife the ready money that may be on hand at the time of my decease to be kept by my Executor and used if necessary for the support and maintainance of my said wife. Also provision sufficient for one year support and a sufficient amount of household kitchen furniture necessary for comfort. Also a sufficient amount of stock and farming utensils for all the property herein given my wife. I give and bequeth the same to her during her natural life or so long as she may be capable of managing the same. And at her death the above named property together with its increase to be sold by my said Executors and the proceeds together with any ready money or hay to be equally divided between all my children then living and the children of those that may be dead, the children of my deceased sons or daughters to take the share or part that their Father or mother would have taken had they still lived.

Item 4th It is my will and desire that my children secure an equal portion of my estate- and having already given to my son James Kennedy property estimated by me to be worth Two hundred dollars- To Thomas A. Kennedy three hundred and ninety dollars worth- To Rachael wife of Wilson T. Holbrook one hundred and twenty dollars worth- To Patsy of John Waits (now deceased) one hundred dollars worth- To Nancy wife of William Holbro one hundred dollars worth- To Elizabeth wife of Absolum Baker one hundred dollars worth to my other three single Daughters to wit, Lavinia, Syntha and Amanda I have not given anything. I desire that each one share a part of my estate be made equal to the amount heretofore given to Thomas A. Kennedy before he secures any more.

Item the 5th I desire and direct that my negroes not heretofore

disposed of be lotted off into as many shares as there are distributies save one (to wit the share which Polly Waits would have been entitled to if she had lived) and be anssers for by the distributers of this my Estate except the children of my deceased daughter Polly Waits whose share is to be in ready money and to be equally divided between her children and the representatives of such children. The children of such child taking the share or part of the deceased Father or Mother. In allotting the negros the shares of each to be equal to any other- the difference to be made up in money. The negros which shall fall to my said daughter Rachael Holbrooks, Nancy Holbrooks, and Elizabeth Baker I give to them for their sole and separate use free from the control or disposition of their present or future husbands on this condition and at their death to go to and be equally divided between their children share and share alike. Should any of the children die before my said daughters then the share which would fall to them shall go to and be divided amongst their children share and share alike. The negros falling to my daughters, Lavinia, Syntha and Amanda- I give and bequeth to them for their sole and separate use free from the control of any person, thing, or either of them may hereafter marry, and with the power to dispose of the same at any time they may see proper. (GAR)

Item 6 It is my desire and I hereby devise to James Kennedy fifty acres of land off of the west side of Lot of land no ten in the fourteenth District of originally Fayette runty now Fulton, the same to be valued to him by three disinterested persons and to be taken by him as a part of his share of said estate.

Item 7 I direct that all and every part of my property not herein disposed of shall be sold by my Executors and the proceeds arising therefrom to be so divided amongst my said children and the representatives or children of my said sons and daughters as to make their share of my said sons and daughters equal, the children of my deceased daughter to receive her part.

Item 8 I hereby constitute, nominate and appoint my son Thomas A. Kennedy and John Collier my Executors to this my last will and testament this the 29th day of May, 1860.

Thomas Kennedy Seal

Signed, sealed discharged and published by Thomas Kennedy as his last will and Testament in the presence of no three subscribers who subscribed our names hereto in the presence of said Testator at his special instance and request and of each other this the 29th day of May 1860.

William Ezzard
Luther J. Glenn
John F. Ezzard