

11/16 Bourbon County January Court 1809.

This settlement of the estate of J^r Tullon
was produced into court and ordered to be
recorded

attest

Wm. Garrard & C^o C.

Thomas M. Clanchan of the County of Bour-
bon and state of Kentucky being weak and
very infirm, but of sound mind and memo-
ry, and wishing after my decease that no
disputes may arise concerning my Estate,
do therefore constitute and ordain this my
last will and testament.

Item. I give and bequeath to the Heirs and
representatives of my son William M. Clanchan
dec^d seventeen hundred and two acres of
land including the plantation whereon I
now live and to be divided in the manner
and form following Viz: unto my Grand-
son Thomas M. Clanchan one hundred
acres to include the plantation whereon he
now lives to be laid off in a square figure
and to my Grandson William M. Clanchan
one hundred acres to begin in Thomas
M. Clanchan's East line at a place that
will leave two fifty acre lots to the north
to run South and East to include the pla-
ntation whereon I now live fifty acres of
which including the dwelling house and
spring I wish pleasantly to be enjoyed by
Elizabeth M. Clanchan widow of my

W. Clanchan Will. Tullon

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I on William M^l Clanchan Dec. during
her natural life. I give to William Brown
ing and Lucy his wife fifty acres of land
which is already Deeded to him by Benj-
amin Bell to John Harrison and Eliza-
beth his wife, fifty acres of land already
deeded to him by myself To James Pullen
and Aggy his wife fifty acres of land to be
laid off in the north east corner to Sully
M^l Clanchan fifty acres. and to Polly
M^l Clanchan fifty acres. and to Elizabeth
M^l Clanchan widow of my son William
M^l Clanchan Dec. fifty acres to be laid off
in the safe part, the residue having a
claim on it, it is my will that what is
saved be equally divided between the
aforesaid Daughters and widow of my son
William. M^l Clanchan Dec.

I am I give and bequeath to my son Thomas
M^l Clanchan seven hundred and two acres
of land, beginning at Walnut and sugar
tree no west corner to Tho^s Strothers survey
running East three hundred and thirty
poles to M^l Harrison's corner thence S¹
three hundred and forty poles to the 1st
line of my Military survey thence west
three hundred and thirty poles, to the south
west corner of Tho^s Strothers survey thence north
to the beginning, including the said seven
hundred and two acres, which includes two
hundred and eighty four acres, deeded by
me to Tho^s Strother a two hundred and

78 twenty acres already deeded to my said
son Thomas H. Clanchan.

Item I give and bequeath to my son in law
David Hickman and Mary his wife four
hundred and twenty acres of land beginni-
ng at a corner made for me on Heaths W^t
line running west to my N^w west corner thence
S^w with my west line to a corner betwixt said
Hickman and sam^e Elgin. thence with a
line between said Hickman and Elgin. to
a corner of theirs on Heaths line thence N^w to
the Beginning also twenty acres on the East
side of Heaths survey, beginning at Heaths
S^e East corner running so as to include the
spring where William Love now lives to a corner
on Harts line. thence west with s^e line to Hea-
ths line thence S^w to the Beginning making
in whole four hundred and forty acres.

Item I give to Bob^t Johnstone and Peggy his
wife during their natural lives all that tract
or parcel of land, lying on the East of David
Hickman beginning at Heaths S^e East corner
running with what's called Friends road to
Jakin Field's line. thence with said line
and Willes Field's line to Harts line. thence
with said line to Hickmans corner on s^e
line. thence with Hickmans line to the
Beginning, being four hundred and four
acres including fifty acres already deeded
by me, to my Grandson William Johnse-
ton and at their deaths to be equally
divided betwixt my said Grandson

William Johnston and Maurice Langhorne viz. That in addition to the fifty acres already deeded, one hundred and fifty two acres more to my said Grand son William Johnston and wife Maurice Langhorne two Hundred and two acres.

Item. I give and Bequeath to sam^l Elyin and Peggy his wife during their natural lives, all that tract or parcel of land lying on the west and south of David Hickmans whole tract. Beginning on Heaths line a corner made for said Elyin and Hickman, running with a dividing line betwixt them to the corner on the west line, thence S^l to Githners corner thence East with his line to Thomas Bensons corner thence with his line to his North East corner thence N^l to a sugar tree and walnut, The Strothers corner, thence W^l to Heaths South W^l corner, thence north to the Beginning suppos: to be five hundred acres and at their deaths it is my will and desire that the said five hundred acres of land be sold and the money arising therefrom equally divided betwixt the then surviving heirs and legal representatives of my Daughter, Peggy Elyin.

Item. I give and Bequeath To Tho. Ashford and Sally his wife and Isaac Elkins and Ann his wife all my

land lying and being in the County of Bedford known by the name of the **Cloven** Bottom, supposed to be fourteen hundred acres, to be equally divided betwixt the said Thos. Ashurst and Isaac Elkin, agreeably to quantity and quality, each being confined to the places they first settled.

