

In the name of God Amen I Thomas Marshall of
the County of Monmouth and State of Kentucky do
make and declare this my last Will and Testament
as follows to wit

Imprimis, whereas I have heretofore given to my son
John Marshall a tract of Land lying in Fausquier
County and State of Virginia known by the Oaks, also
the balance of a tract of Land on Shavers fork of Licking
one thousand acres of which I gave to my Grandson Thomas
Marshall son of the said John Marshall and also one
other tract of land on the same waters and Survey
on part of the ^{same} entry all which I do hereby confirm to
my said son and his heirs and assigns forever also I do release
and confirm unto my said son my proportion of a Survey
made on the Balance of an entry of four thousand and
two acres which may not be disposed of by me or my
agent during my life

Item whereas I have heretofore conveyed to my son
Thomas Marshall a tract of land on Blacks run being
a part of my Survey of Fourteen thousand seven hun-
dred and sixteen acres also one thousand acres his choice
and equal half of the residue after deducting the
said part six thousand acres given my son James

out of my tract of fifteen thousand acres all which I
hereby confirm to my said son his heirs and assigns forever
Item whereas I have heretofore given to my son James
M Marshall six thousand acres clear of any Deduction
for Locating being part of ^{land of} my fifteen thousand acres
upon the north fork of Licking another head of Cabbins
Creek being the east side of said tract I here by confirm
to my said son James the said land to him and his
heirs forever and I further Release to my said son James
his bond given to a certain Dawson Burgess and assigns
to me and all the accounts standing against him on
my Surveyors Book.

Item whereas I have given to my son Charles and
William Marshall to be equally Divided Between them except
five hundred acres to be deducted from my son William
Proportion to be taken as for my agent may chose and
except also a certain Interference with a Survey of but-
tert Buttrith, all my tract of Land of Thirteen thousand
six hundred and sixteen acres lying on the south side
the North fork of Licking which I here by confirm to my
said sons Charles and William Marshall and their heirs
forever and whereas I have accounts standing upon my
Book as Surveyors for fees and money advanced to each
of my said sons I do hereby Release to my said sons
of their accounts

Item whereas I have heretofore given to my son Alex
 and son H. Marshall the following tracts of Land to wit
 a tract of Ten thousand five hundred acres on Mill
 Creek a tract of Eighteen hundred acres on the Ohio
 above the Mouth of Salt Lick Creek two hundred
 acres on the Ohio at the Mouth of Salt Lick Creek one ^{third}
 of all the ^{Land} Disputed by Buttel's Claim on the South
 side of the North fork of Licking and one half
 of all the lands disputed within the bounds of
 Kennedy's County subject to the Locators proportion
 to such tracts as he may be entitled to all which
 Lands I do hereby confirm to my said son and his
 heirs forever and I further give to my said son the
 following Negroes now in his possession to wit Bob
 Thomas and George to him and his heirs forever.

Item I give and bequeath to my ~~son~~ son Lewis
 Marshall all that tract of whereon I now live
 containing five hundred and seventy five acres
 together with all the stock and furniture also
 one third of all my negroes after the death of my
 wife Mary Marshall in case she shall survive
 me I also give to my son Lewis Marshall and his
 heirs forever a tract of Land adjoining Fitzpatrick's
 Claim containing four thousand and upwards

acres which said tract adjoins Fitzpatrick on the west
 subject to the Locator's part which is one third of all
 that is saved off further give to my said son Lewis all
 my certificate for Military Service which remains
 in the hands of my sons John and James Marshall
 Item I give to my Daughter Elizabeth Colston and her
 heirs and assigns forever all my proportion of an entry
 and survey on the Ohio near the Yellow Bank which
 said entry and survey interferes with a survey of Ran-
 leigh Colston Esq and if it shall appear upon investiga-
 tion that his is a better claim than the one now be-
 queathed then it is my will that my Executors con-
 vey so much of my Residuary Lands as shall place
 my said Daughter upon an equal footing with my
 other daughter and if the said bequest appears to be
 the ~~best~~ best claim my Executors are in that case
 only to convey to my said Daughter so much as when
 added to the lands now bequeathed shall make her
 equal to the other girls 1815

Item whereas I have heretofore given to my Daughter
 Mary Anne Marshall a tract of five hundred acres
 adjoining Britton's Claim also one tract of four
 hundred acres on the Ohio at the Mouth of Harrison's
 also all my Military Lands except my tract of two thou-
 sand acres called the Blue Spring tract also

of my lands interfere with on the south side of the north fork by Butlets claim and a tract of disputable title on bank Lick Subject to the Locators proportion all which Land I do confirm to my said Daughter and her heirs forever and whereas I have here before advanced money and Custer fees to my said Daughter and her husband Humphrey Marshall I do hereby Release and confirm the same to my said Daughter and her heirs.

