

Lebanah Johnston In the name of God Amen I Lebanah
Dec^d Will Johnston of Rockbridge and state of Virginia being sick and weak
in body enjoying still soundness in a great degree of mind and
and judgment, thanks be unto god, the Call I now have to mind
the mortality of my body and knowing that it is appointed for
all men once to die do make and ordain this my last will and
testament. My in the first place I give and recommend my
soul into the hand of Almighty god who gave it, and my
body I recommend to be buried in a decent Christian man-
ner at the discretion of my Exors nothing doubting I shall
receive the same again at the general resurrection and as
touching such worldly estate as it hath ^{pleased} god to bless me with
in this life I give and devise in the following manner
and form; to my well beloved wife Ann Johnston the one

192 half of the mansion house During her natural life ~~and~~
and to my son Thomas Johnston I give and devise the whole
of my home plantation be paying to my son George Johns-
ton four hundred pounds in four equal annual payments.

193 I give and Devise my home plantation to my son Thomas
Johnston and his heirs forever I also will and bequeath to him

the plantation tools one wagon team and furniture the full quantity
of stock allotted to his two youngest sisters with a sufficiency for their

mother at the Discretion of the Exors to be left on the plantation and

Delivered by him from time to time as they Exors may direct.

also I will that my two youngest Daughters Continue and receive

their support from my home plantation with Thomas whilst they
remain unmarried to my son George Johnston I give and

Devise that two hundred Acres of Land purchas'd of the Penn'd

Desire that two hundred acres of Land purchas'd of the Rev'd
John McCain and Conveyed to me by W^o Bell lying about nine
miles from Lexington Kentucky to him and his heirs for ever,
and it is further my will & Desire that the plantations the
one at Providence meeting house Rockbridge County the other in
Augusta County and bought of John Phillips to ^{gether} with the Entry
in law with Brown be in equal partnership as to Value between
Zeck and Alexander with this Difference allowing my son
Zechariah the Value of his improvements made by him since
he possessed it with the addition of one hundred pounds more
then the Balance Due from Zeck. to Alexander to ^{be} Estimated
by themselves or others mutually Chosen for that purpose and
two years payments for Zechariah to pay the balance and
this I give and bequeath to them and ~~and~~ their heirs for ever;

and it is further my will & Desire that the plantation the
one at Providence meeting house Sakbridge County the other in
Acquista County and bought of John Phillips to ^{gather} with the Entry
in law with Brever be in equal partnership as to Value between
Jech. and Alexander with this Difference allowing my son
Jechariah the Value of his improvements made by him since
he possessed it with the addition of one hundred pounds more
then the Balance Due from Jech. to Alexander to be ^{be} Estimated
by themselves or others mutually Chosen for that purpose and
two years payments. for Jechariah to pay the balance and
this I give and bequeath to them and ~~and~~ their heirs for Ever;
And to my son John Johnston I give and bequeath in addition
to what he has received one thousand acre of military land

in Kentucky the last Choice in Value agreeable to his Contract
 with David Pinley a good and lawfull title to be Conveyed to
 him by his order and as my Partnership of military lands
 in Kentucky with Adam Craig Clerk of Henrico is fourteen
 thousand acres to be equally Divided Quantity and quality after
 one thousand acres to our John and six hundred and sixty six
 sold to Daniel Trabue there appears to remain better than five
 thousand acres one fifth of which I allow my sons for their trouble
 of selling and Conveying said land as I will it all to be sold and out
 the other four fifths to let Elizabeth M Chesney have added to what
 she has received as much as will make her part five hundred
 pounds and the other three sisters in kind or value the service
 to be Determined by the Executors and to be given from time to time

as the Executors think best and in kind or value as may suit so as
not leave their mother Destitute of a sufficiency of help During her

life an equal part in stock in kind or value so as to Equal Elizabeth's

part and to my son James Johnston I give and bequeath ^{twenty} ~~thirteen~~

being of opinion he has received his full part already and it is further

my will and Desire that in Case of any unseen misfortune

relating to the Estate the Demand to rest on the whole Estate in due

proportion from each heir and this I constitute to be my last will

and testament Reversing all wills heretofore made.

A. B. least it should be otherwise, ^{Construed} if not mentioned here I do again

say as in my first a certain distribution of my Negroes stock

and household furniture dated about the last of March or beginning

of April 1797 witnessed by my son John and his wife I allow to

part and to my son James Johnston I give and bequeath ^{twenty} ~~thirty~~ shillings
being of opinion he has received his full part already and it is further
my will and Desire that in Case of ~~any~~ ^{any} unseen misfortune
relating to the Estate the Demand to rest on the whole Estate in due
Proportion from each heir and this I Constitute to be my last will
and testament Reversing all wills heretofore made.