And lastly I do hereby appoint my son Thomas McLanahan my lawful Executor, to carry this my last will and Testament into effect, and to dispose of all my Estate both real and personal, not heretofore disposed of, and the money arising therefrom to retain in his hands, for the purpose of making good any land that may be lost out of any that I have bequeathed to my children, and after defraying such expences, if any, the balance to be equally divided amongst my legal heirs and representatives viz. giving to the heirs and representatives of my son William McLanahan decd. one seventh part of such residue. In witness whereof I have hereunto set my hand and affixed my seal this fourth day of May in the year of our Lord Eighteen hundred and seven.

Done in the presence of his
Thomas McLanahan
Witness
his

Eligman Busey

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Ex?

William Love

Alfred Basye

Bourbon County Feby. Court 1809

This last will and Testament of Thomas
McClanahan dec^d was produced into
open Court and proved by the oaths
of Elizemon Basye William Love &
Alfred Basye & ordered to be recor-
ded.

attest

Will. Garrard J. C. C.

I Thomas McClanahan of the County of
Bourbon & State of Kentucky do this twelfth
day of September in the year of our Lord
one thousand Eight hundred and Eight
make and publish this Codicil to my
last will and Testament bearing date
the fourth day of May in the year of
our Lord one thousand Eight hundred
and seven. I do incorporate this Codicil
with all the alterations, explanations &
amendments herein in contained as
part thereof. Whereas in and by my
said last will and Testament I gave & de-
vised to James Batten and Elizabeth Mccla-
nahan widow of my son William, Mccla-
nahan Heirs, each fifty acres of land
in said will described. Now I do hereby
revoke and annul said devise & give, &
I do hereby declare that my will is, that

Codicil to Tho. McClanahan's Will.

I do hereby devise ~~and~~ the said fifty acres of
 land as described in said last will and testam-
 ent and therein devised to James Sullivan &
 Elizabeth M. Clunahan widow and executrix of
 my son William M. Clunahan deceased, and
 her two sons Thomas & William M. Clunahan
 as trustees for the benefit of, in trust for, Agatha
 Sullivan, wife of the said James Sullivan, she be-
 ing free from the control of the said James Sullivan
 hereby vesting in said trustees the legal title thereto
 to be by them held for the sole use of the said Agatha
 Sullivan wife of the said James Sullivan and
 I do hereby further devise and bequeath to
 Elizabeth M. Clunahan widow of my son
 William M. Clunahan deceased and her two
 sons Thomas & William M. Clunahan as Tru-
 stees, to be by them held in trust & for the use
 of Peggy Dudley my grand daughter the wife
 of Robert W. Dudley, the aforesaid fifty acres
 of land described in my last will and testam-
 ent and therein devised to the said Elizabeth
 M. Clunahan widow of my son William
 M. Clunahan deceased, and I do hereby
 vest in said trustees the legal title to said land
 to be by them held for the exclusive use and
 benefit of the said Peggy Dudley my grand
 daughter as aforesaid and her heirs free
 from the control or disposal of her said
 husband Robert W. Dudley and

whereas also in my said last will and
 testament I devised seven hundred and
 two acres of my land to the heirs of my son
 William M. Clonahan and unto the
 husbands of the females of said heirs.
 I therein set forth the manner of said
 devise & described the different parts
 and quantities to be given until I had
 disposed of five hundred acres & the balance
 to wit, two hundred two acres, thereof the
 title of which I then thought and still
 think doubtful. I devised to Elizabeth
 M. Clonahan the widow of my deceased son
 William M. Clonahan & her six daughters
 to be equally divided among them pro-
 vided the said two hundred and two acres
 of land should be saved. Now I do here-
 by declare it to be my last will and
 testament I do give this explanation
 thereto, that said doubtful balance of
 two hundred and two acres of land is to
 be, and the same is hereby vested in
 said widow and her six daughters
 equally, so as to pass to them all the ti-
 tle thereto, of which I am now possessed
 except the shares of the two daughters of said
 widow M. Clonahan, namely, Agatha
 Bullen wife of James Bullen, and Peggy
 Tudley wife of Robert W. Tudley, the
 legal title to which two shares of said balance
 of two hundred and two acres of land is not

to pass to the said, Agatha Kullin and Peggy
 Dudley but is hereby vested in their mother
 Elizabeth McElanahan widow's relict of my son
 William McElanahan deceased, & in Thomas
 & William McElanahan, sons of said Elizabeth
 McElanahan as trustees for the benefit and use
 of said Agatha Kullin and Peggy Dudley
 & their heirs respectively, to be by said trustees
 held, possessed, and enjoyed for the use
 aforesaid free from the control of their two
 husbands James Kullin and Robert W.
 Dudley, in the same manner as the afore-
 said fifty acres of land to said devisees each
 are herein devised to said trustees to be poss-
 essed and enjoyed. But it is hereby further
 declared to be my last will and testament
 that if any part of said doubtful balance
 of two hundred two acres of land should at any
 time hereafter be lost, the said devisees thereof
 to wit, the said widow McElanahan and her
 six daughters are not to be remunerated out
 of my estate for such loss by my executor out
 of the provision I have hereunto made for
 the devisees of my said last will and test-
 ament out of whose shares respectively
 losses may happen, nor in any other man-
 ner whatsoever, and whereas by my said
 last will and testament I willed and
 requested that my son Thomas McElanahan
 in my sole Executor should dispose of

