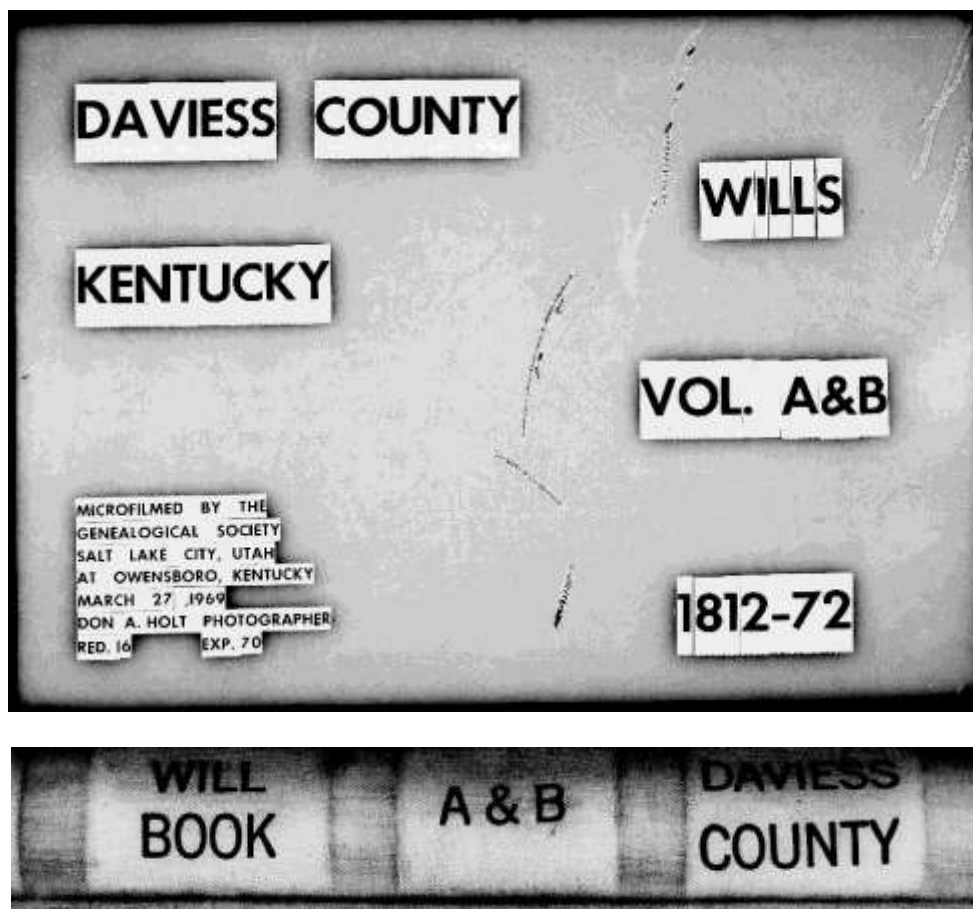


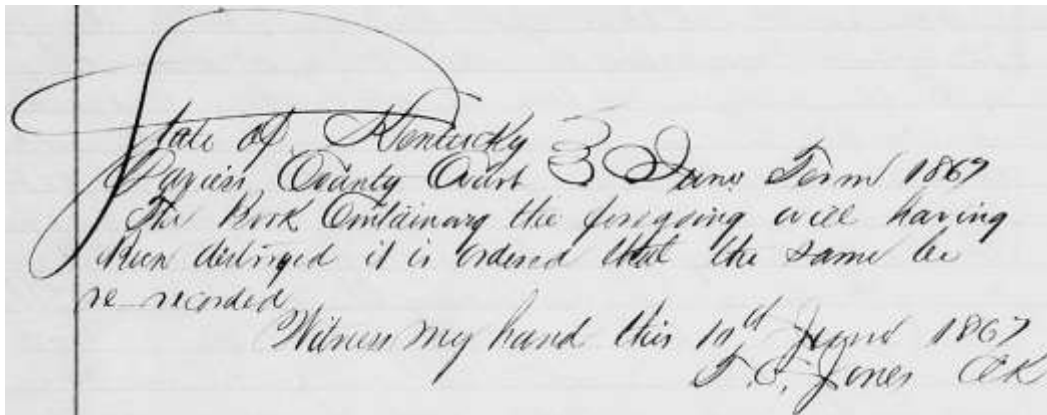
Lost Daviess County Will Books

By Jerry Long
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The first extant will book for Daviess County, Kentucky is labeled “Will Book A & B”. It replaced Daviess County Will Books A and B that were lost. The 1883 History of Daviess County, Kentucky records that copies of the county’s “wills prior to 1867 were lost or destroyed.” Subsequent to the disappearance of the books the public was invited to bring in and re-record any wills that were among those that had been lost. The lost wills were collected over a period of time and then all that had been collected were re-recorded at the 10th June 1867 session of the Daviess County Court. Those that were re-recorded were included in “Will Book A & B.” All of the wills in Will Book A & B were accompanied by the notation: “The book containing the foregoing will

having been destroyed it is ordered that the same be re-recorded. Witness my hand this 10th June 1867, T. C. Jones, Clk.”



One other major records group at the Daviess County Courthouse – Settlement Books A and B, covering the years of 1848-1864, are also missing. County histories do not document how the county’s first two will books and first two settlement books, came to be lost or destroyed. One possible theory is that they were lost when the Daviess County Courthouse was burned by Confederate guerillas during the Civil War on 4 January 1865. In relating the history of this event the History of Daviess County, Kentucky states that the records were “mostly saved” (1883, p.175). Any itemized listing of any records that were lost on this occasion has not been preserved. The two year period transpiring between the burning of the Courthouse and the re-recording of the collected lost wills on 10th June 1867 gives credence to the theory that these county records were destroyed at the time of the burning of the Courthouse. Also the use of the phrase “foregoing will having been destroyed” at the time when the wills were re-recorded contributes more evidence to this possibility.

