

In the name of God Amen.

I Bennet D Payne of the County of Jefferson and State of Kentucky being sick and weak of body, but of sound mind and memory and calling to mind my mortality, knowing that it is appointed for all men once to die do make and ordain this my last will and testament and first of all I commend my soul to God who gave it, hoping through the intercession of Jesus Christ our Lord to be received into everlasting rest, And my body to the earth to be buried at the discretion of my Executors herein named, nothing doubting but I shall receive it again at the resurrection day. And as touching such worldly goods as it hath pleased God to bless me with I will and dispose of in manner following.

I will that my just debts be fully paid. I will, that whereas I have in my hands Two hundred and twenty two dollars, which money belongs to my wife's mother and as she wishes to remain with my family, should my wife depart this life before her mother, I will that said money be placed again in her hand for her support.

Item I will that all my estate both real and personal be and remain in the hands and be at the disposal of my beloved wife for her support and the children who are yet with her, during her natural life or widowhood.

Item I will that for as much as I have heretofore given in advanced into my son James Payne and my daughter Margaret Butler One hundred and fifty dollars in property each, that,

Butler One hundred and fifty dollars in property each; that
in the final distribution of my estate that the residue of my chil-
dren or those who shall be living at the death of my wife
or if any of them shall die before and leave legal issue be made
equal to my said son James and my daughter Margaret. Should my
wife depart this life before all my children shall have arrived
age, I will that in that case my land remain unsold until
they are of age and so much of the rents or profits thereof as
shall be necessary be apply^d to their raising and education.
Should my wife intermarry my will is that in that case two
thirds of all my estate be then divided among all my children,
or their lawful issue, taking into view the advances of my son
James, my daughter Margaret. I will that my estate be neither
appraised nor sold during my wife's life or widowhood, and
as my land cannot be divided among my children to advantage
I will that after my wife's death or at the end of her widowhood
should it take place after all my children be of lawful age
that the land be sold at the discretion of my Executors and
the money arising therefrom be equally divided among all
my children, so that in all my estate real and personal each
child shall receive an equal part. And lastly I hereby consti-
tute and appoint my beloved wife Polly Payne, my son James
and Thomas Peter Washenite the Executors of this my last will
Testament, hereby revoking all others heretofore by me made.
Sealed with my seal this 16th day September 1826
Attest

B. D. Payne (Seal)

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and Thomas Peter Carpenter the Executors of this my last will and
Testament, hereby revoking all others heretofore by me made.
Sealed with my seal this 16th day September 1826

Attest

B. D. Payne (Seal)

George Seaton
Kimble Hamrick

of Kentucky At a County Court held for Jefferson County
in the State aforesaid at the Court House in Louisville on Monday
the first day of January One thousand eight hundred and twenty
seven.

The foregoing the Instrument of writing was produced in
Court and proved by the oaths of George Deaton and Nimrod
Hamrick the subscribing witnesses thereof to be the last will and testa-
ment of Bennett R Payne deceased and ordered to be accorded and
same was established by said Court to be accorded and
ment of Bennett R Payne deceased and ordered to be accorded and
is accorded. And execution of said will was granted to Mary
Payne and James M Payne the executor therein
named, who made oath according to law and gave bond with
William Rhoads and Coleman Wilkes their securities in the pen-
alty of fifteen hundred dollars conditioned according to law
Teste
Horden Pope clk