[redacted]

said writing to be his last will and testament and that he & Jonathan P. Bunchmp the other witness signed it in the presence of the testator and in the presence of each other and he believed him to be of sound mind and memory whereupon the same is ordered to be recorded

Att A J K Payton DC Bkl

Examined

I Ephraim Rusher of the county of Breckenridge and State of Kentucky being weak of body but of sound mind do make this my last will and testament First I devise that all my just debts be paid Secondly As regards the residue of what property I have over and above the payment of my debts of what kind soever it may be whether real or personal whether in possession or in action as we have no children I will & devise the same to my beloved wife Diadema Rusher with power to use sell or dispose of and convey any part thereof that she may deem proper for her own use and benefit and the proceeds of the sale to be held by her under her own absolute control and for her own absolute use If however any of my said property should remain or be on hand at the death of my wife it is my will and desire that the property so remaining shall be equally divided between my next of kin and the next of kin of my wife to such I mean as would inherit or be entitled to distribution from us respectively This last qualification of the devise to my wife is not intended to restrict her right to sell dispose of or convey absolutely any of my property but to provide only for the disposition of such as may remain after such use of the same or the proceeds of the same as she may think proper to make and she is to be accountable to no one for what use she may make of the same

I hereby appoint my friend & Brother in Law Elijah R Estridge Executor of this my last will and testament In Testimony whereof I hereunto set my hand & seal this 12th day of June 1858

Ephraim his X mark Rusher (Seal)

Attest
Jesse W Kinchelow
G W Beard
Robt Gardner

Kentucky Breckenridge County Set
County Court July Term 1858

The within and foregoing writing purporting to be the last will and testament of Ephraim Rusher dec'd was produced in court by E R Estridge the Executor and was duly proved by the oaths of Jesse W Kinchelow and Green W Beard two of the subscribing witnesses thereto to be the last will and testament of E Rusher dec'd and was sworn to by Elijah R Estridge the executor and the same is ordered to be recorded

Att
A J K Payton DC