

State of Kentucky
County Court of Boyle County 3 Oct
January (15) Term 1847

J. Thomas B. Nichols, clerk of the County Court for the County aforesaid, do certify that the foregoing Deed of Trust from John Grant to Thomas W. Fry, Trustee of Mary Harlan was this day produced in open Court to said Court at its January (15) Term 1847 and examined -
Whereupon it was ordered to be recorded, which has been truly done in my Office - Given under my hand this 15th day of January A.D. 1847 -
att. Thos B. Nichols clk

M^c Cann^m
Will

I, William M^c Cann, of Boyle County & State of Kentucky being feeble in body but of strong disposing mind and Memory do make this my last will and Testament - "First", my will is that all my just debts shall be paid - "Second", - I will and bequeath to my youngest Daughter Catherine five dollars & no more. "Third", my will is and I give & bequeath to my three oldest Daughters Mary-Elizabeth - Nancy-Ann and Mildred all the rest and residue of my property of every description both real and personal, to be theirs for ever & equally divided among them at my death. "Third" I hereby appoint and ordain my friend A. G. Kyle, Executor of this my last will & Testament
In testimony whereof, I have this 25th day of July 1848. set my hand
William M^c Cann
Witness
A. G. Kyle
W. R. Boice
Addison Mitchell

Commonwealth of Kentucky
County Court of Boyle County 3 Oct
December (17) Term 1849 -

J. Thomas B. Nichols, clerk of the County Court of the County aforesaid, do certify that this Instrument of writing purporting to be the Last will and Testament of W^m M^c Cann Dec^d was produced in open Court to said Court at its December (17) Term 1849 - and proven by the oaths of W^m Boice and Addison Mitchell to be the true last will and Testament of said M^c Cann Dec^d, and was ordered to be recorded which has been truly done in my office -
In Testimony whereof, I have hereunto set my hand this 17th day of December A.D. 1849
attest. Thos B. Nichols clk

I, Jesse Smith, of Mercer County and State of Kentucky, make this my last will and Testament in manner and form following -
First - I will and direct that all my just debts be paid -
Secondly - I give to my gran-son, Jachariah, child of my son Jachariah Dec^d, Sixteen Hundred Dollars, to be paid to him when he becomes twenty one years of age with Interest thereon, from and after two years from my death But should my said gran-son die before he becomes of full age, and without heirs of his Body, then in that case, this devise to be considered as elapsed and return to my Estate and descend accordingly - - - - -
Thirdly - I give to my two Gran-daughters, twin children of my son Barbee Dec^d Sixteen Hundred Dollars, to be equally divided between them, and paid to them when they become of full age of twenty one years, or maries; the money to remain in the hands of my Executor or placed in some other safe hands, and the interest thereon to be paid to them annually for their benefit and support; the payment of Interest to commence one year from and after my decease. If either of my said Gran-Children should die before they become of age, and without heirs of their body then in that case, her part or proportion to go to Survivor. If both should die before they become of full age and without heirs of their body, then in that case this devise to be considered as elapsed and go to my Estate and descend accordingly.
Fourthly - I will and direct that from and after six-months after my death, my Negro-man "Harry", be free, and enjoy all rights and priviledges of a free man-of-colour - - - - -
Fifthly - I will and direct that one year from and after my death, my negro woman Caroline be free and to enjoy the rights and priviledges of a free person of colour forever thereafter - - - - -
Sixthly - I give to my four children now living (to-wit) Nancy, Fanny, Robert, and Joseph all the residue and remaining part of my Estate both real and personal to them and their heirs for ever, to be equally divided between them in such manner and way as they may think best so as to do equal justice to all and each of them - but it is to be understood, that in the distribution regard is to be had to those who have recieved in advance; the amount given in advance to each one can be seen by referring to my acc^t Book to be deducted from their respective portions of the remaining part of Estate
As the devise made in the second and third article depend on Contingencies and the money may return to my Estate, in that case it is my intention and meaning that it go to, and be divided among my four last children named - - - - -
Seventhly - I will and direct that one-eight or twenty square poles of ground to include the graves of my dec^d wife and eldest son in the center be reserved, and forever kept sacred - I also reserve the same quantity of ground to include ~~to include~~ the graves of my black or negro family in the center to be kept sacred forever -
I would guard my Executors against any old state debts or claims against my Estate as I have been in the habit of paying

debts punctually or at least without ^(un)reasonable delay — I appoint my son Joseph, of this county, and Samuel Myers of Danville, Executors to this my last will and Testament — hereby revoking and make void all other wills heretofore made by me — In witness whereof, I have set my Hand and signed my name this second day of November, One thousand, Eight hundred and forty —

Witness —
Robt. Sillford
Abraham Smith

Jesse Smith

3rd Codicil to my will annexed.