Item whereas I have given to my Daughter Susith Brooke one third part my tract of land on the Kentucky River at the mouth of Gilberts Creek also one equal moiety of my ^{tract} ~~part~~ of fifteen thousand acres on the north fork of and Cabin Creek of ~~ter~~ deducting therefrom six thousand acres conveyed to my son James M. Marshall one thousand acres to my son Thomas Marshall and the Locators ~~part~~ Proportion for Locating the whole tract also I have given and conveyed to George Brooke husband to my said Daughter Susith three hundred and fifty acres whereon he now lives all which Land I do confirm to them and their heirs and have also given to my ^{two daughters} ~~two daughters~~ Susith and Lucy all which I have given to my said Daughter Susith as her full proportion of my Estate

and direct that my Executors may be Regulated by the Value of they may fix on her Estate as the Standard of any future appropriations agreeable to the States of the property at the time of the Conveyances to her

Item I give ~~and~~ to my Grandson Thomas Hubbertson to my Daughter Lucy Hubbertson provided he lives to have I give the following tract of land to wit one of three thousand eight hundred and sixteen acres on South fork and one of four thousand acres on the south side of the North fork of Licking Subject to the locators proportion, and my Executors are hereby Impowered to Investigate the title and divide with the locators and also to lease out such parts as may not already have been let to persons upon Improving Leases until my said Grandson arrives of age he to have the benefit of all the Rents ~~and~~ over and above what may be necessary to pay the Expenses attending the investigation of the title and if shall appear that so much of the said lands are lost as will render the above bequest inferior to the Standard of my Daughter Estate then my Executors are to do what they conceive right in making him equal out of my remaining Lands

Item whereas I have given to my Daughter James

McClung two thousand acres part of my Military lands known by the Blue Springs tract Subject to the Locators claim thereon and also the following Negroes to wit Fanny Charles son ^{and} Peggy also one third of my lands disputed by Buttetts on the south side of the North fork of Licking all which I do confirm to my said Daughter and her heirs forever

Item whereas I have given to my daughter Charlotte Duke one third Part being her choice of a tract of 8200 acres on the Ohio by deed recorded in Mason and one Negro Girl named Charlotte which said Negro and land I do hereby confirm to my said Daughter and her heirs forever I also give and bequeath to my said Daughter Charlotte and to her heirs forever one equal half of the 500 acres reserved out of my son Williams Proportion mentioned in the Item Respecting him

Item I give and confirm to my Daughter Jane Marshall one third part the second choice out of my Ohio tract of 8200 acres also one equal third of my Gilberts Creek lands on the Kentucky to her and her heirs forever I also give and bequeath to my Daughter Jane Marshall one equal third of all my ^{Slaves}

Slaves after the death of my wife not herein before ~~mentioned~~ specially given to either to her and her heirs forever Item I give and bequeath to my Daughter Nancy Marshall ^{also} the residue of my Ohio lands if any according to a deed of Conveyance recorded in Mason also the remaining equal thirds of my Gilberts Creek Land I also give and bequeath to my said Daughter after the death of my wife one equal third of all my Slaves to her and her heirs forever and whereas it may happen that the lands given to her on the Ohio may be lost by prior claim in that case my will and desire is that she may be made equal to my Daughter Jane out of my residue any Lands by my Executors

Item I will and bequeath to my Daughter Elizabeth Boston the sum of five hundred Dollars over and above her Proportion of my Land's Estate which sum is to be Raised by my Executors out of my residuary lands and paid to her as soon as my executors can conveniently do so; as a token of my Parental remembrance of her dutiful assistance in raising and supporting formerly my Younger Children

Item I give and bequeath to my beloved wife Mary Marshall during her natural life the use of my

and Plantation whereon I now live and all the Negro Stock and furniture for the support of herself and two younger Daughters in Confidence that she will at any time in case either or both of my said Daughters may Mary give them a pair of the Negroes they may be entitled to at her death and if my son Lewis Marshall shall chose to reside in this Country that she will permit him to live in the house and have the Management of the Estate for her during her life.

