

Will, TN, Fayette, John McCarley 1846

State of Tennessee
Fayette County

Know all men by these presents I **JOHN MCCERLEY** being in my right mind do make and publish this my last will and testament hereby revoking and making void all other wills by me at any time made.

1st I commit my soul into the hands of Almighty God and my body to the grave to be decently buried.

2nd I direct all my funeral expenses to be paid. Then I want all my just debts to be paid as soon as possible out of any monies that I may die possessed of or may first come into the hands of my executrix.

3rd I give and bequeath to each of my dearly beloved children as they may become of ave the following property, to wit, one horse saddle and bridle to be worth seventy five dollars, more or less, also 2 cows & calves, one feather bed & furniture.

4th I loan to my dearly beloved wife, during her widowhood, all of the property that may be left, after paying all my just debts, consisting of my land, Negroes, household & kitchen furniture, stock provision and farming utensils & c & c, to have and to hold during her natural life or widowhood.

5th At the death or marriage of my beloved wife, I want all of my property that she may be possessed of to be equally divided between my children, to wit: **WILLIAM E. MCCERLEY, MARY MCCERLEY, MARTHA ROBINSON, JAMES MCCERLEY, FRANCES MCCERLEY, HARRIET MCCERLEY** and my grand children **WILLIAM A. JONES, JOHN D. MCKNIGHT** and **JAMES T. MCKNIGHT**, children of my daughter **SUSAN M. MCKNIGHT, DECEASED**. I wish my grandchildren, above mentioned, to have the seventh part of the property above mentioned placed in trust for their benefit so that **JAMES MCKNIGHT**, the husband of my deceased daughter, may have no control over the same.

6th If my beloved wife should not live until all of my children shall become of age, I want all of my children that may be living with my wife at her death to still keep possession of my land, Negroes, household & kitchen furniture, stock provisions, farming utensils & c until the youngest of my children shall become of age or such time, thereafter, as the children may agree to such division. Then the property to be divided equally between my before mentioned children and grand children, thy three grand children having the part designed for their mother placed in trust as before mentioned.

7th And lastly I do hereby nominate and appoint my dearly beloved wife **ANN B. MCCERLEY** my executrix.

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In witness whereof I do to this my last will and testament set my hand and seal
this the 21st day of August, 1846.

John M. Cacrley [**JOHN MCCERLEY**] {seal}

Signed, sealed and published in the presence of

Test

A. WHITTEN

R. E. ROBERTSON

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State of Tennessee
Fayette County

November Term 1852

The following appears of record this day was produced into open court, a paper writing purporting to be the last will and testament of **JOHN MCCARLEY**, deceased, and thereupon came into open court **R. E. ROBERTSON** one of the subscribing witnesses to said paper writing and who being first duly depose and say that he was acquainted with the testator **JOHN MCCARLEY** and that he saw him sign, seal and acknowledge the said paper writing to be his last will and testament and he believes he was in sound and disposing mind and memory at the time of signing the same and he was called on to sign the same as a witness and done so at his request and in his presence.

JARMAN KOONCE, clerk

By **M. H. THOMPSON**, D. clerk