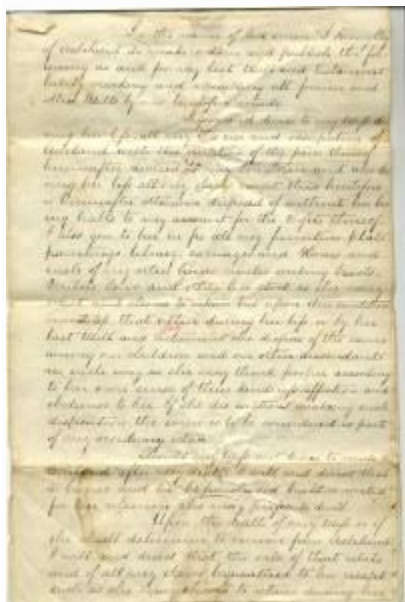


The Last Will And Testament Of Henry Clay
July 10 1851 (Codicil November 14, 1851)
Probated July 12, 1852



This is the first page of the copy of Henry Clay's will that he had made for his son John M. Clay. This copy is in the Josephine Russell Clay Collection at the University of Kentucky.

In the name of God, amen! I Henry Clay of Ashland do make, ordain and publish the following as and for my last will and testament, hereby revoking and annulling all former and other wills by me heretofore made.

I give and devise to my wife, during her life, the use and occupation of Ashland, with the exception of the piece thereof hereinafter devised to my son John, and also, during her life, all my slaves except those heretofore or herein after otherwise disposed of, without her being liable to any account for the profits thereof. I also give to her in fee all my furniture, plate, paintings, library, carriages and horses, and such of my other horses, mules, working beasts, milch cows and other live stock, as she may select and choose to retain, but upon this condition nevertheless that, either during her life, or by her last will and testament she dispose of the same among our children and our other descendants, in such a way as she may think proper, according to her own sense of their kindness, affection and obedience to her. If she die without making such disposition, the same is to be considered as part of my residuary estate.

Should my wife not desire to reside at Ashland, after my death, I will and direct that a house and a lot be purchased, built or rented for her wherever she may prefer to dwell.

Upon the death of my wife, or if she shall determine to remove from Ashland, I will and direct that the sale of that estate and of all my slaves bequeathed to her, except such as she may choose to retain during her life, and also all the above mentioned personal property which is bequeathed to her and which she may consent to be sold, shall be made by my Executors, upon such terms as they may prescribe and publish.

I invest my executors with full power and authority to sell and convey any part of my estate real or personal, wherever situated, not herein specifically devised and bequeathed, including that given to my wife and not disposed of by her, after her death or before if she require it, or if as above mentioned she determine to remove from Ashland. But I require the concurrence in any such sale of all my executors who may qualify or be in being when it is made.

In the event of the removal of my wife from Ashland, and a consequent sale of that estate and other property as herein provided for, I direct that the proceeds of the sale be loaned out upon good and sufficient security and that the accruing interest thereon be regularly paid to my wife during her life to be disposed of as she may think

proper. And upon her death, out of the principal such pecuniary legacies as are herein directed are to be paid and the remainder to pass to my residuary estate. If either of my sons should purchase Ashland two thirds of the purchase money may, during my wife's life, remain in his hands, he paying annually interest thereon, and the estate continuing bound for the said two thirds and the interest thereof.

I give and devise to my son Thomas, Mansfield, where he at present resides, In trust however that it shall be retained, free from all debts or incumbrances, as a home for the residence of himself, his wife, and the children that he has or may have by her, and of any other wife or children that he may have by such other wife, and the produce thereof to be applied to their support and maintenance. And upon the death of my said son Thomas, I give and devise Mansfield to such of his children or their descendents as he may by his last will and testament direct and appoint; and in default of such last will and testament to be divided between them, according to the statute of distributions. If there be any defect in the creation of this trust, I desire it may be remedied by a Court of Chancery. With the concurrence of that Court, Mansfield may be sold and the proceeds of sale invested in other real estate, to be subject to the same trust as Mansfield is above made subject to.

