

[The foregoing writing containing the last will and testament of James Swan of Boston found at the residence of the deceased James Swan at No. Providence Street, and removed after the death of the testator at his home. Done this 5th day of April 1831, in the presence of these parties, Signed before us, Justice of the Peace and Citizen Griffien __ __

Signed and sealed by us, President of the Court of First Instance of the Department of the Seine, at a verbal request in this action. Seventh, April 1831]

Will of James Swan Will Book No#1, Kanawha County, Virginia

I James Swan of Dorchester in the County of Norfolk and Commonwealth of Massachusetts, one of the United States of America, at present in Paris in the Kingdom of France, being in full strength of body and mind, and being desirous to provide for death by making my testament, do hereby express my will as follows, to-wit:

I order the payment of all just and lawful debts due by me, of which I have annexed a list at this day, as well as a list of what debts are due me, which are exact as far as I can recollect in my present situation.

I give and bequeath to my sister Margaret, widow of David Swan, Merchant of Leith, fifty pounds sterling which I promised to my father to pay at her marriage, and order interest thereon at the rate of five per centum per annum, to be paid from the date of her marriage; but in case I should have remitted her any sum or sums after this date, and which will appear by my books, then the amount of such remittance shall be deducted from the said fifty pounds and interest.

In case the transfer I made to my brother David Cooper, of an undivided half part of thirty seven thousand, two hundred and sixteen acres of land in Hardin County and Commonwealth of Kentucky, which I made to him in compensation for his long and unwearied services in France, should have proved defective in title or otherwise non-availing to him, then and in that case I leave and bequeath to him and his heirs, one hundred and eighty-six shares of one hundred acres each in the Company of American Colonization under the firm of De Redern & Company, or if that Company be broken, as I am now attempting to do, then the said eighteen thousand and six hundred acres represented by the said shares, shall be delivered to him out of all my lands in Virginia and Kentucky at his choice in one or more lots.

I leave and bequeath to John Nivens my brother in law, he who is employed in the New England Glass Manufactory at Boston, five hundred dollars, as a small compensation for the loss he has met with in removing from Nova Scotia to Boston in order to meet me, agreeably to the assurances I gave him that I should be at home years ago.

I give and bequeath to Charles Frederick Newman, my faithful domestique, six hundred dollars; unto Francis Dennis, my cook, three hundred dollars, and unto Catherine, his wife, chambermaid and housekeeper, two hundred dollars, as a mark of my gratitude for their good and faithful services and attachment to my interest, especially to my person, in sickness and in health, and for the inconveniences they have undergone by my being in prison, hereby ordering the payment of my bills to them for arrearages in wages up to the first of January last, and that their wages be paid from the first day of the present year, at and after the rate of four hundred

francs, say eighty dollars each, a year, less any sums that I may have paid to them, as may appear by my receipts.

Now the remaining part of my real and personal estate I dispose of as follows, to wit: I give and bequeath unto Hepsibah Clark, my oldest daughter, widow of John Howard Clark, and to her heirs, unto Christina Keadie, my second daughter, widow of John Turner Sargent, and to her heirs, and unto Sally or Sarah Webb my third daughter, wife of William Sullivan, and to her heirs, an equal quarter part to each of them of all my said remaining real and personal estate, hoping, as I request by this, my last will, that my said daughters will invest and secure their different parts in such a manner that they may enjoy the revenues and income of my bequests during their lives, and that the principal and whole property descend to their children, and if possible, to their children's children.

And whereas the conduct of my son James Keadie has been in constant opposition to that which he owed to himself and to society, has been in direct violation of the friendly warnings, the fraternal counsels, the virtuous admonitions and fatherly cares which I have unceasingly lavished upon him, and being convinced that he does not practice that conduct which honors man and renders him respectable in life, and having a long series of proofs of disrespectful things he has said to me and his mother, unworthy of a friend, much more of a son, and knowing from long experience and observation that he does not appreciate the value of money, indeed, so little that the largest fortune left at his disposal would soon be dissipated; out of love for the children he may leave, in friendship to him, as well as to be a lesson to all disobedient prodigal sons, and a precedent to afflicted and offended fathers, I hereby give and bequeath to my before named daughters, Hepsibah Clark, Christian Keadie and Sally or Sarah Webb, jointly, and to the survivor or survivors of them, during their natural lives, and to their heirs, the remaining quarter part of my said real and personal estate, in trust for the use and benefit of my said son James Keadie during his life, and to his lawful children; that is to say, they shall pay to him annually by quarterly equal payments the produce, rents and incomes of the said quarter part of my said real and personal estate, and in case he should die before his wife she shall receive from the said trustee, out of rents, profits and income of the said quarter part of my said estate, the sum of eight hundred dollars a year, that is, two hundred dollars per quarter, during her widowhood, but in case of her remarrying, then that pension shall cease. After the death of my said son and that he leaves lawful children, then the said trustees shall deliver an equal portion to such children of the quarter part of my said real and personal estate on their marriage, or on arriving at twenty one years of age, always subject, however, to the pension to my son's widow as long as she shall remain unmarried. But in case my son should die without lawful issue, then and in that case I leave and bequeath the said quarter part of my said real and personal estate to the Mayor, Treasurer & Alderman of the city of Boston for the time being, and to their successors in office, forever, in trust for the purposes hereinafter described, to-wit: The said quarter part of my real and personal estate shall be invested in houses in the city of Boston and in farms near Boston, which houses and farms shall never be leased for more than seven years at a time by reason of the depreciation of specie, or the rise in values of such houses and farms, effects which naturally will raise the annual rents of such property; the rents so soon as received shall be placed at interest, to accumulate until they shall produce one hundred thousand dollars a year, when that sum shall be applied to the following uses: first, in the purchase of ten acres of land in South East Boston, in a high, airy position, provided the city of Boston shall have refused to give as much land there or in the common, on which to build a house and appendages for an academy to be called Swans Orphan academy, and for ground on which to make necessary exercises for the

