THE WILL

OF

CHARLES McMICKEN,

OF CINCINNATI, OHIO.

PROBATED JUNE 10, 1858.—WITH AN INDEX.

EXECUTORS:
F. G. CARY, WM. CROSSMAN, WM. M. F. HEWSON.

CINCINNATI:
PRINTED AT THE OFFICE OF THE "CINCIINNATUS," COLLEGE HILL, O.
1858.
SKETCH OF THE LIFE OF CHARLES McMICKEN.

Mr. Charles McMicken was born in Bucks County, Pennsylvania, in the year 1782, where he was early trained to habits of industry and economy. At the age of twenty-one, he left the home of his youth, and set out on horseback as an adventurer to the far West. He reached the then small village of Cincinnati, in the spring of 1803; his horse, saddle and bridle constituting his available means. He there engaged in trade on the river by flat-boats, and by close attention to business and rigid economy, in a short time established himself as a merchant in the South, at Bayou Sara. After several years of successful business, he purchased a home in Cincinnati, to which he resorted in summer, still spending his winters, even to the last, in the South.

Mr. McMicken's early educational advantages were quite limited, which he, however, faithfully improved. Blessed with a good constitution and strong and vigorous frame, and being strictly temperate in his habits, never using habitually intoxicating liquors or tobacco, he was rarely ever sick, and retained undiminished vigor of body and mind up to the time of his last illness; possessed of indomitable energy and decision, he was a man of fine business qualifications, and was eminently successful in the accomplishment of all his plans. His skillful management and correct business habits, enabled him to accumulate a large fortune, probably worth more than a million of dollars. He never married, but was surrounded by an extensive circle of relatives, who received many kindnesses at his hand; quite a number of them having been educated by his liberality.

Quiet and retiring in his manners, attending exclusively to his own business, very few, north or south, knew him intimately. Indeed it is questionable whether any one knew anything about the details of his business or the leading purpose of his life. He was entirely self-reliant, rarely, if ever, consulting an attorney—making his own bargains, examining titles for himself, and never speaking of his property or its extent, even, to his most intimate friends. In his deeds of charity,
which have been more numerous than the world will ever accredit to him, there was no ostentation.

Sometime during the year 1848, the American Colonization Society made an appeal in behalf of Free Labor Tropical Cultivation, by the purchase of a large tract of land on the coast of Africa. In April of the same year it was suggested, through the Cincinnati papers, that an effectual blow might be struck at the Slave-trade by a liberal provision being made for the settlement of a Colony: Mr. McMicken's sympathies were thereby enlisted.

He saw at once that to encourage the emigration of the Free Colored People from this and adjoining states, to the Republic of Liberia; to consecrate the greatest possible extent of the soil of Africa to free labor; to protect its population from the direful consequences of the renewal of the Slave-trade; to render its labor available in Tropical Cultivation upon its own soil; and thus to deprive slavery of its monopoly of the markets of Christendom, and check its extension on the American Continent, were objects worthy his means and efforts.

The measure was responded to by Mr. McMicken, on a plan proposed by himself, by an offer of sufficient funds to pay for the necessary amount of land for such a colony. President Roberts, of Liberia, on reaching the United States shortly after the plan of Mr. McMicken had been announced, gave to it his decided approval.

When the Rev. Wm. McLain, Secretary of the American Colonization Society, announced to Mr. McMicken that the purchase had been made, he promptly remitted to him the five thousand dollars which he had pledged. *Ohio in Africa* was purchased with these funds, and was expressly designed for the colored people of Ohio, Indiana, and Illinois. On the consummation of which act a new era in African colonization commenced.

He, from time to time, made liberal donations to other objects; and a few years before his death he subscribed ten thousand dollars for the endowment of the Professorship of Agricultural Chemistry in Farmers' College. This Institution was early regarded by him with peculiar favor, and patronized by educating within it a number of his nephews.

His last will, containing thirty-nine sections, will be read with interest by all true philanthropists. After remembering his numerous relatives and friends in the bestowment of legacies and annuities—not in large sums, believing as he did that every one should be self-reliant, and that fortunes given without labor oftener proved a source of evil than otherwise—he makes provision for the founding of two Colleges, embracing in extent a course of University education—one for each
of the sexes; and should the funds at length justify, an establish-
ment for Orphans, on a most admirable plan, and one breathing forth
a most benevolent spirit. It provides for the maintenance, clothing
and education of those unfortunate ones who should be bereaved of
both father and mother. This educational scheme had long been the
single object of his life. On unfolding it, as he said, for the first time,
to his intimate friend F. G. Cary, he informed him that he had labored
since early manhood for its accomplishment. Opening his will, about
a year before his death, he attempted to read it to him, but before he
had completed the first paragraph, his feelings choked his utterance,
and with eyes suffused with tears he handed it to his friend, requesting
him to read. It is as follows:

"Having long cherished the desire to found an institution where white boys
and girls might be taught not only a knowledge of their duties to their Creator
and their fellow-men, but also receive the benefit of a sound, thorough, and prac-
tical English education, and such as might fit them for the active duties of life,
as well as instruction in all the higher branches of knowledge, except denom-
national theology, to the extent that the same are now, or may hereafter be
taught in any of the secular colleges, or universities of the highest grade in the
country, I feel grateful to God that through his kind providence I have been
sufficiently favored to gratify the wish of my heart."