or sell all the ^{balance} of my estate not spe-
 cially devised by my said last will and
 testament. Now I do hereby will and app-
 point the proceeds of said sale of said ~~estate~~
 of my estate as a fund to satisfy the demands
 of my said last will and testament & to be
 in lieu of any losses of land which have
 already or may hereafter happen in any
 of the lands by my said will devised. It
 is hereby expressly declared to be my will
 that said proceeds of said sale by my
 executor, shall be appropriated by him
 to the purpose of repairing and making
 good the loss of certain lands to certain of
 the devisees in my last will and testament
 mentioned, out of whose shares respectively
 a loss of land has already happened, since
 the making ^{of my} said last will and testame-
 nt, in a suit which has been since decided
 in the Court of appeals between me and
 Thomas Respass &c - and that the re-
 mainder of the said fund (arising from the sale
 of my estate as aforesaid) if any, after re-
 pairing & making good the said losses of land
 which have already taken place shall
 be appropriated for the purpose of making
 good any losses which any of the devisees
 in my last will and testament mention-
 ed may hereafter sustain and it is also

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my will and desire that if the fund hereby provided in the hands of my Executor for the purpose of making good to my said devisees any losses in land which ~~already~~ have or hereafter may happen, should at any time prove deficient for that purpose, the ~~balance~~ of losses unsatisfied and for the satisfaction of which said fund shall be insufficient shall be made up to the devisees so losing, by a contribution of all the devisees to my said last will and testament said contribution to be made in proportion to the value of the several shares of land to them devised in my said last will and testament, and to prevent dispute and difficulty in ascertaining the value of any shares of land, in my said will devised to any of my devisees which shares have already or may hereafter happen to be lost, I hereby constitute the following as a mode of ascertaining said value my said Executor and any of my said devisees who now have or may hereafter lose any part of the land to them devised, shall each select and choose two disinterested honest men with power in said references to choose an umpire and they or a majority of them with their umpire shall ascertain the value of the land so lost & certify the same under their hands and seals after being duly

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now agreeably to law which value so
ascertained shall be paid by my executor
accordingly when the fund here pro-
~~vided~~ for that purpose shall come to his
hands and it is hereby further provided
that the value of any share so lost for
which contribution is requisite and the
value of each survivor's share who has to
contribute in order to ascertain the
amount of contribution from each
shall be ascertained in the same ^{man-}
and by the same number of disinter-
ested men & their umpire chosen by
the party who has lost and the party
contributing as has already been
herein provided in disposing of or ap-
plying the fund for losses heretofore pro-
vided in the hands of my Executor. And
lastly it is my desire that this my present
codicil be annexed to and made a part of
my last will and testament to all intents
& purposes. In testimony whereof I have
hereunto set my hand and affixed my
seal the date first above written.

Signed, sealed, pub-
lished & declared by the Thomas ^{his} M. Clanchan
above named Thomas ^{marsh}
M. Clanchan as a codicil
to be annexed to his
last will & testament in
the presence of
Elijah Will George

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Ex 4

Curtis Cutbert } John L. Hickman
Thomas L. Mazinge } Wm Johnston.
mark

Amount of the sales of John Torman died.

Bourbon County February Court 1809
The within Codicil annexed to the last
will and Testament of Thomas M. Blumahan
deceased was produced in Court and proved
by the Oaths of Elijah Webb George Ellis
J. Wm Johnson witnesses thereto ordered to
be recorded

attest

Will. Garrison p. C. & C.

The following Statement is a true account of
the amount of the sales of the property of Mr.
Torman died also the part belonging to Mary
Torman widow: as taken by the appraisement
agreeable to the will, which is as follows;

Mary Torman's part	Rs.	Cts.
To one brown Mare 20 th of June d ^r 40 th	60	00
To one brindle cow 8. one young d ^r 10.	18	00
To one pale red d ^r 7 th	7	00
To a wagon and hind gears. 60 th	60	00
To ten head of geese at 1/6...	1	50
To one shovel plough 6/ Barhear & Blewice and swingletree	8	00
To two Corn hoes, two axes 4/3 0...	4	30
To pailster 6 th . To a little 1.5 0...	7	50
To two tables 2.60 set of Knives & Forks 7/5 dts	3	35
To cupboard and Furniture	18	00
To chest of drawers 8 00	6	00
To a large chest 2.5 0	2	50