

Evan Rogers Will

In the name of God amen. I, Evan Rogers of the County of Boyle and State of Kentucky, do make and publish the following as my last Will and Testament, To wit, my Funeral charges and just debts are first to be paid out of my Estate. I devise to my Daughter, Loucinda Hite the House and Lot in Lebanon where she now lives to be held by her during her life, and at her death to go to her children. This property the Husband of my Daughter is to have no interest in, or control over except as the Agent of my Daughter. My will, however, is, that if at any time it should suit my Daughter to sell the property and buy property elsewhere with the price or purchase money she is authorized to do it, and to convey the same to the purchaser. But she is to hold the property purchased for herself and children as she holds this property. My Daughter is to account for this property in the division of my estate, as hereafter provided for, at (\$900) Nine Hundred dollars. I devise the land I live on, containing about one Hundred and Eighteen acres, more or less, and the Tract between this and Danville on the Turnpike Road, containing about one Hundred acres, more or less, and any other land I own or have any interest in, to be sold by my Executor, after my death, on a credit of one, Two, and Three years, with Interest from the day of sale. The purchaser, or Purchasers, giving Bond and good security for the purchase money, and my Executor is authorized to make good and sufficient Titles to said land at such time, or times, as may be agreed on when the sale is made. My Executor is authorized, and directed also, to sell all my personal estate, except my slaves, after my death on a credit of one year, without Interest, taking Bond and good security from the Purchasers of the same. My slaves I will to be divided into four shares after my death, and as it will be doubtless impracticable to make the shares equal in value in the division, they are to be equalized in the division of the residue of my Estate, and I devise one share of said slaves to my Daughter, Matilda Pritchett, of Missouri, and one share to my Daughter, Eliza Crow, and one share to my Daughter Loucinda Hite, and one share to my son, Milton Rogers. The slaves that may be allotted to my Daughter, Loucinda Hite, is to be held by her for life with Remainder to her children, and her Husband is to have no interest or control over the same except for her use and benefit; my said Daughter, however, may sell said Negroes, or any one of them, if she thinks it her interest to do so, and vest the money in other property to be held in the same way she is to hold the Negroes with Remainder to her children at her death. And the slaves that may be allotted to my Daughter, Matilda Pritchett are to be held by her for life, free from any interest or claim on the part of her Husband, with Remainder at her death to her children.

My will and Devise is, that my estate including the property mentioned as aforesaid, be equally divided amongst all my living children and the children of my deceased Daughter Margaret Pritchett, who will receive the share of their deceased mother, and as I have heretofore advanced

all my children, and think there is no great inequality in that respect, my will is that my Estate be divided without those advancements being taken into account; That is, That Matilda Pritchett, Eliza Crow, Loucinda Hite, Milton Rogers, & James Rogers each have an equal share and the children of my Daughter Margaret, as aforesaid have a share, to be divided amongst them. And the shares in money, besides the Negroes aforesaid that may fall to my Daughters Matilda Pritchett, and Loucinda Hite, they will hold in the same way, free from the claims of their husbands, that they are to hold the Negroes, and other property respectively given to them and their children as aforesaid. And as to the share in my Estate of my son James Rogers, my will is, that my Executor, hereafter named hold the same in Trust for his use and benefit, letting him have from time to time such part or portion as his necessities may require in the opinion of my Executor, and my Executor may pay to him his whole share in the Estate, being satisfied at the time of payment, that he will carefully and prudentially manage and take care of the same. My further will is, that my Son Milton Rogers be, and he is hereby appointed Executor of this will.

Given under my hand this 19th day of January 1854,
Evan Rogers.

(Witnessed before signed)

Witnesses

A. W. Knox witness heard Evan Rogers

direct John Kincaid to sign his name
to this will

W. G. Kincaid, Witnessed in Testator's
presence and acknowledged by him
Silas Harlan

State of Kentucky
Boyle County

I, John B. Akin, Clerk of the Boyle County Court, do certify that the foregoing Instrument of Writing purporting to be the last Will & Testament of Evan Rogers, deceased, was this day produced in open Court, and proved by the oaths of W. G. Kincaid, Silas Harlan & A. W. Knox, subscribing witnesses thereto to be the true last Will & Testament of said Evan Rogers, deceased, and ordered to be recorded; which is done accordingly. Given under my hand this 20th day of February 1854.

