

Council or aid if they think necessary, and I will that each one (my Executor and Executrix) be held by my heirs only responsible for the amounts they individually receive and handle, in testimony whereof I here subscribe my name and affix my seal this 16th day of January 1864

Attest

Thomas Roberson Deed

John B. Dickerson

Peter Shible

State of Kentucky

Boyle County Court April Term 1864

I John B. Nichols Clerk of the Boyle County Court do certify that the foregoing instrument of writing, purporting to be the last Will and Testament of Thomas Roberson Deed was produced to the Court at its above term, and being duly proved by the oaths of John B. Dickerson and Peter Shible, subscribing witnesses thereto, it is therefore adjudged by the Court to be the true last Will and Testament of Thomas Roberson Deed, and as such ordered to be recorded, which is now truly done in my office.

Given under my hand this May 16th 1864

John B. Nichols Clerk.

The Will of Charles Caldwell

I Charles Caldwell, of the County of Boyle and State of Ky make and publish this my Last Will and Testament, hereby revoking all other wills heretofore made by me.

First I will and devise the whole of my Estate, real, personal and mixed, to my beloved wife, Elizabeth, to have and to hold during her natural life, Subject however to the annual support and education of my grand child, Jeroniah Clemmons Caldwell, and my two grand Nephews, William Caldwell McChord, and Charles Caldwell McChord, But the said grand child and two said Nephews must be, remain & continue under the control and government of my wife, so long as they receive the annual support and education herein provided for, I invest my said wife with full and ample power to dispose of the personal Estate including slaves and debts due me, by Deed, Will or otherwise, as she may deem best. Second, I devise to my grand child Jeroniah Clemmons Caldwell all of my lands, in this and in other States, I request him that in any disposition he may make of said property herein devised to him, in case he has no descendant, by will

he will devise to Charles Caldwell McChord, the lands, including my residence, in Boyle County, lying West of the present site of the Rail Road and including the Cowan and Brassfield places But this is to be entirely discretionary with him -

Third, I bequeath to my two Nephews Charles Caldwell McChord and Wm Caldwell McChord, each one, the sum of one thousand Dollars. In the event, however, of Charles Caldwell McChord acquiring the lands above named, by devise from Jeroniah Clemmons Caldwell, he must pay to William Caldwell McChord the sum of One Thousand dollars, and to each one of his other brothers & sisters, the sum of one thousand dollars to be paid in six years after his acquiring said lands.

Fourth, In the event of the death of my said Grandson, Jeroniah Clemmons Caldwell, without descendant, I devise to the Trustees of the Caldwell Female Institute, in Danville, if such corporation should be then in existence, such a sum of money as my wife, in her discretion may determine.

Fifth, In addition to the above, I bequeath to my Trustees, hereinafter named, the sum of two thousand dollars, to be paid at such time as my wife may think proper, to be managed and controlled by said Trustees, for the use and benefit of the Caldwell Female Institute.

Sixth, In place and in discharge of the donation of ten acres of land made by me, conditionally, to the Theological Seminary, off my tract of land, adjoining the lands of John B. Samps, next to the town of Danville, I devise to the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky, the sum of two thousand dollars, provided the said Seminary remain in the town of Danville, and provided the said Trustees will release and convey to my devisees the said ten acres of land, on payment of the said two thousand dollars.

Seventh, I hold two scholarships in the Centre College of Kentucky, at Danville, which after the education of my grandson and Nephews above named, I direct to be surrendered to the Trustees of said College.

Eighth, The devise of the property aforesaid, is made to my said grandson, with full and ample power to him to dispose of the same by Deed or will, after his arrival at the age of twenty one years, subject, however, to the consent and approval of the Trustees as hereinafter named, and provided, and subject also to the following restriction - that in no state of case shall he make any disposition whatever, wholly

Reading or

his wife, formerly the wife of Jeremiah C. Caldwell, or their descendants, or any one who, ^{shall} by law in, through or under them, shall have any part or parcel of the Estate herein devised to him, and any effort on the part of my said Grandchild to evade or violate this restriction shall operate as a forfeiture of the Estate devised to him under this my will.

Ninth, If any of my property be undisposed of, by this my will, I bequeath the same to my said grandchild, Jeremiah C. Caldwell, and make him my residuary devise and legatee. Subject to the restriction above named.

Tenth, I hereby appoint Rev. E. P. Humphrey, Armistead Beatty and W. L. Caldwell Trustees; they or a majority of them to aid and assist my wife in the general management of my Estate, and in the supervision of the education and control of my said grandchild and nephews. The said Trustees are invested with full and ample power and control over the whole of the property, real, personal and mixed herein devised to my grandchild, Jeremiah C. Caldwell and two nephews William Caldwell McChord and Charles Caldwell McChord, until the said grandchild and nephews, severally arrive at the age of thirty years; and no disposition shall be made of the property herein devised to my said grandchild and said nephews, by them, without the consent and approval of the said Trustees, until they shall severally arrive at the age of thirty years; and the power hereinbefore conferred upon my grandchild to dispose of the Estate herein devised to him, after his arrival at the age of twenty one years is to be subject to the approval and consent of the Trustees as provided in this section. I hereby invest the said Trustees and their successors with full and ample power to sell and convey any part or parcel of my Estate, real, personal, or mixed, with the consent of my wife; notwithstanding the devise hereinbefore made to my grandchild and nephews, that they may deem for the good of the Estate, or for the benefit of the devisees, and invest them with full and ample power to make Conveyances or Conveyances for any part or parcel of the real Estate that they may dispose of under this power. If they or either of them should fail or decline to act from any cause as such Trustees, then I desire the Circuit Court of Boyle County to designate his or their successors upon the suggestion of the other Trustees and such successors are invested with all the rights and powers of said Trustees.

Eleventh, In the event of the death of my grandchild Jeremiah Clemmons Caldwell without descendant and in-
testate; the estate herein devised to him will pass in accordance

with the directions of a paper, which I have signed at the same time with the execution of this Will, and sealed and left in the hands of my Trustees. This paper is to be kept by said Trustees or their successors, and if the event above named should happen, then to be opened by them. The said paper is part of my will, to be opened and to take effect if the said event should occur.

Twelfth, I hereby appoint my wife Elizabeth Caldwell & W. L. Caldwell Executrix & Executor of this my will and request that they may act without executing the bond required by law. In testimony whereof I have hereunto set my hand this 4th day of April 1864.

Witness

J. M. Evans
R. P. Jacobs

Charles Caldwell

State of Kentucky

Boyle County Court July Term 1864

I, J. B. Nichols Clerk of the Boyle County Court do certify that the foregoing instrument of writing purporting to be the Last Will and Testament of Charles Caldwell was produced to Court at its above Term, and being duly proven by the oaths of J. M. Evans and R. P. Jacobs subscribing witnesses thereto It is therefore adjudged by the Court to be the true Last Will & Testament of Charles Caldwell dec^d, and as such ordered to be recorded, which is now truly done in my office. Given under my hand this July 18th 1864.

J. B. Nichols Clk.