

State of Kentucky Sec.

Court of Appeals 13th April 1842.

Wickliff & McIsaac

Execors of Narcissa

against
The adms. & H. of

P. Sweets & al

Pltg.

Defds.

Upon a Writ to a Decree

of the Nelson
Circuit Court.

The court being sufficiently advised delivered the following opinion To-wit-

Austin Hubbard who died in Bardstown in the year 1823. without legitimate issue and possessed of an estate real and personal then estimated at about \$13,000. devised the whole to a Mulatto female Slave of Dr. Elliot named Narcissa on condition that her freedom could be purchased on reasonable terms, otherwise to Austin F. Hubbard. Note 3

The will was offered for probate in July 1823 but being contested by the testator's collateral heirs, was not admitted to record in the County Court until May 1824. In the mean time the estate was committed by the probate court to Thomas Wathan who seems to have been one of those who contested the will.

The order admitting the will to record having been brought to this Court by appeal, was not finally disposed of until our Spring Term 1831 when it was affirmed.

After the affirmance Peter Sweets who had as early as 1824 bought the contingent interest of Austin F. Hubbard for \$100 and had attended to the preparation of the case in this Court on the side of the will offered to buy Narcissa with the avowed purpose of holding her as a Slave, but her master refusing to sell her except for the purpose of liberation in fulfilment of the testator's intentions, the P. Sweets and the Curator Wathan agreed with her and Elliot that they would pay him \$350. for emancipating her if she would convey to them

note
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