John B. Akin clk.

children (to wit) Charles B. Fisher, Amanda Wilhite, James D. Fisher and Cynthia Deer all the slaves together with their increase herein bequeathed to my wife (to wit) Jeremiah Richard, Mary, Liper, Thomas, West and Jordan to be equally divided among them -

Ninth. I, will and devise that at the death of my wife all the residue of my Estate of every kind that may be then remaining and not herein otherwise disposed of be sold and the proceeds equally divided among all my children share and share alike and if any of my children should be dissatisfied with the provisions of this my last Will and Testament -

It is my will that such child or children shall receive of my Estate a Bull Calf and no more in lieu of what is herein bequeathed to them -

And lastly. I, hereby nominate and appoint John Whelan Charles B. Fisher Executors of this my last Will and Testament hereby revoking all Wills by me heretofore made.

In testimony whereof I have hereunto set my hand and affixed my seal this 15th day of June 1844

Witness Elias Fisher Seal

S. W. Montgomery
Thomas J. Daniels
Garret^{his} Covert
Thomas Dotle

State of Kentucky

Boyle County Court - } Sec -

I, Thomas B. Nichols Clerk of the County Court for the County aforesaid, do certify, that this Instrument of writing, purporting to be the last will and testament of Elias Fisher dec^d was produced in said Court at the April Term 1845 and proved to have been duly executed by the said Elias Fisher, by the oaths of S. W. Montgomery, Garret Covert, and Thomas Dotle subscribing witnesses thereto -

Whereupon said Will was ordered to be recorded.

Given under my hand this 31st day of April 1845 -

Tho B. Nichols - CLK -

Drury Clarkstone
(Will)

In the name of God. Amen. I, Drury Clarkstone of the County of Boyle and State of Kentucky being of sound mind do make and ordain this my last Will and Testament - hereby revoking all others -

First - I, commend my soul to God and my body to the Earth to be disposed of in a Christian like manner -

Secondly - I, desire that all my just debts shall be adjusted and paid as soon as the funds can be obtained after my decease.

Thirdly - I, desire that all my property shall be sold as soon after my death as arrangements can be made or prudence may dictate on a reasonable credit -

Fourthly - I, give and bequeath unto my daughters Martha, Nancy Roberts, and Waffy two hundred dollars to be equally divided between them as a special Legacy - this I do from a sense of duty for their tender and kind attention to me in my afflictions

Fifthly - Whatever may remain after the foregoing bequests are satisfied, shall be equally divided between my nine living children -

Lastly - It is my wish and desire that the County Court of Boyle County shall appoint some suitable person to take charge of my Estate, and carry out the provisions of this my last Will and Testament - In Testimony whereof I have hereunto set my hand and affixed my seal this - day of May 1845 -

John Durham

Isaac Savier

Addison Durham

Drury^{his} Clarkstone

State of Kentucky

Boyle County - Sec -

I, Thomas B. Nichols Clerk of the County Court for the County aforesaid, do certify, that this Instrument of writing, purporting to be the last Will and Testament of Drury Clarkstone dec^d was produced in open Court at a Court held for the County aforesaid on the 16th day of June 1845 (the same being the June term of said Court) and proved to be the last Will and Testament of the said Drury Clarkstone by the oaths of Isaac Savier and Addison Durham subscribing witnesses thereto - Whereupon, the same was ordered by said Court to be recorded - Which is accordingly done -

Given under my hand, this 16th day of June 1845 -

Tho B. Nichols - CLK -

Evan Rogers and Elizabeth Parks
(Marriage Contract)

An agreement made and concluded upon this twenty seventh day of September Anno Domini 1831 between Evan Rogers of Mercer County and Elizabeth Parks of the County of Lincoln W. Va. that the said Evan Rogers and the said Elizabeth Parks hath this day entered into a contract of Marriage, and being desirous of securing to the children of each other the property now belonging to each of said parties have agreed as follows Viz, that upon the marriage of said parties the property or real Estate of the said Elizabeth Parks as follows (to wit) the land whereon