The character of Mr. McMicken was no less marked in his last ill-
ness, contracted on board the boat on his return from New Orleans.
For a number of days there seemed to be no cause of alarm. But his
disease, which was pneumonia, soon assumed a most malignant type,
and threatened a fatal termination; and he early became satisfied that
his sickness was unto death, yielding himself fully to the impres-
sion that the time of his departure was at hand. His mind was un-
clouded amid the most intense suffering even to the last moment; not
a murmur or complaint escaped his lips. To an intimate friend, asking
him if he desired to recover, he calmly replied, "I shall soon have to
go, any way; and if it please the Lord, I am ready to go now." He
seemed like one satisfied that he had finished his work on earth, and
made his peace with God through the only Savior of sinners. He
made no mention of his worldly matters during his entire illness. In
his last moments, he was attended by the Rev. J. F. Wright, who, ask-
ing if he should unite in prayer, he nodded assent. And after a short
petition was offered, he immediately yielded up his spirit into the hands
of his Redeemer, on the 30th day of March, 1858, in the seventy-sixth
year of his age.

Mr. McMicken was for a number of years a member of the Methodist
Episcopal Church, and was uniform in his attendance on the ministry
of the word and the ordinances of religion. He was catholic in his
views on all subjects, yet tenacious and decided in his own, and engaged in controversy with none. That he had his faults in common with all, none will deny. Let those who read his noble bequest for the cause of education and humanity, write these in the sand; and such as have enjoyed like good fortune, copy his example.

From this hasty sketch of his life and character and this, his finally developed purpose, justice can not be done; but all must say that Mr. McMicken was a remarkable man.
THE WILL OF CHARLES McMICKEN.

I, CHARLES McMICKEN, a native of the County of Bucks, in the State of Pennsylvania, now residing in the City of Cincinnati and State of Ohio, being in good health and of sound and disposing mind and memory, do, for the disposition of all my worldly property of every description, make this my last Will and Testament, in manner and form following, to wit:

First, declaring that I have never been married, and that I have no heirs in the ascending line now living.

I direct that immediately after my decease, an Inventory under oath or affirmation, shall be made by a Notary Public, assisted by two or more persons, whom my Executors herein-after named may appoint, of all my real and personal estate, wherever situated.

I. I give and devise to Charles M. Carr and Andrew McMicken and to the survivors of them, his executors and administrators, all my real estate in Clinton county, Illinois and St. Charles county, Missouri, in trust, nevertheless, for the use and benefit of the children of the said Charles M. Carr and of Mary Carr—who intermarried with Henry Lear, who is now deceased—to be divided between the said children and their heirs, share and share alike, when the last child shall have attained the age of twenty-one years; that is to say, the said lands shall be divided by the said children into parts of equal value and each child shall choose his or her respective portion by lot; but if the whole or any portion of the said land can not be equally divided, or the said children should fail to agree upon a division, then such portion which can not be divided, or upon a division of which the said children fail

[Signature]

7
fail to agree, I direct shall be sold by the said Trustees, who shall divide the proceeds thereof equally among the said children or their heirs. The issue of any child or children of the said Charles M. Carr, or of his sister the said Mary Carr; or any grandchild, shall take by representation of their parents, respectively, such share of the said lands or of the proceeds thereof, as the said child would have been entitled to receive had he or she been living at the time of the division or sale of the said estate.

This devise, however, shall not enure to the benefit of such child or children of the said Charles M. Carr, or his said sister Mary, who may hereafter receive a deed or deeds from me for any portion of the said lands.

II. I give and devise unto William Crossman and Freeman G. Cary and to the survivor of them, his executors and administrators, all that plantation situated in Miami Township, County of Hamilton and State of Ohio—in which my sister Elizabeth, the widow of William Randall deceased, now resides—containing about two hundred and twenty acres, in trust, nevertheless, to permit my sister, the said Elizabeth, to use, occupy and enjoy the same during her life; and at her death, I give and devise the same to her children, Andrew Jackson Randall and Anna Maria Braley, and to their heirs, in fee, share and share alike. The said premises to be divided into parts of equal value, and each to receive a part.