Here I give and bequeath to my Grandson Thomas Marshall son to my son James M. Marshall a horse Coll to be chosen by my Executors out of such Stock as I may leave at my Death and send to him as soon as he is able to leave the distance.

Here whereas my son Thomas Marshall has by my direction and by Virtue of Powers from me Rents out a considerable portion of my lands and ⁱⁿ some instances has the lease and in other instances has only given his Promise of lease under his hand as my agent. I do hereby empower my said son to confirm by making lease according to his several Contracts all

such as may not be done at my Death without being accountable for his Conduct or at the Controul of any person whatever.

Item I give and bequeath to my Executors hereinafter named all the rest and residue of my Landed Estate for the following purposes ^{to wit} in the first place as my ~~Canada Estate~~ now given to my Executors are much Disputed by other claims, I do hereby ~~that~~ the whole of them in my Executors with full Power to inviolated divide and assign the Executors parts to compound with all and claims or all the chances of Suits or sue or stand suit as they may conceive most advantageous without being accountable to any person or persons whatever as to sale and convey in what manner they please all or any part thereof without being accountable any farther than the sum actually Received by them and appropriate the money arising from such sales first towards paying my debts and Legacies mentioned in this will and all expences attending investigating or Litigating my Land Claims and the annual Taxes arising on said Claims (and as the Execution of the different trusts reposed in my Executors will be attended with considerable trouble and loss of time and it would be unreasonable they should spend their time and fatigue for the benefit of the rest of the family with out Compensation I do direct that they shall retain and divide to

them so much of my residuary Lands as shall in
 * the Opinion of my son John Marshall and signed
 by him be a handsome Compensation for their trouble
 and if ~~any~~ my son John Marshall
 shall die before such dispute ~~is~~ may be settled
 then and in that case my sons Charles James
 and William or a Majority of them shall assign
 a Compensation to my Executors and the balance of
~~the~~ lands they are to sell and divide the money
 or Else as they may think best to divide the
 lands in the following manner to wit first they
 are equalise all my sons and Daughters as near
 as they can Judge my Daughters with the standard
 for my Daughters and my sons with each other
 without taking into consideration any Improve-
 ments or wastes done by them and if any overplus
 remain then it is to be sold and the money arising
 from such sale my Executors are to divide equally
 amongst all my Children or their Representatives
 and if my Executors shall not agree upon any
 measures to be done by them then and in that case
 they are to consult my son John Marshall or in
 case of his death my sons James Charles and William

and to be guided by his or their directions and whic-
 disputes may arise between some of my Children and
 my Executors about the division of my residuary Estate
 it is my will and I do hereby appoint my Executors
 when they mutually agree to be the sole Judges of the
 equality of the different Estates heretofore given to or
 hereby directed to be given by them ~~by~~ any of my Children
 subject however to the directions when they do not agree
 to my son John or in case of his death to James Charles
 and William or a Majority of them and if any of my
 Children or their Representatives shall sue or implead
 any of my Executors respecting the construction of my
 will or dividing any part of residue of my Estate
 such Child or Children or their Representatives shall imme-
 diately forfeit all right or title to any part of the
~~residue~~ residue or dividend they might otherwise be
 entitled to and the same shall be sold and divided between
 the remainder of my Children - and as it is necessary
 that my Executors with full Power and Authority without
 controule farther than has been already mentioned to do
 whatever they shall mutually agree upon in as full
 and ample manner as if the lands were bonafide their
 own Property. I do hereby declare that it is my
 I do hereby direct that my Executors shall as to

convey any title or release any Equity I may possess
in any lands hereby vested in them without ~~being~~
being subject to any damages or future revision of
their conduct in settling disputes in any claim
under their directions and if either of my Executors
shall happen to die or shall fail to take upon
themselves the Executorship of this my will the survivor
or one acting shall be completely authorized
to act subject to the directions of my son John
Hem I hereby appoint my son Thomas Marshall
and my son Alexander H. Marshall my Executors
to this my Will hoping that they may be guided
intirely by the spirit and meaning of my will
which is as far as may be to do complete Justice
Between all my Children and to be subject to no
control whatever farther than I have expressed in
the body of my will. In Testimony whereof
I have hereunto set my hand and seal this 26th day of