the said Elizabeth now lives and negroes in her possession two women Hannah and Maria with her first child Amanda and all her increase (except Ellen a small child which is now understood as given to her daughter Nancy Marshall) and that the two negro men Jerry and Jacob together with the same and women above named as being the real Estate of the said Elizabeth Parks derived from the devise of her former husband Samuel Parks all the right and title whereof shall rest in the said Evan Rogers to have to hold and enjoy during the life of the said Elizabeth Parks, and in the event of her death prior to that of the death of the said Evan Rogers, then all the real Estate acquired as aforesaid shall be surrendered and delivered up by the said Evan Rogers his heirs Executors administrators to the said Elizabeth Parks or her heirs Executors or administrators for the sole use and benefit of such person or persons as she shall make provisions for or give directions concerning in her lifetime to be the legal heir of her Estate. It is also agreed and understood that the said Elizabeth Parks in case of surviving him the said Evan Rogers, hereby relinquishes all right or claim which she might or could have by way of Dower or otherwise in and to the Estate of the said Evan Rogers real and personal, and agrees that the same shall be delivered up to the Executors, Administrators or heirs as the case may be for the sole use and benefit of the heirs of the said Evan Rogers, to be disposed of in such manner as he may direct by last Will or otherwise.

Given under our hands and seals the day and year first written in this agreement.

Attest
John S. Higgins
Mary Butchings

Evan Rogers (S.S.)
Elizabeth ^{her} Parks (S.S.)

N.B. It is also understood that in any event upon the decease of the said Evan Rogers and the said Elizabeth surviving him the Estate then in the possession of the said Rogers acquired by the inter-marriage aforesaid is to be surrendered and delivered up by the said Rogers his heirs Executors or Administrators to the said above named Elizabeth for her sole use and benefit, that is to say the real Estate of land and negroes as above named.

Attest
John S. Higgins
Mary Butchings

Evan Rogers (Seal)

Kentucky - Lincoln County - Set -

I do certify that on the 8th day of October 1821 the within and foregoing instrument of writing or marriage contract made and entered into by and between the within named Evan Rogers and Elizabeth Parks was presented to me in my office and proven to be the act and deed of the said Evan Rogers and Elizabeth Parks by the oath of John S. Higgins one of the subscribing witnesses thereto.

Whereupon I admitted the same to record in my office -

Thomas Helm - Clerk -

State of Kentucky

Boyle County - Set -

I, Thomas B. Nichols Clerk of the County Court for the County aforesaid, do certify, that this instrument of writing purporting to be a marriage contract between Elizabeth Parks and Evan Rogers was produced in Court at the June Term 1845 of said Court and proved to have been duly executed by the said Elizabeth Parks and Evan Rogers by the oaths of John S. Higgins and Mary Green formerly Butchings, subscribing witnesses thereto. Whereupon said contract was ordered to be recorded. Which, together with the certificate thereon endorsed and the foregoing certificate, hath been duly admitted to record in my office. Given under my hand this the 16th day of June 1845.

Thos B. Nichols - clk

Elizabeth Rogers late Parks

The last Will and Testament of Elizabeth Rogers late Parks -

I, Elizabeth Rogers late Parks do make and ordain this to be my last Will and Testament, which is made in pursuance of the power conferred and reserved by the marriage contract of the said Elizabeth and her husband Evan Rogers, made and entered into by them prior to their marriage and dated 22nd day of September 1821, and witnessed by John S. Higgins and Mary Butchings, and recorded in the Clerk's office of the Lincoln County Court, the original of which was deposited in the custody of John S. Higgins - 1st, All of the slaves which I may own are to be emancipated and forever set free, and certificates of emancipation to be provided by my Executors at the expense of my Estate, which said slaves are Maria and her ten children, Amanda, Willis, Jerry, John, Robert Butchings, Allen, Samuel, Nelson, Edmund Huston, also Amanda's four children Nancy, Alexander, Martha, William, together with the future increase of them the aforesaid slaves or any of them, however it is my desire that such of the aforesaid slaves or their children as may not be twenty one years of age at my death, and not suckling children are to be bound out until they respectively arrive at the age of twenty one years, the children of Maria subject to the above exception, are to be bound out to Edmund Howell of Bedford Trimble County Ky, who is the husband of Maria Noel the adopted daughter of myself, the children of Amanda are subject to the above exception, are to be bound out until they arrive at the age of twenty one to Wilson Green of Boyle County Ky who is husband to my niece, And also my slave Jacob about fifty years of age is also emancipated, should any of the children of said slaves be suckling children at my death they are to remain with their mothers and not be bound out.