Article 1st. It is my desire and Will that my son Joseph should have the House and lot on which he lives in the town of Danville, the same I purchased from William Batterton, with the appurtenances thereto belonging — he, my son Joseph to have the said premises at the same price I give for it (to wit) Two thousand Dollars — The time and manner of payment to be first and agreed upon by himself, my son Robert, and my Daughter Fanny as they think best.

Article 2nd. I will and direct that all those of my negro slaves not otherwise disposed of or provided for at my death shall have the right and privilege to choose their own Master or Mistress. My Executors are hereby authorized and directed to sell them to such person or persons as they may respectively choose, provided such persons pay their full value — a reasonable credit to be given if required, the Purchaser giving Bond and good Security for the payment of the money —

The foregoing article is superseded — See Codicil No. 5 dated 10th March 1846.

Article 3rd. Considering the plan of Colonizing the free black population of our Country to Liberia in Africa most important and deeply interesting to our Country, I have for several years past given to the society organized for that purpose and known by the name of the Colonization Society the small sum of Ten Dollars annually — Being desirous to continue my further little aid to the laudable and praiseworthy Institution — I give and bequeath to said Society Fifty Dollars to be paid in five equal annual payments to such person or persons duly authorized to receive the same — Written with my own hand and signed with my name this 19th March 1844 —

Jesse Smith

5th Codicil to my Will annexed.

I will and direct that my negro man, Bourdan, after faithfully serving four years from and after my death shall be free and be entitled to all the rights and privileges of a free man of color —

I also will and direct that my negro man Westley, after faithfully serving four years from and after my death shall be free and entitled to all the rights and privileges of a free of colour —

I also will and direct that my negro man Harrison after faithfully serving four years from and after my death shall be free and entitled to all the rights and privileges of a free man of colour —

I also will and direct that negro woman, Amy, after faithfully serving four years from and after my death — shall be free and en-

titled to all the rights privileges of a free woman of colour —

I also will and direct that my negro boy Arado, after faithfully serving six years from and after my death — shall be free, and be entitled to all the rights and privileges of a free man of color —

I also will and direct that my negro boy Merit, after faithfully serving eight years from and after my death — shall be free and be entitled to all the rights and privileges of a free man of color —

The money or profits arising from the the labour of the before named Negroes during their respective term of servitude will be considered part of my Estate and descend according to my will —

To guard against fraud and imposition, I will and direct that the before named Negroes are not to be hired out, or otherwise disposed of to any to any person or persons who will take them out of the neighbourhood — say five miles from the town of Danville. I enjoin upon my Executor to see that justice is done.

Written with my own Hand and signed with my name this 10th of March 1846 —

Jesse Smith

Codicil to my Will.

For reasons best known to myself, I now make the following alteration to my will, to wit, — I will and direct that my daughter Nancy, now Nancy Gill, have no more of my Estate either personal or real, more than what I have already given to her — the amount will be seen in my Memorandum Book referred to in my will — Written with my own hand and signed with my Name this 2nd day of September 1846 —

Jesse Smith

Codicil — I, Jesse Smith of Boyle Co. Ky. make this Codicil to my will heretofore made & to the Codicils added thereto, all of which are in my own hand writing & signed in the same. I hereby give & bequeath to my Grand-daughters Joana & Ann Smith, daughters of my deceased son Daniel Barbee, Smith; the following tracts of Land in equal undivided portions, to wit — Eighty acres in the State of Indiana, being the west half of the north-east quarter of Section Nineteen, in Township twenty-four North of Range two-west; in the district of land subject to sale at Crawfordville in said state for which I hold a Patent from the U.S. government; also a tract in the same state patented to me containing One hundred & fifty-two acres & $\frac{4}{100}$ being the north-west quarter of Section Nineteen in Township twenty-four north of Range two west in the same district as above — also a tract containing eighty acres patented to me as above & being the East fraction of the South-west quarter of Section Eighteen in Township ^(four) twenty-four north of Range two west in the same district as above mentioned; & also a tract patented to my son Barbee Smith containing Seventy-two acres & $\frac{2}{100}$, being the west fraction of the south-west quarter of section Eighteen, in Township twenty-four north of Range two west, in the same district, all in the state of Indiana — the patents being now in my possession & numbered 11,373-11,371- & 11,001 —