June 1798 Signed sealed
Published & pronounced as
his last will in Presence of

John Abanow M. Marshall
John Haimmends Marshall Key
John Brittenders Thos Keith

J. Marshall Exec

225. bequeath to the wife of Thomas Marshall

I Thomas Marshall do make the following attestation to
my wife. I give and bequeath to my Daughter Elizabeth
Colston and her heirs forever one moiety of a tract of land
thing more than eight thousand acres of land in Mason
and Fleming Counties adjoining the tract of ten thousand
five hundred acres conveyed to my son Alexander H. Marshall
and the tract of sixteen thousand six hundred and fourteen
acres conveyed to my sons William and Charles Marshall
and also all that tract of land on the Ohio near the Yellow
Bank which interferes with a survey made for her
husband Raleigh Colston yet both tracts are to be sub-
ject in the hands of my Daughter to any Just claim
which the locator may have for locating the same.

Item whereas in my Will I have given to my son Lewis
Marshall a tract of land containing upwards of four
thousand acres adjoining Citypatrick, Preshpton on the
West line which I have bequeathed to my said son a deed
for a tract containing upwards of six thousand acres
in lieu thereof I do hereby revoke the said devise of the
said tract of four thousand acres and upwards and also
my bequest to my said son Lewis of the stock which I
may leave at my death. My bequest of the
Certificate which remained in the hands of my

John and James M. Marshall is to be understood as giving him only the remaining balance of any share remain after settling with them the advances made by them or either of them for myself or my children and especially on account of or to my son Lewis

whereas by my deed to my son Lewis I have conveyed to him a considerable quantity of the lands devised to my grandson Thomas ~~Marshall~~ Ambler which interfered with the tract conveyed to my said son Lewis I do hereby give and devise to my said grandson Thomas Ambler and his heirs after the death of my wife that part of Kennedy's bounty, lying on Talbot's line from the Beginning southwardly to Williams' line Eastwardly with Mills and to Black's Preemption line Northwardly with Black's line to Arnold's line and with the same to the Beginning to contain about five hundred acres all of which is now Leased out upon Improving Leases

Whereas by an agreement made with my son Lewis Marshall I shall give up Possession of the place wherein I now live to him by which means the Provision made in my will for the Support of my wife is defeated in
Case

Can she shall survive me I do therefore in this thing give and bequeath to my said wife during her natural Life all the rents and Profits of my lands now Tenanted except such part as I may dispose of during my life Subject to as before to what she ^{shall} ~~may~~ choose to give my youngest Daughters for their Support before their Marriage

Whereas my son Thomas Marshall now has sold in the year 1799 to Col. Robert Rankin two hundred and six acres of broken lands of inferior quality on the north fork of Licking at six shillings per acre which was appropriated to his own use and not before mentioned in my will I do hereby bequeath and confirm the same to him and his heirs forever

In Testimony whereof I have here to set my hand and seal this 19th day of August 1799

This will was signed and acknowledged and devised to be considered as a part of the will before us

J. Marshall 

In Blackmore M. Marshall
Elliot Hittley Marshall Key
John J. Marshall Tho. Keith

228 An additional bequest to the Will of Tho^s Marshall
I give and bequeath to my wife Mary Marshall
the negro or matatts girl Milly the daughter of
Hannah to be used and disposed of by her to any one of
my children or Grand children as she may please I
also give to my said wife my black mare at Buckpond
during her life and on her death to my son Thomas
Marshall should he survive her

I give the following negroes and it is my will that
they be set apart and exempted from the division of
my ~~estate~~ Slaves as directed in and by a former part
of my will "Noy" Dixon and his wife Jenny and Hannah
and my will is that the said negroes Dixon and Jenny
and Hannah be lawfully Manumitted and set free
by my said wife if she Pleases so to do and can procure
the necessary security required by law in such cases
I give to my son James M Marshall in addition
to former bequests all the rest and residue of my land
in the tract called Kennedy formerly not here before
disposed of subject however to the Just claim of the
Locator

