

66 I do solemnly swear that this writing contains the true last will of the
within named Mary Waiters deceased so far as I knew or believe and that
I will well and truly execute the same by paying first the debts and then the
legacies contained in the said will as far as her goods and chattels will
thereunto extend and the law charge me and that I will make a true and
perfect inventory of all such goods and chattels so help me god
Elizabeth Wall to be
John S. Needard

- George & I Matthew Durham of the State of Georgia aforesaid living
Monroe County 3 years in body but of sound mind and disposing memory
and calling to mind the uncertainty of this mortal life & the certainty of
death do make ordains constitute and appoint this to be my last will and
testament hereby revoking all other and former wills by me made
- Item 1st I give and bequeath unto my son Simon Durham five dollars
besides what I have given,
- Item 2nd My will and desire is that after my death my executors hereafter
named exchange the negro Washington for the negro Tom now in the
possession of my son Sherman Durham which negro Tom I hereby give
and bequeath unto the children of my son Simon Durham and
that said negro Tom be placed in the charge of my son Simon (in
right of his children) on his giving his receipt for the same to help
support and school them till the youngest arrives to the age of
twenty one year and then to be equally divided amongst his children
- Item 3 I give and bequeath unto my daughter Mary Stewart fifty dollars
besides her equal share of the residue legacy as mentioned in the
second item of this will
- Item 4 My will and desire is that the negro Jacob and any be owned
or appraised by five freeholders and that my daughter take the negro
Any at the aforesaid valuation and be accountable to my estate for
that amount and that my son Sherman take Jacob in the same
way at the valuation and be accountable to my estate for that
amount and that both the amounts for said two negroes to be
payable the same time as the other monies coming from the sale of
my property as directed to be sold by my executors on a credit

of twelve months in the the month of this will

Item 5th My will and desire is that my son Shelman take charge of the old negro woman Lyons (as she is called not as a slave) nor to be considered as his property but merely to take care of her during her natural life which negro I deem to be exempt from taxation by reason of age after the year eighteen hundred and thirty four.

Item 6th My will and desire is that a piece or parcel of land round the grave yard be reserved for a family grave yard beginning ten feet north and five feet east of Nancy Lusham grave and running south fifty feet thence west forty feet thence north fifty feet thence east forty feet to the beginning

Item 7th My will and desire is that all the real of my estate both real and personal of what nature or kind soever it may be not heretofore given or otherwise disposed of be sold by my executors on a Credit of twelve months at public sale and they take small notes with approved security for the same and that out of the money arising from said sale and that from the valuation of Jacob and Amey they deliver over the fifty dollars and pay all lawfull expenses and my will and desire is that all the balances of the proceeds of sale including the amount of the valuation of Jacob and Amey be equally divided among all my sons and daughters (except my son Simon) unless either of the negro Tom or Washington should die before a division of the residue legacy then and in that case my will is that my son Shelman have the surviving negro whether it be Tom or Washington and then the children of my son Simon come in for an equal share with all my sons and daughters (except Simon) in the residue legacy contained in this will.

Item 8th I do hereby nominate and appoint my sons Abraham Singleton and Shelman Lusham my executors to carry this my last will and Testament into effect.

In Witness whereof I have hereunto set my hand and affixed my seal this 16th day of October 1835 signed sealed &c in presence of

Collier Foster
William McKinney

Matthew Lusham



Georgia
County of Monroe
I, Collier Foster and William McKinney you and each of you do solemnly swear that you saw Matthew Lusham sign seal publish and declare this writing to be and contain his last will and testament that at the time thereof he was of sound and disposing mind and memory and that he did it freely without compulsion to the best of your knowledge and belief sworn to this 16th day of October 1835
Collier Foster
William McKinney