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In the name of God, amen, I Patrick Tracy of Newburyport in the County of Essex and Commonwealth of Massachusetts Esquire, do make and ordain this to be my last Will and Testament - And first I order that my body be decently buried at the discretion of my executor herein after named, looking for the resurrection of the same through the merits of an all sufficient Saviour - And as for such worldly estate as, by the blessing of God, I may die possessed of, I give and dispose of the same in the manner following.

First, I order that all my just debts and funeral charges, and the legacies herein bequeathed, together with the charges of settling my estate be paid by my executor out of the debts due to me and out of my other personal estate, excepting my household furniture, plate, and wearing apparel.

And if my personal estate, other than my household furniture, plate and wearing apparel, shall be insufficient, I hereby empower my executor to sell and convey by good and sufficient deeds any part of my real estate for the purposes aforesaid - excepting the three dwelling houses and lands adjoining, all in Newburyport, herein after severally devised to the children of my son Nathaniel, the children of my son John, and the children of my daughter Hannah - And my will is, that if the debts due to me and my personal estate (other than my wearing apparel, plate and household furniture) and the real estate I have authorized my executor to dispose of - (deducting therefrom the two fields I have herein after devised to the children of my son Nathaniel, and the children of my son John respectively) should not be sufficient to discharge all my debts and legacies, and the expences of my funeral & of settling my estate, then my executor shall dispose of my household furniture for that purpose, but not of my wearing apparel nor plate; and if then there shall be a deficiency

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he shall dispose of the two fields beforementioned or sell  
in strict proportion to their estimated value, as shall be for  
abovementioned purpose -

I give to my wife, and to each of my sons Jonathan  
Nathaniel Tracy, and John Tracy, Esquires, and to each  
a gold mourning ring - I also order one to be given to Mrs  
Burt, with the portrait of her mother Madam Kent which  
hangs in my house. -

I direct my executor to deliver to my wife such part  
of household furniture as she shall choose to take towards the  
what by marriage contract will be due to her in case she  
she taking the same, so far towards said discharge, at the  
made by order of the Judge of Probate. -

I give to my two sons Nathaniel and John all my  
- parcel equally between them. -

I give to my daughter Hannah Jackson all my plate and house-  
hold furniture, excepting such part thereof as my wife shall choose to take  
towards the discharge of our marriage contract as aforesaid. - and I direct  
that my household-furniture shall be inventoried and appraised, and be  
delivered by my executor to my said daughter, taking sufficient receipts  
for the same, that it shall be returned to him in case it should be-  
come necessary to the payment of my debts legacies and charges as a-  
foresaid. -

I give and devise to my grandchildren Robert Jackson, Henry  
Jackson, Charles Jackson, Hannah Jackson, James Jackson,  
Sarah Jackson, Patrick Tracy Jackson, Harriet Jackson, and  
Mary Jackson, the children of my daughter Hannah, and to  
such

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such other child or children of my said daughter as may be born of her in  
lawful wedlock, all that my dwelling house and warehouse together with  
all my land under and adjoining the same, and all the buildings thereon,  
being the whole place in Newburyport whercon I now live, to hold the same  
to them my aforesaid grand children, the children of my said daughter Han-  
nah and their heirs and assigns forever, as tenants in common in equal  
shares and not as joint tenants. And I do appoint my said son Jonathan  
Jackson and his said wife and the survivor of them to be trustees of the  
said estate, hereby empowering them and the survivor of them immediately af-  
ter my decease to enter upon and manage the same for the best interest  
of their said children during the life of my said son and daughter,  
and of the survivor of them - And in order to preserve that dependance  
which children ever ought to have upon their parents, I do further order  
that my said son and daughter Jackson or either of them shall not be  
compelled to account to their said children for the profits or issues of the  
said estate at any times during the lives of my said son and daughter,  
or of the survivor of them, but said trustees shall account to their chil-  
dren or to such guardian as shall be appointed to them, at the time that  
they the said trustees shall think most proper. And if either of their said  
children shall dispute the account so by their said parents made, then  
I give and devise such child's part of said estate to my said daughter  
and her heirs forever, together with all the rents issues, and profits that may  
have been made therefrom.