In case of the death of either of the above Grand-daughters Joana

& Ann before the age Twenty-one or before marriage & legal issue living at the time of her death; I give & bequeath all the tracts above described to the survivor or her issue - If both should die under age & without legal issue, my will is that these lands go then to my heirs generally to be divided among them according to law - October 27th Eighteen-Hundred & forty-eight

Signed & acknowledged

3 Jesse Smith

in the presence of

J. A. Jacobs

M. H. Maury

State of Kentucky

Boyle County Court & Sec.

I Thomas B. Nichols, Clerk of the County Court for the County aforesaid, do certify, that this last Will & Testament & the Codicils attached thereto numbered two - three - four & five, were produced in open Court to said Court at its June Term 1849, and Codicil Number five, was proven by the oath of M. H. Maury, a subscribing Witness thereto & ordered to be continued - And at the July Term 1849, of said Court, said Will & Codicils were again produced in open Court to said Court & ordered to be continued - And at the August Term 1849 of said Court said Will & Codicils were again produced in open Court to said Court & ordered to be continued - And at the September Term, 1849, of said Court, said Will & Codicils were again produced in open Court to said Court & Codicil Number five was proven by the oath of J. A. Jacobs, a subscribing Witness thereto & ordered to be recorded and said Will & Codicils Numbers 2, 3 & 4 were ordered to be continued -

And at the October Term 1849 of said Court said Will & Codicils Numbers 2, 3 & 4 were again produced in open Court to said Court & the Will was proven by the oaths of Robert Lillard & Abraham Smith, subscribing witnesses thereto & the hand-writing of the signatures to the Codicils 2, 3 & 4 were proven by the oaths of Charles Henderson & Jeremiah J. Payne - Whereupon the said Will & Codicils, 2, 3 & 4 were ordered to be recorded - Which, together with Codicil Number five, have been truly read in my office -

Given under my hand & this 15th day of October 1849 -

Thos B. Nichols Clk

State of Kentucky - In the name of God, Amen,

I Nicholas Wilhite of the County of Boyle and State aforesaid, being somewhat advanced in age, but of sound and disposing mind and knowing it is appointed for all men to die, have thought proper to dispose of my worldly estate in the following manner 1st, I declare this to be my last Will and Testament, revoking all others by me made - I recommend my soul to God, and my body to be decently buried -

2nd, My will and desire is that all of my just debts be punctually paid - 3rd, It is my will and desire that my whole Estate real, personal and mixed be sold by my Executors with the exception of a negro woman Phillis who is to be set free and her free papers to be given to her by my Executors -

4th, It is my will and desire that the proceeds of whole Estate be equally divided among all my children (except Elisha W. Wilhite) who is to have three hundred dollars more than any of the others on account of his afflicted situation -

5th, It is my will and desire that my children account for the following sums, I having advanced that amount to each of them (viz) To Austin H. Wilhite one hundred and forty one dollars, Lucretia Hall (the wife of Baylus Hall) the sum of one hundred and ninety one dollars and 25 cents, to Nancy Nailer the sum of one hundred and sixty nine dollars and twenty five cents, to Indiana Teager the wife of Buford T. Teager one hundred and thirty six dollars and twenty five cents, to Betty Ann Cooke the wife of Benjamin Cooke the sum of one hundred and eighty six dollars and twenty five cents, to Betsey Ann Smith the wife of William Smith the sum of one hundred and seventy six dollars and twenty five cents, to Napoleon S. Wilhite the sum of fifty five dollars, Elisha W. Wilhite the sum of fifty dollars, the above named persons are my legal representatives -

It is my further will and desire that all my daughter Lucretia Hall (the wife of Baylus Hall) may receive from my Estate to be placed in the hands of my Executors for her use and benefit during her life, and at her death to go to the legal heirs of her body - I hereby appoint Isaac H. Fisher and Elisha W. Wilhite my Executors to carry out the provisions of this my last will and testament -

In testimony whereof I have set my hand and seal, this first day of October Eighteen hundred and forty seven -

witness

Walker Doores

Stephen Fisher

French Doores

Robt M. Washington

Nicholas Wilhite (seal)