

Examined James Butler of Breckinridge County Kentucky that it is the part of fate for all men to die do make this my last will and testament in manner and form following
 First Having given to my five Oldest Children vizt my son John Butler and William Butler and my Daughters Susan Alexander Malinda Davis and Elizabeth Wilson when they were married severally as much of my Estate as I believe were their full share thereupon it is my will and wish that they shall have no share or part of my Estate real or personal after my death this is not inserted in my will from any wicked feeling nor because of any misconduct or disobedience but as an act of Justice to my other Children

Secondly It is my will and wish that my son Green Butler shall have the part I now live on containing about 173 Acres upon the following terms & conditions herein expressed

3^d It is my will that should I die before my wife Sarah Butler that she shall have use and enjoy all my Estate both real and personal to enable her to live & keep her family together during her life or widowhood And I hereby appoint her sole Executrix of this my last will and testament and Guardian of my Children during their Infancy

4th After the death of my wife or marriage I wish all my personal property then remaining to be equally divided between ^{my} son Green Butler and my daughters Polly Ann Butler & Sarah Butler, Should my wife Mary die that event it is my will and desire I wish that her Powers as my Executrix & Guardian of my Children shall cease and terminate And that she take no more of my Estate than she would be entitled to had this will not have been made, & further that should she be about to marry that before intermarriage with any one that she settle up all her acct as Executrix of this Will & Guardian of my Children, or forfeit all Claim on my Estate for altho I have full Confidence in my wife doing my Children full Justice yet should she marry her husband would have a right to control her And therefore I wish my Children to have nothing to do with a step father I feel confident that I am not indebted but perhaps some more trifles And request the Court that this will may be presented to ^{will} permit my wife to qualify without giving security

Signed sealed and delivered to be my

James Butler 

Last will and testament in presence

of Jo Allen

Fr Peyton

William Davis

Kentucky Breckinridge County Set

County Court Monday November 19th 1849

The foregoing writing purporting to be the last will and testament of James Butler dead was produced in Court and fully proved by the Oath of Jo Allen and William Davis two subscribing witnesses thereto who made Oath that said Testator was of sound mind and memory at the time of making and publishing the same and that he published the same in their presence as and for his last will and testament and that they signed the same in his presence and at his request whereupon the same is ordered to be recorded.

And thereupon Sarah Butler the executrix therein named came in to Court and took the Oath required by law And entered in to bond in the penalty of \$1000 without security as requested in the will

Attest Gilbert L. Smiley DCC