III. I give and bequeath to Andrew McMicken and his heirs, two scholarships in the Farmers' College, at Pleasant Hill in Hamilton county, Ohio; to Anna Maria Braley and her heirs, two scholarships in the said Farmers' College; and

[Signature]

McMicken
and to Joseph L. Carr, one scholarship in said Farmers' College.

IV. I give and devise to my nephew, Andrew McMicken, in trust, for the use and benefit of his wife, Rachel Ann, during the term of her life, and after her death to their children, in fee, share and share alike: the issue, however, of any such child or children of the said Andrew, now or hereafter born, to take by representation, as I have already provided in Item No. 1, (one) in the words of my devise to the children of Charles M. Carr, aforesaid, and of his sister Mary Carr, the following real and personal estate, to wit:

1. All my real estate in the County of Madison and State of Illinois, with power on the part of the said Andrew to sell at public or private sale, any or all of the said land, and to convey the same to the purchasers in fee; the proceeds of such sale to be invested in other real estate or in good securities, to be held for the use and benefit of said Rachel Ann and the said children, in trust, as aforesaid.

2. All that Tract of Land in the Parish of West Feliciana and in the State of Louisiana, in the Tunnica settlement, containing five hundred arpens and known as the "Carradine Gore Tract," and which was purchased at the sale of the estate of William Collins about the year Eighteen hundred and forty.

3. All my lots and lands in the Town of Bayou Sara and other lands on Thompson's Creek, in the Parish of West Feliciana, in the State of Louisiana.

[Signature]
4. All that Tract of Land, containing about two hundred and fifty arpens, situated in the Parish of East Baton Rouge, on the Cypress Bayou, about twelve miles north of the Town of Baton Rouge, known as the James McGill Tract.

5. All that Tract of Land in the State of Kentucky on the Big Sandy River, containing about ten thousand acres, and known as the Benjamin Wyncook Tract or Patent, and which is now the subject of a suit in Ejectment; reserving, however, if recovered, to the heirs of Joshua F. Doyle one-third of the net proceeds after the sale thereof and after the payment of all costs and charges and expenses.

6. All my land in the State of Texas, except the Grants in the names of Adam Carraway and James Brown, which are hereafter devised to Levi S. McMicken.

   All the lands as above devised to be sold and disposed of by said Andrew at his discretion.

7. All that lot of ground in Spring Grove Cemetery near Cincinnati, as a burial place for the family of my brother and sister and of my nephews and nieces and their descendants; and also my Pew, No. 75, in the Ninth Street Baptist Church.

8. All debts now due me in Cincinnati, New Orleans, or elsewhere, by Judgment, Bond, Note, accounts, or otherwise; all the rents, issues and profits, which at the time of my death may be due me from the land above specifically devised to my said nephew, Andrew McMicken; my carriages and horses; all my Library and Household furniture of every description, and any other personal property not hereinafter specifically

[Signature]
specifically devised, which said Library, furniture and personal property, shall be equally divided by the said Andrew with my niece, Lizzie McMicken.

9. I permit my nephew, the said Andrew McMicken, and my niece, Lizzie McMicken, if either see fit, to occupy, free of rent, and for the period of five years after my decease, the house in which I now reside. This permission, however, shall not interfere with the objects of my devise, hereinafter stated, to the City of Cincinnati, as to the lot by which the said building is surrounded.

V. I give and devise unto Levi S. McMicken of Polk county, State of Texas, and his heirs, all my right, title and interest to two leagues and labors of land, originally granted to Adam Carraway and James Brown, and now in the charge of General James Davis of the same county, for the purpose of perfecting the title thereof, and which are now devised to the said Levi, subject to and chargeable with the provisions of my agreement with General Davis.

All of the above devises and bequests shall be free from any deductions or proportional payments for or on account of any legacy or annuity with which I have charged my real or personal estate.

VI. I charge my real and personal estate with the payment of the following legacies and annuities, which are to be paid and discharged out of the rents, interest and dividends of the said estate, free from every deduction whatever.

The

[Signature]
The said legacies shall be paid at the period when each legatee respectively shall attain the age of twenty-one years, and shall be paid to such legatee in person only, and not through an agent or attorney; but any legacy shall be withheld, if in the judgment of the Corporate authorities of the said City of Cincinnati, the person to whom it is given shall, from habits of intemperance and dissipation, be deemed unworthy to receive it, in which case such legacy shall be retained in the possession of the said Authorities for at least the period of ten years, and if such legatee should at any time within that period reform and become worthy to receive said legacy, then the same shall be paid without interest, otherwise it shall be forfeited and fall into my residuary estate.

And I hereby further direct that should any annuitant, for the reasons above stated with respect to any legatee, be found unworthy to receive such annuity, the proceeds thereof shall be withheld by said Authorities until such annuitant shall reform and become worthy to receive it, when it shall be paid, but without interest.