I also give to my said son Thomas Five thousand dollars to be paid to him, without interest, as soon as my executors can conveniently raise the same. I discharge and acquit my said son from any debts which he owes me. I confirm the gift of any slave, I have made and delivered to him.

I give and devise to my son John two hundred acres of Ashland to be taken off the South side thereof on the Tates Creek road by beginning on the said road at the corner of Clarke and myself, thence running with Clarkes' line to the corner of my land and the parcel of land formerly belonging to Coyle, purchased by the said Clarke, thence with the said Coyle or Clarkes line, and continuing from the end of it parallel with the general course of the Tates Creek road so far that by running a line to the said road and thence to the beginning of the quantity of Two hundred acres shall be obtained, exclusive of the contents of the road. But if, as thus described, the said Two hundred acres should include the brick negro quarters now in my use, then there must be an extension of the same by running so far on the second or West line of the said Clarke's land bought of Coyle as by running the lines in the courses above mentioned will give the quantity of Two hundred acres, excluding therefrom the said brick quarters.

I also give to my son John the slaves Harvey, Milton, Henry and Bob.

My said son is the proprietor, by my gift of Margaret Woods, and her Harold filly and Rally and their increase and I have given him one half of Yorkshire, of Magnolia, of the Zinganer mare and of the brown imported mare and their increase. He is also the owner of Flounce, and I give him one half of the produce of my Jeannettes. I direct that during my son Theodore's unhappy alienation of mind, he shall be decently and comfortably supported, in whatever situation it may be deemed best to place him. If it should please God to restore him to reason, I will and direct that after the death of my wife, out of the proceeds of the sale of Ashland and other property herein directed to be sold, the sum of Ten thousand dollars be paid to him, without interest; but from the time of such restoration, I direct that the sum of Six hundred dollars be annually paid to him, until he receives the said legacy, when the annuity is to cease.

I give to the children of my lamented daughter Anne, in addition to what I have heretofore given to their mother the sum of seven thousand five hundred dollars, equally to be divided between them, to be paid, without interest, after the death of my wife, out of the proceeds of the estate and property herein directed to be sold. If one or more of them die without issue, prior to the payment of this legacy, I direct it equally to be divided among the survivors.

I give to the children of my lamented son Henry the sum of seven thousand five hundred dollars, in addition to what I have heretofore given to their father, equally to be divided between them, to be paid, without interest, after the death of my wife, out of the proceeds of the estate and property herein directed to be sold. If one or more of them die without issue, prior to the payment of this legacy, I direct it to be equally divided among the survivors.

I give to my son Thomas my stock in the Lexington and Richmond Turnpike road Company.

I give to my grandson Henry, son of Henry, my breast pin, containing his fathers hair.

I give to my grandson Henry Boyle, son of my son Thomas, the gold watch, which I wear, presented to me by my friend Dr. Mercer.

I give to my friend Dr. B.W. Dudley the gold snuff box presented to me by Dr. Hewitt, late of Washington City.

I give to my friend Dr. W.N. Mercer my snuff box inlaid with gold, said to have belonged to Peter, the great Emperor of Russia.

I give to my friend Henry T. Duncan my ring containing a piece of the Coffin of General Washington.

I give to my granddaughter Lucy my diamond gold ring.

I give to each of my sons Thomas, James, and John one of my walking canes to be chosen by them in the order in which I have named them. My wife may distribute the residue of my walking canes and snuff boxes among such of our descendants or friends as she may think proper.

In the sale of any of my slaves, I direct that the members of families shall not be separated without their consent.