N.B. least it should be otherwise, ^{Continued} if not mentioned here I do again
say as in my first a Certain Distribution of my Negroes Stock
and household furniture dated about the last of March or beginning
of April 1797 witnessed by my son John and his wife I allow to
stand as therein Directed and ^{to} this my last will I appoint

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my three sons Viz John Zechariah and George Executors of
 this my last will and testament subscribed and ~~and~~ acknow-
 ledged in ^{the} presence of and in the year of our lord one thousand
 seven hundred and ninety nine September 25th 1799

Test

Tammy Andrews

James Andrews

Campbell Andrews

Zechariah Johnston

If this will not being wrote on stamped paper
 be not admissible to record as I never seen the law I know it not,
 but in case it is so it is my will & desire that it be truly trans-
 cribed before the Evidence and my signature affixed before them
 and then recorded Sept. 25th 1799

Tammy Andrews

Campbell Andrews

Zechariah Johnston

James Andrews

A CODICIL to the will of Zechariah Johnston. Be it known to all men by these presents that ^{Johnston} Zechariah of Rockbridge County and State of Virginia have made and declared my last will and testament in writing bearing date the twenty fifth day of September one thousand seven hundred and ninety nine I the said Zechariah Johnston by these presents Codicil do ratify and Conform my said last ^{will} and testament with this difference that I allow my son Zechariah Johnston to pay to my son George two hundred pounds in two equal annual payments instead of what was directed to pay to Alexander also the thousand acres of Land in Kentucky which I have left to my sons Zechariah and George for dividing and selling the rest of ^{my} military lands I allow one

I, the undersigned Nathaniel of Rockbridge
County and State of Virginia have made and declared my last
will and testament in writing bearing date the twenty fifth day of
September one thousand seven hundred and ninety nine I the said
Nathaniel Johnston by this present Codicil do ratify and Confirm
my said last ^{will} and testament with this difference that I allow

my son Nathaniel Johnston to pay to my son George two hundred
pounds in two equal annual payments instead of what was
was directed to pay to Alexander also the thousand acres of Land
in Kentucky which I have left to my sons Nathaniel and George
for holding and selling the rest of ^{my} military lands I allow one
third of this to Nathaniel for the services which he has rendered

195 And the remaining two thirds to George for the services he has done
and for finishing the business I allow to my son Zechariah his choice
whether to pay to George the two hundred pounds above mentioned
or to give to him his third of their thousand acres of Land in Kentucky
my will and meaning is that this Codicil be adjudged to be a part
and parcel of my last will and Testament and that all things therein
mentioned and contained be faithfully and truly performed and
as fully and amply in Every respect as if the same were so declared and
set down in my said last will and Testament witness my hand this
eighteenth Day of December one thousand eight hundred and ninety
nine

Test

Fanny Andrews

Campbell Andrews

Zechariah ^{thrift} Johnson

James Andrews

At a Court held for Rockbridge County on
Tuesday the first day of April 1800

This writing purporting the last will & Testament of Zechariah Johnston deceased with the Codicil annexed was produced in Court by John Johnston & Zechariah Johnston Executors therein named for probate & to have the same admitted to record; Whereupon it appearing to the satisfaction of the Court that James Johnston one of the Heirs of said deceased has engaged Counsel to contest the Validity of the same who could not attend at this Court: Therefore it is continued until some Court next

Teste A. Reid C. J.

And at a Court held for said County of
on Tuesday the first day of June 1800
Rockbridge, there day of June 1800

The aforesaid writing purporting the last

This writing purporting to be the last will and testament of Zechariah Johnston deceased with the Codicil annexed was produced in Court by John Johnston & Zechariah Johnston Executors thereof named for probate & to have the same admitted to record. Whereupon it appearing to the satisfaction of the Court that James Johnston one of the Heirs of said deceased has ~~consistently~~ Counsel to contest the Validity of the same who could not attend at this Court. Therefore it is continued until some Court next

Teste A Reid Clk

And at a Court held for said County of
on Tuesday the
Richbridge, this day of June 1800

The aforesaid writing purporting to be the last will and testament of Zechariah Johnston deceased having been

proven

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presented at April Court last past for probate & to be admitted to
record which was continued over to this Court. & then appearing to
the Court that James Johnston one of the decedent's Heirs was about
to contest the Validity of said will And now on the motion of John
Johnston & Zachariah Johnston Executors therein named by their
Attorney to prove & have the same admitted to record, to which the
said James Johnston by his Attorney objected alleging that the said
decedent at the time or times of making the said supposed will &
Codicil annexed was non compos mentis and that it ought not to
be admitted to record. Whereupon the subscribing witnesses together
with several others were sworn & examined on the premises. On
consideration whereof it is the opinion of the Court that the decedent
was compos mentis & and that said writing with the Codicil annexed
be admitted to record. And that the Defendants recover against the

John
Will

Car

Plaintiff their costs about their defense in this behalf expended &c. The
Decs of Gift referred to in the will in these words "I do hereby give &c"
is not considered by the Court as a part of the said will. And that no
evidence of it being present at the execution of the will was pro-
duced.

Whereupon James Johnston by his Attorney prayed an
adjourn to the day of the District Court to be holden at Hammon
on the first day of September next he having with Joseph Allen his
surety entered into and acknowledged bond in the sum of one
hundred dollars Conditioned according to Law.

Also ^{on} the motion of said Executors who made oath according to
Law Certificate is granted them for obtaining probate thereof in
due form they having with John Wilson Thomas Johnston, Alexander
Johnston and Samuel Moore their securities entered ^{into} & acknowledged
bond in the sum of Twenty thousand dollars Conditioned according
to Law.