The following references to the Daviess County will books appeared in the History of Daviess County, Kentucky (Chicago, IL: Inter-State Publishing Co., May 1883) pp.296-298:

LOST RECORDS

The volumes in the county clerk's office, containing copies of wills prior to 1867, were lost or destroyed; and the originals of many were afterward brought forward and recorded. Since that date the record is complete.

THE FIRST WILL

" In the name of God, amen!

" This 26th day of August, one thousand eight hundred and fifteen, I, John McFarland, of the County of Daviess,, and State of Kentucky, being sick and weak in body, but of sound mind and memory, do make, constitute, ordain and appoint this my last will and testament, in the following manner and form ; and —

" First, I order that all my just debts shall be punctually paid by my executors hereafter named.

" Item, I order and devise that my well-beloved wife, Frances McFarland,, shall have my negro man Sam, now in possession of Abner Lea, and my negro girl by the name of Tilly, one featherbed and furniture, one horse and saddle, and my riding-chair, and "two hundred and fifty

dollars in cash, to her and her heirs forever; and I further order that my negro woman Tabb, and my negro boy Johnston be the property of my said wife during her life, and at her death be equally divided amongst her children.

" Item, I order and devise that my negroes, Toby, Lucy and child, now in possession of Lewis Odom, shall remain in his possession until his daughter, Rachel Odom, is eighteen years old; and then I order and devise that my said negro "Toby shall be equally divided between Eldred Odom, Patsey Odom and Demcy Odom, to them and their heirs forever.

" Item, I order and devise, when my granddaughter, Rachel Odom, comes to be eighteen years old, she shall then have my negro woman Lucy and child (now in possession of Lewis Odom) to her and her heirs forever.

" Item, I order and devise that my well-beloved daughter, Margaret Odom, have twenty dollars of my estate to her and her heirs forever.

" Item, I order and devise that the County Court of Daviess shall appoint five disinterested persons, any three of them, to act, to divide all the residue of my negroes into five equal shares, giving one share to each of my five children, to wit: William McFarland, Leah Glenn, Rachel McFarland, James McFarland and John S. McFarland, putting the negroes that are now in possession of my son William McFarland and son-in-law William Glenn, upon lots by themselves, and add or diminish from the rest to make them equal; and it is my will that my son William and William Glenn have their choice to keep the lot that has the negroes on it that is now in their possession; and if they refuse to take it they shall draw in some equitable way with my other three children as above named.

"And I further order and devise that all the residue of my estate that I have not already given away, both real and personal, be equally divided between my sons and daughters as hereinafter named — William McFarland, James McFarland, John S. McFarland, Leah Glenn and Rachel McFarland, to them and their heirs forever.

"And lastly, I constitute, order and appoint my well-beloved son, William McFarland, and my well-beloved son-in-law, William Glenn, executors to this my last will and testament, and I do hereby revoke and disannul all other wills by me made, ratifying and confirming this only to be my last will and testament.

" In witness whereof I hereunto set my hand and affix my seal the day and year first above written.

"John McFarland. [seal.]

"In presence of
Joseph D. McFarland,
T. D. Orsborn."



Daviess County Will Book A & B has 220 pages and covers the years of 1812-1851. A copy of the book can be found in the Historical Images section of the Church of Latter Day Saints website (familysearch.org). In the Historical Images search engine type in Daviess County, Kentucky and in the inventory of Daviess County records click on "Daviess Probate Records 1812-1896."

The following are lists of abstracts of wills in Daviess County, KY Will Book A & B:

- The Daviess County Will Book A & B was copied and filed in the Owensboro library by Mrs. Mary Hale Dean, past historian of the Evan Shelby D.A. R. chapter , Owensboro, KY (“Delegates Named To D.A.R. Meets”, Owensboro Messenger, Owensboro, KY, 2 February 1935, p.8 and Papers of Mary Hale Dean (1857-1955): Traveling Library of the Gen. Evan Shelby Chapter DAR, Owensboro, KY, Volume 1 - Cemetery & Miscellaneous Records), by Jerry Long, Kentucky Room, Daviess County Public Library, Owensboro, KY, library call #KR G Dean. Part of Mrs. Dean’s listing is missing.
- “Abstracts of Wills In Daviess County, Kentucky, For The Period of Years, 1812 to 1851”, by Annie Walker Burns; copy in the Historical Images section of the Church of Latter Day Saints website (familysearch.org). In the Historical Images search engine type in Daviess County, Kentucky and in the inventory of Daviess County records click on “Will Books”. Daviess County Will Book A & B abstracts are on frame #'s 941-963.
- “Abstracts of Wills and Inventories, Daviess County, Kentucky Book A – B; Kentucky Family Records, Volume VII, Owensboro, KY, 1978, pp.7-12. [note: part of this listing extends into Will Book C.]
- Daviess County, Kentucky Will Abstracts, 1815-1850, by Gwendolyn G. Tippie (Lexington, KY: Kentucky Tree-Search, Lexington, KY, 1986) 44 pages. A photocopy is available on familysearch.org – in “Catalog” search engine type in Daviess County, Kentucky. Ms. Tippie’s inventory appears under the link, “Daviess – probate records”.



Daviess County Courthouse (1858-1865) photograph from the History of Owensboro, KY Facebook site.