I give and devise to my grand children Henry Laughton Tracy, with  
Nathaniel Tracy, Margaret Tracy, Mary Tracy, Henrietta Tracy,  
and John Tracy, the children of my son John, and to such other child or  
children as may be hereafter born to him in lawful wedlock, the dwelling  
house

- house in which he my said son John now lives together with all my  
 land under and adjoining the same, and all the buildings thereon,  
 all which I purchased of John Lowell Esq; - Also a certain field  
 in Newburyport opposite to Toppans lane so called containing about  
 six acres more or less, which field I purchased of John Wood and Archel-  
 laus Adams to hold the same to them my said grand children the children  
 of my son John and their heirs and assigns forever as tenants in common  
 in equal shares and not as joint tenants. And I do appoint my said son  
 John Tracy, and his said wife, and the survivor of them to be trustees  
 of the said estates, hereby empowering them and the survivor of them im-  
 - mediately after my decease to enter upon and manage the same for the  
 best interest of their said children during the life of my said son John  
 and his said wife and of the survivor of them - And in order to pre-  
 - serve that dependance which children ever ought to have upon their  
 parents, I do further order that my said son John and his said wife,  
 or either of them shall not be compelled to account to their said children  
 for the profits or issues of the said estates at any time during the life  
 of my said son John and of his wife or of the survivor of them; but  
 they the said trustees last mentioned shall account to their children, or  
 to such guardian as shall be appointed to them, at the time that they  
 the said trustees shall think most proper. - And if either of their said  
 children shall dispute the account so by their said parents made, then  
 I give and devise such child's part of said estate to my said son  
 John and his heirs forever, together with all the rents, issues, and pro-  
 - fits that may have been made therefrom. - - - - -

- - I give and devise to my grandchildren Hannah Tracy, Patrick  
 Tracy, Jeremiah Lee Tracy, Mary Tracy and Louisa Tracy the chil-  
 - dren

drew of my son Nathaniel and to such other child or children as may be here-  
 after born to my said son Nathaniel in lawful wedlocks, my brick dwelling-  
 house in Newburyport at present improved by my son Jonathan Jackson  
 with all the land under and adjoining the same and all the buildings thereon  
 being all my land between Fifth-street and Greene-street. Also a certain  
 field near to and opposite the burying place in said Newburyport, which  
 field I purchased of the heirs of William Couch and of Mark Hackett  
 containing eleven acres more or less to hold the same to them my said  
 grand-children, the children of my son Nathaniel and their heirs and af-  
 signs forever, as tenants in common in equal shares and not as joint te-  
 nants. Only I hereby reserve to my faithful black-mam Apropos a  
 right to dwell with his family in the house now standing upon my land or  
 field aforesaid by the burying place in which he now dwells, and also a right  
 during his the said Apropos, natural life to improve the garden adjoining  
 his said dwelling-house - which right, free of my rent, I hereby give and  
 confirm to him the said Apropos during his own life and no longer - and af-  
 terwards the same to revert to the children of my son Nathaniel as aforesaid.

I also give to the said Apropos five pounds a year to be paid him yearly during  
 his life which payments I order to be thus made vizt. that the Trustees to  
 the estate hereby devised to the children of my son Nathaniel, or whoever  
 shall have right to possess or improve the said estate by force of this my will,  
 shall pay yearly to the said Apropos on the first day of January two pounds.  
 that the trustees to the estate hereby devised to my son John or whoever  
 shall have right to possess or improve the said estate by force of this my will  
 shall pay to the said Apropos the first day of September annually two pounds  
 and that the trustees to the estate hereby devised to the children of my daughter  
 Hannah, or whoever shall have right to possess or improve said estate by force

of this my will shall pay to the said Apopos on the first day of May  
annually two pounds. and I do hereby order that my executor do not pay any  
part of the said annuity but that the same be paid as aforesaid —

and further I hereby enjoin it upon my children that when and as far as  
the said Apopos is incapacitated from acquiring his subsistence, and that  
with comfort, that they equally join in assisting him to render his life  
comfortable, and this I expect from my children as they value my injunct-  
ions or shall respect my memory. —

