

1 I Robert Ewing of the County of Logan and State of  
Kentucky, calling to mind the mortality of life man  
and being frail in body but of perfect mind and man-  
-ory do constitute and declare this to be my last will  
and testament hereby revoking all former wills  
First I do recommend my soul to God and my body to the  
earth to be decently buried by my Executors.

And as to my worldly estate it is my will first that  
that all my just debts be paid. It is next my will that  
my wife Eliza have during her life for her use and the  
support of my two youngest sons now living until they  
arrive at the age of twenty one years the following property  
to wit the farm on which I now live including my  
dwelling house outhouses & the connection of land hereafter  
desired to my two youngest sons, Wilson P Ewing & George W  
Ewing also negroes Sam, Nye, Lucy, Sall, Sarah & Sally -  
my Smith tools, six cows and calves, such as she may  
select four of my best work horses four ploughs and four  
three axes three mattocks, three hoes my Beaureau  
Desk and Bookcase, small Corner Cupboard and cup-  
board furniture all the beds and furniture bedsteads &c  
Also as many breeding sows as she may select out  
of my stock, also as many hogs to kill as will suffice  
for two years also as many beef cattle to kill as she  
and my Executors may think advisable also my  
loom and all its gear and spares also my wheels and  
trucks and such of my furniture ~~as she~~ <sup>as she</sup> may select, all my free if my wife thinks proper  
to retain them one child's part of my sheep, the balance  
to be equally divided between all my children then  
living all the cotton on hand or that may be ginning  
on my farm at my death and as much corn wheat

2<sup>nd</sup> for the use of the family also my bundle stand bundle  
sticks, Dog Irons and Shovel and Hoes my best waggon  
& gees for four horses also as much leather as will be  
necessary to keep my wife and two youngest sons and  
their Negroes in shoes two years. Both of my Skins to be  
kept on the place for the use of my wife and said  
sons - When my said youngest sons shall attain  
of twenty one years then the aforesaid property devised and  
bequeathed to my wife to be her sole use as above limited  
and not to the use or support of my said sons except  
that after they shall have attained to the age of twenty one  
years then shall she only have of my landed estate my  
said dwelling house, Kitchen and Kitchen furniture & so  
much of said furniture as she may think proper to retain  
barn cribs and stables &c or as many of such houses  
together with the sugar houses as she may think advisable  
to make use of and so much of my said farm & coun-  
ty of woodland adjoining to her use during her life as  
aforesaid, as she may think right for her to retain use  
and cultivate, But it is my will that my wife have  
the aforesaid property only during her widowhood - If she  
shall marry then it is my will that all said personal  
property and negroes together with its increase be sold as  
my Executors or the Survivors of them and equally divided  
between my wife and each of my children share and share  
alike giving to the Child or Children of any of my children  
who may be dead their parents share; Except all the  
and furniture two good horses two good cows & calves  
breeding sons and negroes Dutch and her two children  
Gemp Rose and Delay & all their future increase all  
which it is my will that my wife keep during her life  
and at her death to be disposed of by her, to all or

33 All the aforesaid personal property except so much as I have given liberty to my wife to dispose of as above be sold by my executors or the survivor of them and the proceeds thereof be equally divided between all my children share and share alike giving to the child or children of them that may have deceased the portion of their parent. It is further my will that my daughter Betty D. Townsend have negroes Jane, Annest and Jagg and their present children (except Jagg son Jack) and their future increase; all of whom are now in her possession—

It is further my will that my son Ephraim Webb Esq. have negroes, Big Ned, Tom, Nancy Abner and Jack the son of Jagg and their future increase—

It is further my will that my son Robert A. Ewing have negroes Jack, Little Ned & Molly his wife and Ellick and their future increase—

It is further my will that my daughter Polly Refraser have negroes Stan, Lew and Peter and their present and future increase all of whom are now in her possession—

It is further my will that my daughter Patience Robt have negroes Anahy & children and Charlotte & their future increase the former of whom is in place of the Ellick I formerly loaned her—

It is further my will that my daughter Sophronia Webb Esq. have negroes Andy & their present & future increase and Ellick & their future increase— It is further my will

that my daughter Jane A. Townsend have negroes Sally & their present & future increase and also a girl named Sam and her future increase—

It is further my will that my sons Gilson Esq. George W. Esq. have negroes, Old Sam, Little Sam, Tim, Gilbert, Peter Angelina & Young Nancy & child and all

5<sup>th</sup> North fork of Red river adjoining the South boundary of my original head right claim and part of the South boundary of a one hundred and eighteen acre military tract lying on the South side of said fork conveyed to me by Act of Congress. Also said one hundred and eighteen acre tract also one other small tract of Land lying <sup>at</sup> the fork at the intersection of Spring Creek with said fork of Red river & adjoining the lower line of Col. A. Buford's military survey also timber off the tracts of Land I purchased of S. P. Ross to build a neat double house kitchen & smoke house & timber to make ten thousand rails -

It is further my will that my Sons Gilson P. Ewing and George W. Ewing shall have the residue of a tract of Land I have sold to the two Mr. Bradleys adjoining said military tract on the west ~~side~~ also a part of the tract of Land I purchased of S. P. Ross Beginning at the South west corner of said military boundary running South westwardly with S. P. Ross line sixty poles to a hickory corner thence South twenty five poles thence East untill it intersects S. P. Ross' east Boundary thence Northwardly with S. P. Ross' line to the S. Military line thence west with said line to the Beginning

