

Franklin County Court

August Term 1859

A writing purporting to be the last will & testament & codicil of Wm. Boyle dec'd was this day fully proved by the oath of Robt Sary a subscribing witness thereto & ordered to be recorded. A. H. Hennrich Clerk

In the name of God amen, I James Gaines of Franklin County Kentucky do make and publish this my last will & testament.

First I will my soul to God who gave it to me.
Second - After my death I wish my body to be buried in a Christian decent manner.
Third: I wish all my just debts paid.
Fourth - As it respects the worldly possessions wherewith it hath pleased Almighty God to bless me, I dispose of the same as follows - To my dear wife Lucy Gaines I give the plantation or farm on which I now live containing about 282 acres being the same land I bought of Archibald Bryant, during her life or widowhood also all the household & kitchen furniture, also two of the best horses and a buggy I may own at my death the horses to be chosen by her, also one cart and yoke of oxen, also two milch cows, also 10 head of sheep, 10 heads of hogs, also fifty dollars worth of farming utensils such as ploughs, gears, hoes, axes &c such as she may select after my death. I also give her my negro man by the name of Len, also my negro woman Maria also my negro woman by the name of Charity & her five children Lewis, Sothy, Martha, Sarah, Catherine and Cecelia - Sarah Catherine is to serve my wife during her lifetime and at her death she is to be free and my Executors hereinafter named are hereby directed upon the death of my wife to take every legal step and provide out of my estate for all expenses connected therewith to effectuate the emancipation of said Sarah Catherine according to the laws of Kentucky.

I desire that my Executor give to said Lewis a colt and saddle and request that none of my family disturb him in the enjoyment thereof.

I direct my Executors to pay to my said wife in addition to the above, two hundred dollars in money.

All of the above property devised to my wife is to be held by my wife during life or widowhood and upon the happening of either of the said contingencies the same is to revert, to my estate.

I desire also that my wife shall have a sufficient supply of grain, meat and provender and stock until she shall have

been able to make & care her first crop for herself after my death. This provision she and my Executor are authorized to agree upon.
Fifth. I give devise & bequeath unto the children of George Washington Sains that tract of land in Anderson County upon which their father lived at the time of his death. Said tract contains about 170 acres, and the children referred to are those six in number, which Geo. W. Sains had at the time of his death. I desire that the widow of my said son shall live on said land so long as she remains a widow and she is directed & required to take care of the property. I direct that my Executors pay to the Guardian of each of said children One hundred dollars each for their education. Whenever said widow marries she is to surrender the possession of said land.

Sixth - I confirm to my son Thomas H. Gaines that part of the land bought of Walker Sanders which I have heretofore deeded to him and at my death I leave him five hundred dollars in money to come out of the estate hereinafter to be directed to be sold and this legacy is to extinguish all claims upon my estate in his favor for any money I may have collected from the legacies left him by his grandfather Robert Gaines.

Seventh - I confirm unto the children of James Anderson Gaines now living that part of my Walker Sanders purchase of land which I deeded to said James in his lifetime. I release the estate of said James from the payment of a demand of six hundred dollars which he owes me on account of that amount I paid for him in the Bacon land and I confirm to the children of said James the latter land which I deeded to him in his lifetime. The above gift of \$600 is to extinguish all claims by James, now in account of any amount collected by me from his grandfather's estate - Robert Gaines.

I give unto each of said children two hundred dollars in money to be paid out of my estate which is hereinafter directed to be sold at my death which sum is to be applied to the education of each of them.

Eighth - I give devise and bequeath unto the children of my daughter Lucretia Beckwith One hundred & fifty acres of my Walker Sanders land to be laid off to them adjoining the lands of James H. Gaines children as described in clause seventh of this will in the same survey according to the same manner of partable that I have laid off the lands I have given to my sons hereinafter named out of the same survey. If this cannot be done, to be laid off in the best practicable manner so as to make the amount of acres aforesaid.

Ninth - To my daughter Susan Jane Spicer I have

survey to adjoin the lands of the children of Juliet Hochhusmeth and to be laid off in the same way

Tenth - To my son William Gaines I give One hundred & fifty acres of land out of the same survey to be laid off in the same way and to adjoin Mrs. Spicer

Eleventh - To my son Henry E. Gaines and Westley E. Gaines One hundred and fifty acres each out of the said Walker Sanders survey - Henry's land to adjoin Wm. Gaines - Westley's to adjoin Henry's each tract to be laid off as far as practicable according to the manner I have directed the other tracts to be laid off out of the same survey

Twelfth - I desire that my wife shall furnish Henry & William each upon their respective marriages with a bed, bedstead & bed clothing to come out of the furniture hereinbefore given to my wife

Thirteenth - I direct that upon my death the following property shall be sold by my Executor upon a credit of twelve months viz My Landwring farm containing about 50 acres the residue of the Walker Sanders survey not herein before disposed of by this will my negroes Lewis, Frances and her child Charles Robert - All of my stock crops and farming utensils &c. undisposed of by this will and the proceeds of said sale together with the money & cash notes and claims of every kind on hand appropriated first to the payment of the foregoing legacies and the remainder thereof divided into six equal portions - One portion to Thomas H. Gaines - One portion to the children of Juliet Hochhusmeth - One portion to Susan Jane Spicer - One portion to William Gaines - One portion to Henry E. Gaines and one portion to Westley Gaines

Fourteenth - Upon the death or marriage of my wife I direct that the property belonging to my wife under this will shall be sold and the proceeds thereof be equally divided share & share alike among all of my children surviving and the descendants of such of them as may be dead, such descendants always taking in the aggregate the same part as their ancestor would have been entitled to if alive

Fifteenth - Upon the receipt by any of the foregoing legatees of the legacies hereinbefore given them, and upon the receipt of any moneys or property by any of the devisees under this will the same shall operate as a discharge of my estate from all claims or liabilities against it on account of any amounts collected by me from the estate of Robert Gaines for any of my children or their descendants

Sixteenth - I appoint my sons Thomas H. Gaines & William R. Gaines Executors of this will and direct that no security be required of them, But I request their removal by the Court

unless they comply with their duties
Seventeenth - I hereby revoke all former Wills made by me.
Witness my hand this 8th June 1859

James Gaines

On this 8th June 1859, James Gaines
Acknowledged & subscribed the foregoing will in our presence as his true & only last will & testament and we have witnessed the same at his request -

P. Surgeon
William Morris
Geo. M. Harlan

I make this codicil to my Will herein -
A house and lot in the town of Somerset, Ky. I direct my Executors to sell the same upon such credits as they may deem best and when the purchase money shall be paid I direct and empower my Executors to convey the same to the purchaser or purchasers

Witness my hand and seal this 8th day of June 1859.
James Gaines

Signed & sealed to the testator in our presence & in presence of each other

P. Surgeon
William Morris

State of Kentucky ss
Franklin County Court

August Term 1859

A writing purporting to be the last Will & Codicil of James Gaines deceased produced in Court and was proved by the oaths of Philip Surgeon and William Morris subscribing witnesses thereto and ordered to be recorded which is done accordingly

A. P. Rennieck clee

October the 12th A. D. 1858

I, James Church of the State of Kentucky and County of Franklin do hereby make my last will and testament - I give to my beloved wife Mary Church the use and proceeds of my farm during her natural life, also two servants, Frank, George and a black woman and a black boy - one horse and such furniture as she may need in the house - I also - I give to Mary Church my youngest daughter a black female child called Pat to have & to hold and use as she