I further give and devise to my said last mentioned grand children  
the children of my said son Nathaniel all the rest and residue of my  
estate real and personal not herein otherwise disposed of, after my debts  
and legacies, funeral charges and expenses of settling my estate shall be paid,  
to hold the same to them the children of my said son Nathaniel and  
their heirs and assigns forever, as tenants in common in equal shares and  
not as joint-tenants. And I do appoint my said son Nathaniel Tracy  
and his said wife and the survivor of them to be trustees of the said ef-  
-tate or estates, hereby empowering them and the survivor of them imme-  
-diately after my decease to enter upon and manage the same for the best  
interest of their said children during the life of my said son Nathaniel  
and his wife aforesaid and the survivor of them. And in order to preserve  
that dependence which children was ought to have upon their parents, I  
do further order that my said son Nathaniel and his said wife or either  
of them shall not be compelled to account to their said children for the  
profits or issues of the said estate or estates at any time during the life of my  
said son Nathaniel and of his wife or of the survivor of them. but they the  
said trustees last mentioned shall account to their children or to such guardian  
as shall be appointed to them at the time that they the said trustees shall  
think

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think most proper and if either of their said children shall disapprove the account  
so by their said parents made, then I give and devise such child's part of said  
estate to my said son Nathaniel and his heirs forever, together with all the rents,  
issues and profits that may have been made therefrom.

And my will is that as soon as my estate shall be settled by my executor, and  
all my debts, legacies, funeral charges, and expences of settling my estate shall be paid,  
that then my executor shall pay over such personal estate, if any, or the balance  
of the proceeds of such real estate as he shall have sold for payment of my  
debts, legacies and other charges as aforesaid, or shall by force of this my will be  
coming to the children of my son Nathaniel to him the said Nathaniel and  
his wife or to the survivor of them in trust for my said grandchildren the  
children of my son Nathaniel as aforesaid.

And further I do authorize and empower my sons Nathaniel and John  
and my son in law Jonathon Jackson respectively to exchange, if either of  
them think it best for their respective children, the respective houses and lands  
I have in this my will made them severally trustees of, for other real estate  
of equal value to be conveyed to my said grandchildren respectively, they to  
have and hold the ~~same~~ ~~to be received~~ in exchange as aforesaid in the same  
manner they will hold the houses and lands I have hereby devised to them  
respectively - provided that my three persons or the major part of them to be  
appointed by the Judge of probate for the county of Essex for the time being shall  
upon their oaths declare in writing before such exchange is made, that the  
real estate to be received in exchange is in their opinion of equal value at the  
least with the real estate to be given in exchange as aforesaid.

I hereby release and devise to my said sons Jonathon Jackson Nathaniel  
Tracy and John Tracy all claims and demands which I have against them as  
copartners, or against either or any two of them respectively - they also and each  
of them executing a deed of release to my executor of all claims and demands,  
which

which they or either of them have or may have against me or him in his  
said capacity.

And lastly I do appoint Theophilus Parsons of said Newburyport  
Esquire to be the executor of this my last will and testament hereby  
revoking and annulling all former wills and testaments by me hereto-  
fore made and declaring this to be my last will and testament.

In witness whereof I have hereunto set my hand and seal this  
sixteenth day of October Anno Domini 1788

Signed sealed published and  
pronounced by the said testa-  
tor as and for his last will  
and testament in presence  
of us who subscribed as wit-  
nesses in his presence and  
at his request

Patrick Freely

Samuel Tufts  
Daniel Wilham  
Simon Tufts

To all People to whom these presents shall come Benjamin Greenleaf Esq<sup>r</sup>  
Judge of Probate for the County of Essex within the Commonwealth of  
Massachusetts sendeth Greeting. Know ye, that on the third Day of April  
Anno Domini 1789. Samuel Tufts, Daniel Wilham & Simon Tufts appeared before  
me and made Oath that they saw Patrick Freely late of Newburyport in said County  
Esq<sup>r</sup> deceased sign and seal the afore written Instrument & heard him declare it to be  
his last Will and Testament and that they all subscribed their Names together as  
Witnesses to the Execution thereof in the said Testator's presence and at his Request,  
and that he was then to the best of their Judgments of sound & disposing Mind.  
I do therefore at a Court of Probate holden at Ipswich in the County this sixth  
Day of April Anno Domini 1789 prove approve & allow of the said Instrument as  
the last Will and Testament of said deceased and cause the seal of Office to be  
thereto affixed;— and as Theophilus Parsons Esq<sup>r</sup> the Executor named in said  
Will has refused to accept of said Trust;— Administration with the Will  
annexed of the goods & Estate of said deceased is granted to Dudley Atkinson Esq<sup>r</sup>

B Greenleaf