VII. 1. I give and bequeath to Andrew McMicken, in trust, for the use and benefit of his wife and family, during the life of the said Andrew, and not to be subject to any debts due by him, now or hereafter contracted, the annuity or yearly sum of fifteen hundred dollars, payable semi-annually. This annuity shall be free from all claims of every nature, which my estate may have against the said Andrew, and in full satisfaction of any claims or demands, which he may now have, if any such there are, or which he may hereafter have against my estate.

[Signature]
2. I give and bequeath unto the said Rachel Ann, the wife of my said nephew, Andrew McMicken, the annuity or yearly sum of five hundred dollars, payable semi-annually, during the term of her life, which shall commence to be paid to her, on the death of her husband, should she survive him.

3. And unto Sarah, Andrew and Joseph, the children of my said nephew, Andrew McMicken, each the sum of two thousand dollars, and unto any other child or children which my nephew, the said Andrew, may have by his present or any future wife, each the sum of two thousand dollars.

VIII. I give and bequeath to my niece Lizzie McMicken, now residing with me, the annuity or yearly sum of one thousand dollars, payable semi-annually, during her life, free from the liabilities and engagements of any future husband and for her sole and separate use and behoof. I also give to my said niece Lizzie, my large walnut bedstead, with the bedding in the room occupied by me. Should my said niece marry and have issue, I give and bequeath to every such child, when it arrives at the age of twenty-one years, the sum of two thousand dollars.

IX. I give and bequeath unto Andrew Jackson Randall the sum of two thousand dollars, and to his wife Mary the sum of one thousand dollars.

2. And unto the children of the said Andrew Jackson Randall, each the sum of one thousand dollars; and to any other child or children of the said Andrew hereafter born, each the sum of one thousand dollars.

X. I give and bequeath unto Charles, the son of Maria Bra-
ley, the sum of two thousand dollars, and to any other child or children of my niece the said Maria Braley, now, or hereafter born, each the sum of one thousand dollars.

XI. I give and bequeath unto my niece Anna Maria Braley, the annuity or yearly sum of five hundred dollars, to be paid semi-annually during her life, for her sole and separate use, free from the control or debts of her present or any future husband.

XII. 1. I give and bequeath to Charles M. Carr, the sum of two thousand dollars, and to his wife Hannah E. Carr, the sum of one thousand dollars.

2. I give and bequeath to Joseph L. Carr, the son of the said Charles M. Carr, the sum of two thousand dollars; and to the brothers and sisters of the said Joseph, each the sum of one thousand dollars. And to any other child or children of the said Charles M. Carr, hereafter born, each the sum of one thousand dollars.

XIII. I give and bequeath unto the children of Mary Carr who intermarried with Henry Lear, aforesaid, each the sum of one thousand dollars.

XIV. 1. I give and bequeath unto Charles McMicken Perin, the son of Mary McMicken who was the wife of Franklin Perin, the sum of one thousand dollars; and if within the period of ten years after my decease, or within the period of ten years after his arrival at the age of twenty-one years, he shall procure the passage of a law authorizing him to assume the name of Charles McMicken, instead of Charles McMicken Perin, I then give and bequeath to him the further sum of five thousand dollars.

[Signature]

McMicken
2. I give and bequeath unto Clyde and Mary Louisa Perin, the sisters of the said Charles, each the sum of one thousand dollars.

XV. I give and bequeath unto Mary Ann Revelle, the annuity or yearly sum of one hundred dollars, payable semi-annually during her life.

XVI. I give and bequeath unto Virginia McDowell, the sum of three hundred dollars, and to Sarah her sister, the sum of two hundred dollars; the said Virginia and Sarah being the children of Joseph and Sarah McDowell.

XVII. I give and bequeath unto the following named children of David McMicken, of Lycoming county, Pennsylvania, my second cousin, that is to say,

1. Unto David Hays McMicken, and Sarah, Elizabeth and Mary McMicken, each the sum of five hundred dollars.

2. Unto Margaret, a daughter of the said David McMicken, by his first wife, the sum of five hundred dollars.

3. Unto Ann, the daughter of John McMicken and granddaughter of said David McMicken, the sum of five hundred dollars.

4. Unto the two unmarried daughters of Jane, the widow of Charles McMicken, deceased, who was the brother of the said David McMicken, each the sum of five hundred dollars.

XVIII. I give and bequeath unto Mrs. Mary E. Randall, of New Orleans, widow of Charles M. Randall, deceased, an annuity or yearly sum of two hundred dollars during her life, payable semi-annually.

[Signature]

McMicken
XIX. I give and bequeath unto Sarah Burson, of Trenton, New Jersey, formerly Sarah Dean, an early friend and much-esteemned school-fellow, an annuity or yearly sum of two hundred dollars during her life, payable semi-annually.