2^d, I, desire that the land which I own being a tract of land lying in Lincoln County Ky be sold on such credit as my Executor may direct and my Executors is hereby empowered to sell and convey said land and out of proceeds my Executor is directed to pay to the said three slaves Jacob, Maria and Amanda the sum of twenty dollars each and the residue of the proceeds of such sale to be divided among the said three slaves, Jacob to have one fourth, and the balance to go in equal shares to Maria and Amanda, except however the twenty dollars the shares of each of the said slaves, the share of Jacob and Amanda to be vested in the hands of Wilson Green, who is directed to lend out the same from year to year and pay over annually the interest on the same to the said Jacob and Amanda for five years after my death, after which five years the principal is to be paid them in the three equal annual instalments and the share of said Maria to be vested in hands of said Edmund Powell with same directions and powers -

3^d, I, hereby make and appoint Wilson Green and Joshua Bee of Boyle County Ky the Executors of this my last Will and Testament - In testimony whereof I have signed and sealed this my last and Testament this 19th day July 1842

Read and interlined before signed

Signed in our presence

A. W. Knox..

A. S. Wilson..

State of Kentucky
Boyle County Court

I Thomas W. Nichols, clerk of the Court for the County of Boyle do certify that this Will of Elizabeth Rogers was produced to said Court on the 1st day of the April Term 1845. and by consent of the parties concerned was continued until the third day of the said term ~~of said~~ and on the third day of said term aforesaid the same was again produced in open Court and ordered by the Court to be continued until the next Term thereof And afterwards on the 19th day of May 1845. said Will was again produced in open Court, and on motion of one of the executors named therein the same was continued until the next term and leave given the parties to have subpoenas issued for witnesses to testify in relation to the probate of said Will, and afterwards at the June Term of said Court 1845. the said Will was again produced in open Court, at which time an instrument of writing purporting to be a marriage Contract between Elizabeth Parks (now Rogers) and Eran Rogers was produced as evidence in the case which said Contract was proved to have been executed by the aforesaid parties by the oaths of John S. Higgins and Mary Hutchings (now Mary Green) subscribing thereto, and at the same time said Will being proved by the oaths of A. W. Knox and A. S. Wilson sub-

scribing witnesses thereto, to have been duly executed by said Elizabeth Rogers, the same together with the aforesaid marriage Contract was ordered to be Recorded - Whereupon the said Will and marriage Contract, are truly admitted to Record in my office Given under my hand this 16th day of June 1845.

Thos. W. Nichols clk.

Ezekiel Gaines Will

In the name of God, Amen, I Ezekiel F. Gaines of the County of Boyle and State of Kentucky being feeble in body and he alth but of sound disposing mind and memory do make and ordain constitute and publish this my last will and testament, hereby revoking all other and any former wills and Codicils by me heretofore made. Item 1st I wish and direct my executors hereinafter named to first pay my funeral expenses, and my just debts. Item 2^d I give and devise to my daughter Ellen McRoberts, Susan Gaines, Emily McRoberts, Almira Gaines, and my grand daughter Susan B. Walling, and Deborah Walling child of my deceased daughter Caroline Walling, the two last together to have an equal share with each of the other of my daughters, the following tract of land and its appurtenances to hold jointly to them and their heirs forever. Beginning near the big cave spring at Southons factory at my corner with the Southons thence north over the strong bluff to the worn rail division fence between the fields on the hill thence with said division fence to a pair of bars, now standing in the fence running east and west, thence with the fence in which the bars are west to the corner of the field called the hemp field, thence nearly a north course to a stone corner in a small white meadow thence between Anderson Rice and myself, thence with the line between said Rice and myself nearly west to the line between Cal. J. McCorrell and myself thence on with said line between said McCorrell and myself to my corner on the bank of the creek or branch, thence up said creek or branch with its meanderings to Fishers old mill following my line and bearing out said mill thence with the old tail race of said mill to my corner near a spring on the side of the hill, thence with my line to said branch, up said branch to the beginning. Item 3^d I give and devise to my wife Susan Gaines her during her natural life and to my two sons Benjamin M. Gaines and Ezekiel F. Gaines all my other land not herein before devised, my said wife to hold the same jointly during her life with my said sons Benjamin M. and Ezekiel F. Gaines and at her death I will and devise the same with the horse mills and other appurtenances thereto belonging to my said sons Benjamin M. Gaines and Ezekiel F. Gaines and their heirs forever. Item 4th I give and devise to my wife Susan Gaines during her natural life and to my sons Benjamin M. and Ezekiel F. Gaines the following negroes to wit. The negro woman Sidney Martha and boy John, my wife to hold jointly, the said negro slaves