I give It is my will and desire that my negro Man
Milly and his wife Hannah should be, and they are

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here by Places in the same litigation in all respects
as the negroes Dixon Jenny and Hannah are Place
in relation to their freedom by a preceding Item in the
bequest; It is my Will and desire that my son in
Law Humphrey Marshall be and act as my Executor
to this my last Will and Testament in addition
to those herein before by me appointed In Testame
ment whereof I have hereunto set my hand and affixed
my seal this 14th day of August 1800

Signed and acknowledged
at the bequest here before am

executed in
M Marshall
Marshall Key
Tho^s Keith

J. Marshall Seal

At a Court Continued and held for Marion County
the 15th day of February 1803 This last will and Testa
ment of with the bequest hereunto annexed of Thomas
Marshall Deceased was produced in Court and Proved
by the oath of Martin Marshall Marshall Key and
Thomas Keith Witnesses thereto according to Law and
Ordered to be Recorded.

Teste Tho Marshall Clerk

At a Court held for Marion County the 8th day of August 1803. Thomas Marshall
Deceased was produced in Court and Proved by the oath of Martin Marshall Marshall Key and
Thomas Keith Witnesses thereto according to Law and Ordered to be Recorded.

Inventory continued -

Age eight years, 17th ditto ditto Betty aged six years.
18th Negro Girl Sarah aged fourteen years 19 ditto Boy
Jacob aged Eleven years, 20th ditto Maman Rose aged
Thirty three years, 21st ditto Boy John aged fifteen years.
22nd ditto ditto Henry aged thirteen years, 23rd ditto ditto
Sam aged nine years, 24th ditto ditto Little Betty aged
thirteen years, 25th One Ala house aged about 17 years.
26th The Wheels of an Ala Carriage, 27th One feather -
Bed and furniture and Bedstead, 28th One 8 day
Clock, By the Executor

Thos Marshall
H. Marshall

At a Court held for Mason County the fourteenth
day of October 1805 This Inventory of the Personal
Estate of Thomas Marshall deceased was returned in
Court and ordered to be recorded

Note Thos Marshall bell 6

Mason County Ky This day came Richard Kirtle before me
the Subscriber and made oath that he imported into this
State a Negro Woman Slave aged Twenty years named
Rose and that the same was for his own and Private use
and for no kind of ~~traffic~~ Barter or Merchandizing what ever
Given from under my hand this 12th day of March 1805

Thos. J. Worthington

Mason County Ky S. Marshall Key Deputy Clerk of the County
affirms do certify that the above Certificate of Slave the
Property of Rich^d. Kirtle is of record in my Office
Given under my hand this 10th day of March 1805

Marshall Key

Mason County State of Kentucky This day County Clerk
of full age Personally appeared before me the Subscriber
one of the Justices assigned to Keep the Peace in and for
said

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said County and State and entered the following names Negro
which he the said Ashing lately Immigrated with to this
said State from the State of Virginia, Negroes names Lewis
Leonard, Ralph, Isaac, Sam, Charity, Man. Led which
same he on his oath declares he Brought only for his
own use and not for sale or transportation and that
neither of said Negroes had been imported into from any
foreign Country into any one of the United States of
America since the year first day of January 1789
Given under my hand this 10th day of June 1805

Jos. Doniphan

Mason County Ky S. Marshall Key Deputy Clerk of the
County affirms do certify that this Certificate of Slave
the Property of County Clerk was produced in my Office
and the same is of record Given under my hand this 10th
day of June 1805

Marshall Key

Mason County State of Kentucky This day Thomas
of full age Personally appeared before me the Subscriber
one of the Justices assigned to Keep the Peace in and for said
County and State and entered the following names Negro
which he the said Thomas Ashing lately Immigrated with to
the said State from the State of Virginia, Negroes names
"twit" David, Eyr, George, Roger Leely Harriett which
same he on his oath declares he Brought only for
his own use and not for sale or transportation and
that neither of said Negroes had been Imported from
any foreign Country into any one of the United States
of America since the first day of January 1789
Given under my hand this 10th day of June 1805

Jos. Doniphan