XX. I give and bequeath unto Charles McMicken, the son of William B. and Bethuli Cadwalader, now living in Trenton, New Jersey, who is the grandson of Mrs. Sarah Burson, who gave him that name, the sum of two thousand dollars.

XXI. 1. I give and bequeath unto Wirtz McMicken, residing in the City of Philadelphia, formerly Wirtz McMicken Johnson, but whose name was changed by an Act of Assembly of Pennsylvania, an annuity or yearly sum of five hundred dollars, payable semi-annually during his life. And, in case he should have any legal issue, I give to each child, when it arrives at the age of twenty-one years, the sum of one thousand dollars.

   2. I further give and bequeath to Sarah, the mother of the said Wirtz McMicken, an annuity or yearly sum of two hundred dollars, payable semi-annually during her life.

XXII. I give and bequeath to Mrs. Kavanaugh, wife of Bishop Kavanaugh, residing in the Town of Versailles, State of Kentucky, the sum of five hundred dollars.

XXIII. I give and bequeath unto Charles McMicken Segur, the sum of one thousand dollars; and to Elizabeth, the daughter of the said Doctor Segur, the sum of five hundred dollars.

XXIV. I
XXIV. I give and bequeath unto Mary, the daughter of Andrew McMicken of Philadelphia, the sum of five hundred dollars; and to her sisters Josephine and Virginia, each two hundred and fifty dollars.

XXV. I give and bequeath unto my sister, the said Elizabeth Randall, an annuity or yearly sum of two hundred dollars, payable semi-annually, during her life.

XXVI. Having been born on the twenty-third day of November, Anno Domini, one thousand seven hundred and eighty-two, I direct that the first payment of the above Annuities shall be made on the twenty-third day of November after my decease, being the proportion of such annuity which shall have accrued between the period of my decease and the said twenty-third of November, whether the same be more or less than six months. And the said payments shall be made semi-annually thereafter on the twenty-third days of May and November.

XXVII. All of the above recited Annuities and Legacies shall be paid in full without any deduction whatever, for, or on account of any law or of any decision of the Courts, now or hereafter in force or pronounced. The Annuities shall be paid by the Treasurer of the City of Cincinnati, or other proper officer of said City appointed for the purpose; and

[Signature]

McMicken
those Legacies which shall have become payable by my death, shall be paid by my Executors; but those dependent upon the happening of any contingency, shall be paid by the Treasurer or other proper officer of the City aforesaid.

XXVIII. If I should die owning any slaves, I direct my Executors to give them their freedom, and if they are disposed to remove and live in Liberia, Africa, I direct my Executors to expend the sum of one hundred dollars upon each, for the purpose of sending them to that country.

XXIX. Any monies which I have advanced to my said nephew Charles M. Carr, or Henry Lear, who intermarried with my niece Mary Carr, as well as any claims, by Note or otherwise, I may have against them; also any money advanced to, or any claim by Note or otherwise, I may have against my sister Elizabeth Randall or her two children, Andrew Jackson Randall and Anna Maria Braley; or against my nephew Andrew McMicken, or my niece Lizzie McMicken, up to this date, I hereby relinquish and forgive.

XXX. Should any of my aforesaid kindred, or others to whom I have devised or bequeathed any real estate, legacy or annuity, attempt, by the institution of legal proceedings, to set aside this my last Will, they shall by so doing forfeit any devise or bequest I have made them, and the devise or bequest so annulled and forfeited shall fall into my residuary estate and enure to the benefit of the City of Cincinnati, for the purposes hereinafter set forth.
XXXI. Having long cherished the desire to found an institution, where white boys and girls might be taught, not only a knowledge of their duties to their Creator and their fellowmen, but also receive the benefit of a sound, thorough and practical English education, and such as might fit them for the active duties of life; as well as instruction in all the higher branches of knowledge, except Denominational Theology, to the extent that the same are now, or may hereafter be taught, in any of the secular Colleges or Universities of the highest grade in the Country, I feel grateful to God that through his kind Providence, I have been sufficiently favored to gratify the wish of my heart.

I therefore give, devise and bequeath to THE CITY OF CINCINNATI, and to its successors, for the purpose of building, establishing and maintaining as soon as practicable, after my decease, two Colleges for the education of white Boys and Girls, all the following real and personal estate, IN TRUST FOREVER, to wit:

1. All that piece of land called the "Davenport Tract," situated in the Parish of East Baton Rouge on the River Mississippi, about fourteen miles below the Town of Baton Rouge, in the State of Louisiana, being about fifteen arpens in front and eighty in depth, and containing about twelve hundred acres.

