

Last Will & Testament, Probated Sept. 2nd 1897.

I, James K. Hancher, a citizen of Sullivan County, Tennessee, being of sound mind and disposing memory, do make, ordain and publish this as my last Will and Testament, hereby revoking and making void all other Wills, at any time heretofore made by me.

1st- It is my will and desire that all my funeral expenses and just debts be paid out of any moneys that I may have on hand at the time of my death, if any, and if not, then out of the first moneys that may come to the hands of my Executors hereinafter named.

2nd I devise to my beloved wife, Martha Jane Hancher, should she survive me, the farm upon which I now reside, during her natural life, and at her death, the same to go to my six children, to wit: William A. Hancher, Mary B. Anderson, Geo. B. Hancher, Ida M. Skard, Joseph R. Hancher & Anthony D. Hancher, as an inheritance in fee, to be divided equally between them in value, or they may sell the same if they so desire, and can so agree and divide the proceeds.

3rd In addition to the devise made to my said wife, Martha Jane Hancher, in the 2nd paragraph of this will, it is my will and desire, and I so bequeath, that she have one good horse, two good Milch Cows, whatever traps or bacon that may be on hand, one wagon (two horse), my buggy & harness, such farming implements as may be on hand, and such of my household & kitchen furniture, books, &c., as she may see proper to retain, the residue to be divided ^{by her} equally among my six children. I also bequeath to her the sum of One Thousand Dollars in cash, out of my personal estate, the same to be collected by my Executors and paid over to her by them without unnecessary delay, the same to be used by her as she may elect.

4th- I am also the owner in fee of a farm situate in the 7th Civil District of Sullivan County, Tennessee, containing about 800 acres. This farm I devise to my six children named in the second paragraph of this will, as an inheritance in fee, to be divided equally among them in value, or if a majority of them should so elect, it is my

will and desire, and I so direct, that my Executors, herein after named, sell said farm and divide the fund arising from the sale of same equally among my said six children.

5th- I am the holder of a Mortgage, executed by J. R. Henson & wife to me, on the 7th day of December, 1874, for the sum of Eight Hundred & Fifty (\$850.00) Dollars, and also one other mortgage executed to me by Mrs. Eliza J. Pendleton, on the 28th day of January, 1892, for Two Thousand One Hundred & Eighty One 80/100 (\$2,181.80), both of which have reached maturity, and if not paid at the time of my death, it is my will and desire, and I so direct, that my Executors foreclose the same. And I further direct my Executors to collect all evidences of indebtedness to me that may be outstanding and unpaid at the time of my death, and I further direct my Executors, at such times as they may have collected funds sufficient to justify them in making a distribution of said funds, to distribute the same among my six children - they sharing equally in said distribution: Provided, however, they first pay my wife, Martha Jane Hancher the One Thousand Dollars bequest made to her in the third paragraph of this will.

6th- I have made some advancements to all of my said six children, which will be found of record in my "family book". It is my will and desire that my Executors take into consideration the advancements charged in said family book to each of my said six children, and on the first distribution pay to each of them such amounts as may be necessary to make them equal, it being my purpose that my children share equally in all of my estates, both real and personal.

7th I also bequeath to my niece, Katie A. Benham, One Hundred Dollars, and direct my Executors to pay the same to her as soon after my death as is practicable, after deducting Sixty Five Dollars already advanced to her.

In explanation of the devise made to my wife, Martha Jane Hancher, in the 2nd paragraph of this will, I will state that it is my will that she have full control of the grist-mill and all appurtenances belonging to said farm during her natural life.

I hereby nominate and appoint my two sons, Geo. B.

Hancher & Joseph R. Hancher Executors of this my last will and testament.

In testimony whereof I have hereto set my hand and seal, this the 4th day of Sept, 1896.

James K. Hancher (Seal)

Signed and acknowledged by the testator in our presence, and to which we hereby subscribe our names in the presence of the testator and in the presence of each other on the day and year above written.

Attest

L. H. Denny

A. J. Drake

Codicil.

I, Jas. K. Hancher, being of sound mind and disposing memory, do make and ordain the following as a Codicil to my last will and testament:

First- I desire to so change the second paragraph of my said last will and testament as to devise the farm upon which I now live, together with all the improvements and appurtenances thereto belonging to my beloved wife, Martha Jane Hancher, and my son Anthony D. Hancher, jointly, during the lifetime of said wife, and at her death to go to my said son, Anthony D. Hancher, as an inheritance in fee.

It is my desire that my said son take charge of the farm at my death, should my wife survive me, and manage the same in such manner as he and his mother may deem best. He is to look after the comfort and welfare of his mother in such a way as would be expected of and obedient and affectionate son. Should my said son die before his mother, unmarried and without issue, then, in that event, it is my will that at the death of my said wife, said farm be sold and the proceeds divided equally among my said five children. And should my said wife, Martha Jane Hancher, survive my son Anthony D. Hancher, then, in that event, it is my will, and I so direct, that at her death said farm be sold and divided equally among my five children as aforesaid.

Second- It is further my will and desire, and I so direct, that the farm mentioned in the fourth paragraph of my said will, be so changed as to divide the proceeds arising from the sale of said farm, equally among my five children instead of six, to wit: William O. Hancher, Mary B. Anderson, Geo. B. Hancher, Ida M. Akard and Joseph R. Hancher. I make this change for the reason that I have amply provided for my son Anthony D. Hancher in the first paragraph of this Codicil. I am constrained to make the devise in the first paragraph of this will to my son Anthony D. Hancher for the reason that he is to provide for and take care of his mother.

Third- It is also my will and desire, and I so direct, that the property herein devised and bequeathed to my daughter Mary B. Anderson, be held by her for her sole and separate use, and entirely free from the custody and control of her husband, John F. Anderson.

In testimony whereof I have hereto affixed my signature, on this the 1st day of October, 1896.

J. K. Hancher

Signed and acknowledged by the testator in our presence and witnessed by us at his request, and in his presence, on the day and year above written.

A. J. Drake

L. H. Denny

The foregoing will and Codicil was proven in open Court by the oath of A. J. Drake and L. H. Denny, subscribing witnesses to said will and Codicil, on the 2nd day of September, 1896; and thereupon said will and Codicil thereto was adjudged and declared by the Court to be the last will and testament of the said James K. Hancher, deceased, and ordered to be recorded in the "Book of Wills."

J. M. Hair, Clerk.