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In the name of God amen. I Thomas J. Montgomery
of the County of Union & State of Kentucky being
in body but of sound mind and knowing the mortality
of the present life after giving my soul to God who
created it and my body to the grave by a recent burial
do in this my last will and testament, Will all my property
both real & personal to be disposed of in the following
manner to wit:

Item 1st It is my will that my personal estate all my
just debts be paid

Item 2nd It is my will that my son Athanasius when he
comes to his majority one year of age have a horse bought worth
from \$40 to \$50, to be selected by two disinterested men and
if the horse should amount by valuation to less than \$40, it is to be made up to him to that amount in
some other property or money and should the horse amount
to more than \$50, then the amount over \$50 is to be taken
out of the \$200 hereafter to be named. He is also to
have one bed and bedding worth \$31, one cow or cow calf
worth \$10 & sheep to the amount of \$4, then he is to
have the sum of \$45 to make to him in all two
hundred dollars. He is to go to school before he is
twenty one year of age long enough to attain as far as the
rule of three when he has the sum of \$100 to be applied
to his use for board and schooling and to be applied
in no other way and for no other purpose

Item 3rd It is my will that my sons Joseph & Raphael
have alike in my estate as Athanasius in every
respect with this exception that at the age of 21
years they receive from my estate one saddle and
saddle not exceeding \$16.00

Item 4th It is my wish that my daughter Apolonia at
the age of 21 years have a good saddle & bridle and
saddle alike with Athanasius, Joseph and Rachel as to
a horse, cow bed & bedding sheep also & the \$110 in
money and I also want her at any time her mother
thinks she can spare her for Apolonia to have
schooling to the amount of \$50 at some Seminary, but
in case her mother cannot spare her I want Apolonia
to have the amount \$50 when she comes to be the age
of 21 years so that there is time for her to get the benefit
of \$50 in schooling as above named. My executor or
Administratrix or her guardian, as the case may
be shall apply that amount of \$50 for that purpose
provided however her health is such to admit of
schooling without injury. The amount left to these
four children will about balance and I have given
to my six eldest children and for which I have

a receipt from Pius M. Austin & and Zacariah
Montgomery also from Henry Wathen Alfred
Wanum & Joseph Q. Head my three sons in
Law and also for the schooling they amounts not
charged against and for which they are not
charged.

Item 5th It is my will that all the balance of
estate both real & personal be for the use and
benefit of my wife Elizabeth for her own use
and benefit & should there be any portion of my
property that she does not need she has the right
to sell and apply the benefit of it to her own
use or toward schooling the children, or toward
paying them off as they come of age & after
that if there is any yet left that she may wish
to dispose of or may not need, she can sell the
same or may have it valued by 2 disinterested
men & let one of the children above named
have the same at the same time taking such a
receipt as I have taken from the six eldest
children to stand without interest until all
my estate is wound up. With this condition
that no one of the children is to receive more
than \$50 until all those that are of age receive
that amount. As to my land my wife has
full control of that for her use & benefit so long
as she is able to attend to it but in case that
some of my children leaving her from age or
from infirmity she could not attend to it
or as to keep it in repair & the proceeds thereof
not likely to support her (that I have her) then
in that case I want my land advertised
for 3 months in some one or two Public
papers & some three men who are Judges of
land to value the land after being sworn then
let the land be sold for not less than thirty
thousand dollars and the money placed in
some safe bank, or in other safe hands whereof my
wife can draw the interest thereof every three
months which interest is for her own use &
benefit.

Item 6th Should either of my four youngest
children die who are not yet of age before
they come to the age of 21 years and should leave
no lawful heir of their body then and in that
case their portion shall remain in the hands
of their mother during her natural life or
such portion as they have not received. (By saddle &

Item 7th It is my will that at the death of my wife all the effects of my estate left shall be equally divided ~~between~~ ^{among} my Children Denis M. Luster L. Zachary Athanasius, Joseph D. Helena Montgomery & Rebecca Watten. Jane S. Warren, Margaret Reed and in case either of the above children die before the time that my estate is finally settled if any of those children should die leaving no heirs their legally then in that case all their portion of property or money coming from my estate at that time is to go to the balance of my children or Grand Children as the law has directed that such divisions shall take place.

Item 8 In case my son Zachariah should die or never return from California then and in that case his portion is to be divided as follows. The amount Zachary owes them for tuition and pay first the Jesuit Priest formerly of St Mary's College the amount Zachary owes them for tuition and if any left to be paid his securities for the money he borrowed to go to California. In testimony whereof I have this day set my hand and seal Decr 7th 1850
Thomas F. Montgomery Seal

Attest

Thomas C. And
John W. Compton

Coarce made the 30th Decr 1850

Item 9th It is my will that in case Thomas C. Boulders pays for 75 acres of land I sold him which land lies between M.L. Montgomery & R. R. Coomes during the life time of my wife Abigail in that case she is authorized to make to the said Boulders such a deed as John Hefway made to me & in case my wife should die before the land is paid for then the executor or administrator is to make the deed to the sd land in testimony whereof I have this day set my hand and seal
Thomas F. Montgomery Seal

Attest

Thomas C. And

Michael And

Antucky Davies County Court etc

February Term 1857

The above and foregoing writing purporting to be the last Will and Testament of Thomas F. Montgomery was produced in open Court and duly reviewed by the

oaths of Thomas C. And and Michael And subscribing witnesses thereto and ordered to record as and for the last Will and Testament of the said Thomas F. Montgomery deed whereupon the same with this certificate hath been duly recorded.
Given under my hand this 10th day of February 1857
At Wm. D. Wall Clerk

State of Kentucky
Davies County June Term 1861
The book containing the foregoing will having been destroyed, it is ordered that the same be re-recorded.
Witness my hand this 10th June 1861
J. C. Jones Clerk