2. All my property in the City of New Orleans, and Town and Parish of Jefferson in the State of Louisiana, which, as well as that called the "Davenport Tract," above devised, shall be sold by the said City as soon as it may be deemed prudent,
and upon the most advantageous terms, at public or private sale; and the same, if sold at public sale, shall be sold in the months of January or February, for which purpose the said city is empowered to make the necessary conveyances. The said land shall be sold upon the usual credits of one to three or four years, with a payment in cash on account of the purchase money, of ten to twenty per cent.; the balance of the purchase money shall bear interest from the day of sale at the highest rate of conventional interest, which interest shall be secured in the Notes given, as a part of the principal sum, and the Notes after becoming due shall continue to bear the same rate of interest. The whole balance of the purchase money shall be secured by a mortgage on the premises.

3. All that Tract of Land in Delhi Township, in the County of Hamilton and State of Ohio, containing one hundred and twenty-four acres and three-tenths of an acre. And I hereby authorize the said City to lease or sell the same, and also to sell any other property hereafter acquired by me, in the County of Hamilton and State of Ohio, or elsewhere, except—as hereafter particularly stated—Real Estate in the said City of Cincinnati.

4. All my real estate in the City of Cincinnati, subject, first, to the payment of the legacies and annuities with which it is charged, which as I have directed shall be paid out of the rents and profits derived from the said estate.

5. All my real estate and personal property which I may acquire after the date of this my Will.

6. All my Railroad Bonds and Railroad, Insurance and oth-
er Stocks. All Notes, secured by Mortgage, on property I may hereafter sell. All moneys on deposit in any Bank, and dividends due at the time of my decease. And all rents due at my decease from my Estate devised to the said City.

7. All taxes, claims, etc., to which my Estate, devised to the said City, may be subject at the time of my decease, shall be paid out of the rents of the said Estate.

8. All surplus of funds at any time hereafter accruing beyond the amount necessary to maintain the said Colleges, and all rents, dividends and interest accruing between the period of my decease and that at which the said Institutions shall go into operation, or any surplus which may at any time hereafter accrue beyond the expenses and requirements of the Institutions, shall be judiciously invested, for the benefit of the said Institutions, in real estate or mortgage securities in the said City, or in good Railroad or Bank Stocks, or Railroad Bonds.

9. All the residue of my real or personal estate, not hereinbefore devised or given, as well as any legacy, etc., which from the death of any legatee, etc., or failure of any condition on which the same is given, may hereafter lapse.

XXXII. 1. None of the said Real Estate, in the said City of Cincinnati, above devised to the said Corporation, whether improved or unimproved, or which I may hereafter acquire in the said City, or which the said City may purchase for the benefit of the said Colleges, shall at any time be sold, but any building or buildings thereon shall be kept in repair from the
revenues of my Estate. And I hereby authorize the Corporate authorities of the said City, should they find it necessary or expedient from dilapidation, fire or other cause, or for the purpose of securing the largest income, to take down any house or houses, and to rebuild the same out of the income of my Estate. And I further empower the said Authorities to build upon any vacant lot, lots, or grounds, I may possess, or which they may under the authority of my Will hereafter purchase; and as there will be a considerable space upon the eastern boundary of the grounds devoted to the College for the Boys, it would be a suitable and convenient place for erecting Boarding-houses for the accommodation of Students, from which a rental might be derived.

2. The College Building shall be erected out of the rents and income of my real and personal estate, and on the premises on which I now reside, in the City of Cincinnati—by me purchased from the administrators of Luman Watson deceased—and which shall be plain, but neat and substantial in their character, and so constructed, that, in conformity with their architectural design, they, from time to time, may be enlarged, as the rents of the Estate devised will allow, and the ends of the Institutions may require.

The said buildings shall be erected on different parts of the said grounds, to wit: that for the Boys on the north, and that for the Girls on the south of the road lately cut through said grounds.

And I direct that the plot of ground on which the College for the Boys shall be built, shall comprise not less than from

[Signature]
five to six acres; and that on which the College for the Girls shall be built, shall comprise all below the said road, which plot may, I suppose, contain about three acres. Should additional grounds be required for the buildings connected with the College for the Girls, I would refer to lot No. 32, in the subdivision made by Jacob Madeira, adjoining the last described premises on the west, which may be found a suitable place for the erection of dwellings for Boarding-houses for the female students, and from which a revenue might accrue, or Houses for Female Orphans when required.

And I would recommend for the purpose of enlarging the College grounds and for the general benefit of the Institutions, that the said City should, if they deem it advantageous, and are enabled to do so upon equitable terms, purchase the property on the west side of my said grounds, by which the said City will have the opportunity, if they see fit, of erecting a portion of the College Buildings for the Boys to the westward of the location I have assigned them.

