

At a County Court held for Jefferson County
at the Court house in the City of Louisville on the second day of
January 1832

An Instrument of writing purporting to be
the last will and testament and Codicil thereof of John
Burks dec'd late of said County was produced in Court and
proved by the oaths of John Anderson and George W. Chambers
two of the subscribing witnesses thereof to be the last will and testa-
ment and Codicil of ^{John} John Burks dec'd and thereupon the same
was established by the Court as and for the last will and testament
and Codicil thereof of the said John Burks dec'd and ordered to be
recorded. And on the motion of James Burks and Samuel Burks
the executors named in the said will and Codicil of the said
John Burks dec'd who made oath according to law Execution of
the same is granted them, Whereupon they gave bond in the penalty
of thirty thousand dollars with William Pope and Lang Anderson
bondsmen according to law

Wm
Warden Pope

Burke. Christly. I bequeath all my property both real and personal unto my brothers James and Samuel Burke, with the exception of that part which I may otherwise dispose of in this instrument. I also appoint said James and Samuel Burke Executors to this my last will and testament and request them to pay off punctually and honestly all my just debts which at this time are but few.

And I bequeath to my sister Polly Williams and to the heirs begotten of her the sum of One thousand dollars.

Also to my sister Sally Phelps and to the heirs begotten of her One thousand dollars.

Also to my sister Amey Hunt One thousand dollars during her life, but should she depart this life before I do this money is left to her two youngest children Francis and Emily and is to descend to them after her death.

And I also bequeath to my sister Betty Read the sum of One thousand dollars a part of this money I wish my said Executors to buy a negro with which woman and her increase and the ballance of said money I wish to descend to the heirs begotten of her.

Should I have this amount of money at my death my said Executors is to pay it over in eighteen months after my death to said legacies and its heirs to be understood that Cash notes on Solvent is considered as money in that clause that speaks of money; but should I not have that amount of money at my death in cash and cash notes on

that clause that speaks of money, but should I not have that amount of money at my death in cash and cash notes on solvent persons, then my said Executors is to have two years from my death to pay the said legatee, Godly If my illegitimate son by Lucia Shain Perre Burks should at the expiration of five years from my death produced in the County Court five respectable persons to be so considered by the Court who will testify on oath that his conduct for the five years past after my death has been that of a sober, industrious and temperate man, who has generally kept good company and conducted himself like a good member of society, that my said Executors shall pay over to him One thousand dollars a year for three years making three thousand dollars, And should they refuse to do so, a certificate from said County Court shall be sufficient evidence for him to compel them to do so; but should he depart this life his heirs shall derive no benefit from this bequest: provided he does not marry and has no children, But should he marry and have children, then they are to have the benefit of this bequest

I also bequeath to a illegitimate child by Nancy Smyer who is now an infant and whose name is Nancy a negro girl who has been in the possession of her mother for two years past named Stacia, also a negro girl named Rebecca daughter of Bill and Sarah and should said infant not live to the years of majority and depart this life without heirs

by the Court who will be so considered
that his conduct for the
five years past after my death has been that of a sober, industrious and temperate man, who has generally kept good company and conducted himself like a good member of society, that my said Executors shall pay over to him One thousand dollars a year for three years making three thousand dollars, And should they refuse to do so, a certificate from said County Court shall be sufficient evidence for him to compel them to do so; but should he depart this life his heirs shall derive no benefit from this bequest: provided he does not marry and has no children, But should he marry and have children, then they are to have the benefit of this bequest.

I also bequeath to a illegitimate child by Nancy Smyser who is now an infant and whose name is Nancy a negro girl who has been in the possession of her mother for two years past named Statica, also a negro girl named Rebecca daughter of Bill and Sarah and should said infant not live to the years of majority and depart this life without heirs begotten of her, then ^{the} said negroes and their children if they have any is to descend to said infant's mother Nancy Smyser and should she the said mother depart this life also without heirs begotten of her, then said negroes and their increase to return

into the hands of my Executors and their heirs forever
4th I do hereby emancipate and I do enjoin it upon my said Execu-
tutors to emancipate within three months after my death the fol-
lowing negroes Viz. James the Sillies, Peter, Charles the mulatto boy
son of Rachel, Cynthia Harris wife of John her son. And I wish my
said Executors to either go their security for their good behavior and
emancipate them in this State or send them to some place in
the United States where they can be regularly emancipated. And
should my said Executors not take the proper steps to emancipate
said negroes within six months after my death or should offer
to remove said negroes so as to prevent their being regularly
emancipated agreeably to the intent of this instrument I bequeath
to any person who will interfere and have them emancipated
the sum of three hundred dollars on each slave named in this
instrument, they may emancipate, but no person shall interfere
until the six months expire, to give my said Executors an oppor-
tunity of complying with my requests which I fondly hope they
will. And the said sum of three hundred dollars is to be recover-
ed out of my estate from my said Executors
3^{rdly} I bequeath to my nephew James Phelps my negro boy
Emanuel son of Simon and Semima, I also bequeath to my
nephew John Phelps my negro boy Tom, son of Simon and
Semima to be delivered to them when this instrument is recor-
ded. And I do hereby enjoin it upon James Phelps to treat
Emanuel kindly and not to part with only from necessity
as he knows as I was particularly attached to him. And
4^{thly} and lastly the billance of my property of every descrip-

as he knows as I was having the necessity of
it and lastly the balance of my property of
to bequeath as aforesaid to my said Executors and
as Saml and Samuel Burks, together with all the money I may
have on hand, notes &c and to their heirs forever
in satisfaction for its value. I think they had better rent it to
some good tenant and have it for their children.
But I hope no difficulty may arise between them
in dividing the estate. I wish my brother James Burks to have
my book case and library and Secretary and my brother
Samuel to have my bed and bedstead and furniture and
my clock. I wish my remains to be buried by the side of
my father and mother in Bullitt County and also wish
my said Executors to have a strong stone wall put
round the graves and room left to bury as many of
the family there as may wish it. I hope Mr Phelps who
is now owner of the lands will have no objection and I
also wish it further understood, that should any of my said
devisees who has been named in this instrument join in
with any person or persons who may try to destroy this
instrument, that on sufficient proof being made that
one a party to try and destroy this my will
shall be deprived, and

have on hand, no other way of being able to sell my
plantation for its value, I think they had better rent it to
some good tenant and have it for their children.
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in dividing the estate.

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with any person or persons who may try to destroy this
instrument, that on sufficient proof being made that
they have become a party to try and destroy this my will
and testament, that they shall be deprived, and shall be
deprived of all legacy that may have been left to them
in this instrument, which legacy shall go to the