My will is, and I accordingly direct that the issue of all my female slaves, which may be born after the first day of January 1850 shall be free at the respective ages of the males at twenty eight, and of the females at twenty five; and that the three years next preceeding their arrival at the age of freedom, they shall be entitled to their hire or wages for those years, or the fair value of their services, to defray the expense of transporting them to one of the African Colonies, and of furnishing them with an outfit on their arrival there. And I further direct that they be taught to read, to write and to cipher; and that they be sent to Africa. I further will and direct that the issue of any of the females, who are so to be entitled to their freedom at the age of twenty five, shall be deemed free from their birth; and that they be bound out as apprentices, to learn farming or some useful trade, upon the condition of also being taught to read, to write and to cipher. And I direct also that the age of twenty one having been attained, they shall be sent to one of the African Colonies, to raise the necessary funds for which purpose, if they shall not have previously earned them, they must be hired out a sufficient length of time.

I request and enjoin my executors and descendants to pay particular attention to the execution of this provision of my will. And if they should sell any of the females who, or whose issue are to be free, I especially desire them to guard carefully the rights of such issue by all suitable stipulations and sanctions in the contract of sale. But I hope that it may not be necessary to sell any such persons who are to be entitled to their freedom, but that they may be retained in the possession of some of my descendants.

All the rest and residue of my estate not herein specifically devised and bequeathed, and not necessary to the payment of any debt I may leave unpaid (I hope I leave none) including, after the death of my wife, the proceeds of the sale herein directed to be made, the principal of which she will leave, I vest in my executors and the survivor of them in Trust, first to pay to Theodore W. Clay the ten thousand dollars, given to him in the event of his restoration to reason; and if he should not be restored, to pay such expenses as may be annually necessary to his comfortable support; and secondly to pay the residue of the annually accruing interest upon this trust fund, after paying what is necessary for Theodore, to my sons Thomas and James in equal portions, during their lives, and to their respective heirs upon their death. And for the purposes of this trust, my acting executors are directed to invest the above mentioned residuum of my estate in some good fund or in loans upon good security, so that they may apply the annually accruing interest or dividends as herein before directed. Or they may upon proper security lend the said funds to my sons Thomas and James. It is my will and intention that the said fund, in equal portions, shall finally pass to such persons as each of my said sons, as to his part, shall finally direct by his last will and testament; and in default of said will to their respective heirs, according to the Kentucky statute of distributions. My executors may relieve themselves at any time from this trust, by conveying the trust fund to some other trustee to be agreed upon by them and my said two sons, or to be appointed by a Court of Chancery. If my son Theodore shall not be restored to his reason, within five years after

my death, the trustees are not required to retain the ten thousand dollars bequeathed to him beyond that term. And, unless and until he is restored, I direct that all the annually accruing interest or dividends upon the fund shall be paid in equal portions to my sons Thomas and James, or their respective heirs, until the capital of the fund itself is paid as herein before directed.

I direct that no security be required of my executors having full confidence in their faithful performance of their duty. And I direct that no inventory of my estate be made until after the death of my wife.

Lastly I do nominate constitute and appoint my wife executrix and my friends The honble. Thomas A. Marshall and James O. Harrison executors of this my last will and testament, all written in my own proper hand writing on five pages of two sheets of fools cap paper. In testimony whereof I have hereunto subscribed my name, and affixed it also in the margin of each of the five pages this 10th day of July 1851.

(Signature)

I make this codicil, in my own hand writing to the previous last will and testament. Sally Hall has a note of James Erwin for eight hundred dollars with interest, which Henry C. Erwin has given his note to pay. I will and direct that if he should not pay it, that it shall be paid out of his proportion of the bequest made in this will to the children of my daughter Anne, when according to the terms of the bequest it become payable whether he then be dead or living.

I give to my grandson Harry Clay, son of James B. Clay, my scotch pebble seal which has on it the initials of my name.

14th Nov/ 1851

(Signature)

Fayette County Sct July Court 1852

At a County Court held for the County aforesaid on the 12th day of July 1852. The foregoing writing purporting to be the last Will and testament of Henry Clay Deceased and a codicil thereto, was this day produced in open Court for probate and the same together with the said codicil was proved by the oaths of Benjamin Warfield and Madison C. Johnson to be wholly in the proper hand writing of the said decedent and ordered to be recorded Whereupon the same hath been truly recorded in my office.

Att James A. Grimstead Clk