XXXIII. I hereby authorize the said City, if they believe it expedient, to lay out into lots any unimproved property I may possess and to lease the same for building purposes upon ground rents renewable at a re-valuation, but no lease shall be made for a longer period than fifteen years as aforesaid, or the said City instead of leasing may build upon the same as already empowered; and no lease of improved property shall be made for a longer period than ten years. The revenue therefrom shall be appropriated to the use of the said Colleges.

XXXIV. The Holy Bible of the Protestant version as con-
tained in the Old and New Testament shall be used as a Books of Instruction in the said Colleges.

XXXV. The preference in all applications for admission to be given to any and all of my relations and their descendants, to any and all of the within named Legatees and their descendants, and to Wirtz McMicken and his descendants.

XXXVI. 1. If after the full and complete organization and establishment of the said Institutions and the admission of as many pupils as, in the discretion of the said City should, for the purposes of Education, be received, there shall remain a sufficient surplus of funds, the same shall be applied in making suitable additional buildings, and to the support of poor white male and female orphans, neither of whose parents are living, and who are without any means of support, and who may be admitted as pupils, if not younger than five nor older than twelve years, the preference always to be given to the youngest applicant, except in the case of my own relations and collateral descendants, and of any and all of the within named Legatees and their descendants, and to Wirtz McMicken and his descendants, who shall be received, whether such applicant shall have lost either or both parents or whatever may be the age of said minors.

2. The said Orphans shall receive a sound English education, and where the talents of the Child shall afford encouragement, he or she shall be transferred to the respective Colleges and shall be educated to the extent that I have provided by the Thirty-first Item of my Will. It is my desire also that the moral instruction of all the Children admitted into the
said Institutions, shall form a prominent part of their education, and that as far as human means may allow they shall be made not useful Citizens only, but good Citizens deeply impressed with a knowledge of their duties to their God and to their fellow-men, and with a love for their country and its united republican institutions, in the blessed and peaceful enjoyment of which, it is my fervent prayer, they and their descendants may continue to live.

3. No orphan shall be received until their Guardians, or those in whose custody they are, shall have first entirely relinquished their control of them, to the said City, in order that they may not be capriciously withdrawn from the benefits of the said Institutions.

4. Those orphans who may have remained until they have reached any age between fourteen and eighteen years, shall be bound out by the said City to some proper art, trade, occupation or employment. The tastes and inclinations of the orphans, in the selection of an occupation, to be as far as practicable and advantageous, always consulted.

5. This direction as to binding out, I do not intend should be applied to those who, having displayed superior talents and received instruction in the higher branches of knowledge, as aforesaid, shall, if they see proper, be permitted to pursue the study of the learned professions.

6. Those male orphans who may intermarry with the female orphans shall, if found deserving, in order to their establishment in business, be entitled to receive from any surplus revenues in hand, at an interest of six per cent. per annum, a loan not exceeding five hundred dollars, which shall be made

[Signature]
under such regulations, and refunded at such time, as the said Corporate authorities may stipulate and direct.

XXXVII. The establishment of the regulations necessary to carry out the objects of my endowment, I leave to the wisdom and discretion of the Corporate authorities of the City of Cincinnati, who shall have power to appoint Directors of said Institutions.

XXXVIII. The conditions on which the above devise and bequest to the said City of Cincinnati, in trust, are made, are as follows:

That the accounts of the said Institutions shall be kept entirely distinct from all other accounts whatever. That the rents, issues and profits of the Estate devised shall be used for no other purposes than those directed by this my Will, the provisions of which shall be faithfully complied with. And that the said City shall annually remit to the Legislature, and also publish a statement containing an account of the amount of funds received and disbursed during the year, the number of pupils receiving instruction and under charge, and a representation of the general condition of the Institutions. And also that no charge whatever shall be made by the said City for the education of any of the pupils admitted into the said Colleges, or for the support and education of any orphans received.

XXXIX. Lastly, I hereby nominate and appoint William Crossman, Freeman G. Cary, John C. Chenoweth, William M. F. Hewson, William Woodruff, and Andrew McMicken, the Executors of this my last Will and Testament, and recom-
mend them to discharge the duties assigned them as speedily as practicable.

In Testimony Whereof I, Charles McMicken, have to this my Last Will and Testament, executed in duplicate, written on twenty-one pages and on one side of the leaf, set my hand at the foot of each page, and my hand and seal at the foot of this page, this the Twenty-second day of September, in the year of our Lord one Thousand eight hundred and fifty-five [1855.]

Signed at the foot of each and on this page, and Sealed, published and declared by the said Charles McMicken, as and for his Last Will and Testament in the presence of us, who, in the presence of the Testator and of each other, have subscribed our names.

Note.—The name "Charles," in the 4th Article of the XVII Item having been first written on erasure before signing.

