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I James W Daniel of the town of Owensboro and County of Daviess Ky being of sound mind and disposing memory as life is uncertain do make this my last will and testament hereby revoking all others. Item first I hereby give and bequeath unto my sister Margaret Mortons five children and also should she have another child within 9 months from this date the sum of fifteen hundred dollars to be divided between them equally. Item the second I hereby give and bequeath unto my brother Virion as trustee for my sister Mary Singleton's four daughters the sum of One thousand dollars to be divided equally between them should they all live and hereby empower my said brother Virion to appropriate it to the use and benefit of said four children as they may need it of which he is to be the Judge during their infancy.

Item third I hereby give and bequeath in to my brother Virion as trustee for Philip Daniel son of my Dead Brother Francis Daniel the sum of three hundred dollars to be appropriated as may become necessary in educating and clothing said Philip Daniel while an infant.

Item the fourth I hereby give and bequeath unto brother John Daniel for the use and benefit of all his living children to be equally divided between them the sum of four hundred fifty dollars.

Item the fifth I hereby give and bequeath unto my brother Virion Daniel the sum of three hundred dollars and also my interest in 160 acres tract of land in Harris fork in Breckenridge County and also my interest in 300 acre tract of land in the waters of Run Creek in said Breckenridge County.

Item the sixth I hereby give and bequeath to my brother in law Martin Duncan for the use and benefit of his four sons to be equally divided between them the sum of four hundred dollars.

Item the seventh I hereby give and bequeath unto my sister Mary Singleton the remaining fifty dollars for the purpose of buying clothing &c.

Item the eighth I hereby give and bequeath to my brother in law David Morten all my claims and interest that I have in a tract of land bought by us to wit Morten & Daniel of William Ward containing 4 3/4 acres lying in the waters of Panther Creek in Davis County Ky for the boundary in Wm Wards deed to David Morten & James W Daniel. & this said James W Daniel has this day sold out all my interest in the mercantile house in Owensboro formerly trading under the style of Morten & Daniel unto David Morten at will as all the debt wares and Merchandise belonging to said firm the said Morten is to pay all debts due by the firm of Morten & Daniel for in Consideration of the law

before stated and my interest in business the said Morten has this day executed to me his four notes for \$1000 each bearing interest from this date at one two three and four years. It is my desire that the amount named to each of my relatives should they stand in want of it as it becomes due that they should draw in proportion to the amount bequeathed them. Also the amount given to my sister Marys children I request my brother in law David Morten to keep it for his own use as well as that of his wife & children to it more plainly understood that all that I have bequeathed to my relations is and has been done on the faith of those four notes as above stated for \$4000.

I hereby appoint my brother Virion Daniel my Executor to put my will as above in execution. In witness whereof I have hereunto set my hand and seal this 9th day of June 1838. interlined and erased before signed.

Witness
Isaac Kennady
Joseph Weaver

Kentucky Daviess County
County Court August Term 1838 3 Oct

The foregoing last will and testament of James W Daniel deed was produced in Court examined proven & ordered to record and thereupon the same with this Certificate hath been duly recorded in my office given under my hand the 11th

Att Jno J McFarland CK.
By James Johnson D.C

State of Kentucky Daviess County The book containing the foregoing will having been destroyed it is ordered that the same be re-recorded.
Witness my hand this 11th June 1867
J. C. Jones CK