youth. Secondly; for the lodging, clothing, educating and nourishing as many poor orphan boys of seven years of age, and until they arrive at fourteen, as the said funds will maintain agreeably to the plan and direction in the writing hereto annexed, written and signed by myself, with conditions that the city of Boston shall grant or purchase ten acres of land in South East Boston, or in the common, whereon to build the said hospital and appendages, and to have exercising ground, then preference of admission shall be given to the orphans of Boston. But in case of refusing to give the said land, then the admission of Boston orphans shall be in proportion as its general population bears to the general population of the Commonwealth of Massachusetts. Understood that in no case whatever an orphan be refused by reason of religion of his parents.

In case I die in Europe, I order that my body be embalmed and sent to my family in Boston, to be deposited in the tomb at Dorchester until the academy ordered to be established by this will shall be completed, when my body shall be transported there and remain forever.

Finally, I name as executors of this, my last will and testament, for all things in Europe, Mr. F. M. De Grange, of Paris, Advocate at the King's Counsels and at the Court of Cassation, and as a small gratification for their trouble in my affairs I bequeath to each the sum of One Thousand Dollars; and for my affairs in America, I name as executors of this, my last will and testament, my wife, Hepsibah Clark, Mr. William Sullivan and Mr. J. Greely Stevenson, both of Boston. The word "Finally" obliterated before signing.

Made and signed at Paris this ninth day of September in the year of our Lord one thousand, eight hundred and twenty-four, and declared before the witnesses hereunto subscribing to be my last will and testament, written by myself on this and three preceding pages.

(Signed) Jam. Swan

Witnesses present, and we declare and certify that James Swan did sign each page of this writing in our presence, and declare it to be his last will and testament.

Sam Brown, Professor of Medicine
Transylvania University, U.S.

John Gray of Boston

De Lavier of Paris

Denis

Signe et paraphe par nous, President du tribunal Civil de Premiere Instance du Department de la Seine, au desir de nosse process

Verbal – dejour Sept – Avril, 1831

(Signe) De Cellayne

Lapresente prece parressant Conteuir des depositions, Testamentaires du feu Sr. James Swan de Boston a ete trouve par nous, au domicile de ce dermerex, Rue de Provence, No. 22, en precedent ala lerce de nossce les apposes après la deces de ce derniere a soudit domicile. Ce jourd hui Cing, Avril, Mil Huit, Cent Trent un, et ont les parties presents aux dites operation. Signe avec nous, Juge de Paix et le Cn Greffien leclare faite.

(Signe)

P. A. Adet

G. Agle Adet

Le Bor. Pequet

Segar

I.Cox Barrett

Newmann
A. Leclerc
Lerat De Magnitot, J. de P.

Consulate of the United States at Paris:

Be it known that on this, the seventeenth day of May in the year of our Lord one thousand eight hundred and thirty-one, and of the independence of the United States of America the fifty-fifth, before me, Isaac Cox Barrett, Councul of the said United States for Paris &c., Agent of Claims, personally came and appeared John James Pacond, sworn interpreter near the Tribunal of First Instance of the Department of Seine, and in due form of law made oath that the forgoing writing containing altogether seven pages and a half, numbered on the top of each page, is a faithful copy of the will or testament of the late James Swan, deceased at Paris, subscribed by the testator J. Swan at foot of each page of the original will, signed J. J. Pacand, I. Cox Barnett, Consul U. S. &c., carefully compared by him, word for word and figure for figure.

(Signed) J. J. Pacand

Sworn to before me, the above named Consul at Paris in the Kingdom of France the day and year last above mentioned.

(Signed) I. Cox Barnett
Consul, U. S. &c.

Admitted to record, Kanawha County, Va., Feb. 10, 1834