EDW. ARMSTRONG.
WM. MCLEAN.
THOMAS S. FERNON.
W. C. PATTERSON.
WILLIAM WISTER.
JOHN JORDAN JR.
The State of Ohio, Hamilton County, ss:

Whereas, Charles McMicken, late of the County of Hamilton, and state of Ohio, died, leaving a last Will and Testament—a true copy whereof is hereto attached—which said Will and Testament has been duly proven and admitted to Record by our Probate Court, within and for the County aforesaid, on the 10th day of April, A. D. 1858.

Know ye, therefore, that the said Probate Court has granted unto Freeman G. Cary, William Crossman and William M. F. Hewson, the Executors in said Will and Testament named, Letters Testamentary thereon: hereby granting to said Executors all and singular, the power necessary, and by law required, to enable them to take an inventory of, collect, sue for and recover, all and singular, the goods, chattels, and credits of the said deceased; and out of the same, or such part thereof as shall come to their hands, the debts of the said deceased, and the legacies in said Will named, to pay and discharge according to law and to the Will of said Testator, and the same fully to administer in all things, as required by law.

And the Court have appointed Timothy S. Goodman, William M. Shiras and John D. Caldwell, to appraise on oath or affirmation, all and singular, the goods, chattels, and credits of the said deceased, together with the real estate of the said deceased, as required by law.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the said Probate Court, at Cincinnati, this first day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

GEO. H. HILTON, Probate Judge.
CHARLES McMICKEN'S WILL.

SYNOPSIS.

SECTION.

First, directs immediate Inventory of his whole Estate.
1. Devise to Carr and McMicken, in trust, for the children of Charles M. Carr and Mary Lear.
2. Devise to Crossman and Cary, in trust, for Elizabeth Randall and her children; and see also § 25.
3. Gives Andrew McMicken and Anna M. Braley Scholarships in Farmers' College.
4. Devise to Andrew McMicken, in trust, for his wife and their children.
5. Devise to Levi S. McMicken, Polk County, Texas.
6. Directs all the foregoing to be free of charge. Charges real and personal estate with payment of legacies and annuities; directs when and how legacies shall be paid, and in certain events withheld or annulled, and by whom.
7. Annuity to Andrew McMicken, in trust, for his wife and children for his life; and to his wife annuity if she survives him; and legacies to their three children.
8. Annuity to Lizzie McMicken, and legacies to each of her children.
9. Legacies to Andrew J. Randall, his wife, and each of his children.
10. Legacies to Charles, son of Maria Braley, and each of her other children.
11. Annuity to Anna Maria Braley.
12. Legacies to Charles M. Carr, his wife and their children.
13. Legacies to Mary Lear's children.
14. Legacies to Charles McMicken Perin and his sisters.
15. Annuity to Mary Ann Reveille.
16. Legacies to Virginia and Sarah McDowell.
17. Legacies to the children of David McMicken; also to his granddaughter Ann, and to two daughters of Jane McMicken.
19. Annuity to Sarah Burson.
20. Legacy to Charles McMicken Cadwalader.
21. Annuities to Wirtz McMicken and his mother, and legacies to each of his children.
22. Legacy to the wife of Bishop Kavanaugh.
23. Legacies to Charles McMicken Segur, and to his sister Elizabeth, children of Doctor Segur, of Cincinnati.

29
Section.
24. Legacies to Daughters of Andrew McMicken, of Philadelphia.
25. Annuity to Elizabeth Randall.
26. Directs when Annuities shall be paid.
27. Directs all the foregoing legacies and annuities to be paid without deduction, also by whom respectively to be paid.
28. Any slaves, to be liberated, and provision for their removal.
29. All advances to certain parties relinquished and forgiven.
30. Provision as to any legatees, etc., attempting to set aside this Will.
31. Devise to city of Cincinnati, in trust, for building, establishing and maintaining two Colleges, and directions as to sales, leases, investments, and as to certain charges on said devise.
32. Prohibits sale of certain property; directs as to repairs and improvements of property; and directs where the Colleges shall be built, and in what style.
33. Authorizes the city to lay out and lease lots, and limits terms of leases and use of the revenue.
34. Directs that the Protestant Bible shall be used in the said Colleges.
35. Prescribes preference of his relatives, legatees, etc., and their children, in admitting pupils.
36. Directs surplus funds to be appropriated to buildings for support of poor Orphans; terms of admission, and provision for advancing them. Prescribes what education they shall have, and that moral education shall be the prominent object in said Institutions. Provides for binding out Orphans to trades, and aiding those who marry.
37. Empowers corporate authorities of the city to make the necessary regulations to carry out the objects aforesaid, and to appoint directors.
38. Conditions of the foregoing devise to the city stated.
39. Appoints Executors, with a recommendation.