It is further my will and is to be expressly understood that my Sons Gilson P. Ewing & George W. Ewing shall not have power to dispose of any of the landed estate or negroes devised to them in this will untill they shall arrived at the age of twenty six years unless by the Special <sup>written</sup> authority of my Executors or the survivors of them and if they or either of them shall make sale & conveyance of the same without such authority it shall amount to a forfeiture of the part so sold and it shall go and pass to my other children then living equally to be divided between them -

thirty poles north & East from the North East corner  
of my Military tract formerly known by the name of  
Johnson's tract Survey of one hundred acres thence to  
run North West untill it intersects the north  
boundary of the above two hundred acre tract thence  
with a line of said tract North & East so far that a  
parallel line with first line run will intersect the  
south boundary of said two hundred acre tract and  
with said South boundary to the beginning so as to in-  
clude one hundred and twenty acres together with  
all the improvements and buildings thereon. But in  
as much as my said Daughter Jane H Townsend is  
very sickly and sorely afflicted and may not long  
live. It is my will that if she shall die before her eldest  
child becomes of age and without more issue of her body  
than her present son William L Townsend & daughter  
Martha Jane Townsend, that upon her death <sup>the</sup> ~~the~~  
~~property real personal and mixed devised or bequeathed~~  
to her in this will or invested in trustees for her use  
shall go and pass to all my other children equally  
share and share alike giving to the child or children  
of those who shall then be deceased the parents portion  
except the negroes Sally & her present future increase  
also a negro girl named Sarah & her future increase  
which it is my will shall be added in any trustees  
hereafter named for the use of said William L Townsend  
& Martha Jane Townsend sons & daughters of said Jane  
Townsend. And if she shall have more issue of her body  
it or they shall share equal with her present child  
William L & Martha Jane Townsend, but if said Jane  
shall die before it or they shall arrive to the age of  
twenty one years then & in that case all said

4  $\frac{2}{3}$  same manner & form as if the said Jane had died with-  
out more issue as aforesaid —

It is further my will and is to be expressly understood  
that if said Jane H Townsend shall die before her eldest  
child becomes of age as aforesaid then & in that case my  
legates shall jointly and equally pay over to said Jane H  
Townsend's children as they severally become of age an equal  
proportion of the sum of three hundred dollars in specie

It is further my will that my daughter Sophrona M  
Bowling have to her <sup>hers</sup> forever all my interest in the  
lots & land in & adjoining Adamsville which lies on the  
East side of the Nashville road as it now runs and on  
the South side of the Gallatin road as it now runs and  
on the west side of the Spring branch that heads in  
my field where Samuel Clanton formerly lived and bind-  
ing on said branch down to where my Naningold tract  
crosses said branch thence with the lines of said tract  
to a sugar tree at the foot of Red River the beginning

of the said Naningold survey But it is expressly understood  
that ~~six~~ Twelve lots in said Town of Adamsville and  
the public square six of which lots are to be adjoining  
the South boundary line of said public square and six  
adjoining the East boundary of said square are excepted  
out of the above devise to Sophrona also there is excepted out  
of same a small slip of ground four poles wide commen-  
-cing at some convenient point on the north side of said  
Gallatin Road & extending through said land devised so  
as to include the Spring (now used by the citizens of  
Adamsville) four poles —

It is further my will that all the lots above reserved be  
sold by my Executors as soon as they can obtain a good  
price and the proceeds thereof equally divided between my

out more ifue as aforesaid —

It is further my will and is to be expressly understood that if said Jane H Townsend shall die before her eldest child becomes of age as aforesaid then & in that case my legates shall jointly and equally pay over to said Jane H Townsends Children as they severally become of age an equal proportion of the sum of three hundred dollars in specie

It is further my will that my daughter Sophrona M Bowling have to her <sup>share</sup> forever all my interest in the lots & land in & adjoining Adamsville which lies on the East side of the Nashville road as it now runs and on the South side of the Gallatin road as it now runs and on the west side of the Spring branch that heads in my field where Samuel Clanton formerly lived and bind-  
ding on said branch down to where my Harngold tract crosses said branch thence with the lines of said tract to a sugar tree at the ford of Red river the beginning

of the said Harngold survey But it is expressly understood that ~~six~~ Twelve Lots in said Town of Adamsville and the public Square six of which lots are to be adjoining the South boundary line of said public Square and six adjoining the East boundary of said Square are excepted out of the above devise to Sophrona also there is excepted out here of same a small slip of ground four poles wide commencing at some convenient point on the north side of said the Gallatin Road & extending through said land devised so much as to include the Spring (now used by the citizens of Adamsville) four poles —

It is further my will that all the Lots above reserved be sold by my Executors as soon as they can obtain a good price and the proceeds thereof equally divided between my wife & all my sons & daughters —

It is further my will that my daughter Patsy M Wolf their

8<sup>3</sup> boundary line of the lots laid off for the Town of Adiriville crosses said road thence running eastwardly with said road to the Spring branch near to where Samuel Chamber formerly lived and thence such a course northwardly to Adam Piers or John Bakers old line & with the same westwardly to another line of said Bakers old tract & with the same & with a small tract of Michael Scarborough south westwardly to the lots of said Town of Adiriville as will include one hundred acres of land also the small slip of land and spring excepted as aforesaid in the devise to my daughter Sophronia M Bowling —

It is further my will that my sons Ephraim & Ewing & Robert & Ewing & daughter Polly Bepencer have & hold to them & their heirs forever all the residue of my lands not otherwise disposed of in this will situate lying & being between the North & Middle forks of Red river together with all the improvements to be equally divided between them share & share alike as they may agree or laid off & valued by three good disinterested men to be selected by the legates concerned and letted for in that manner which they may prescribe —

It is further my will that should it appear that the portions of land allotted in this will to my daughters Polly, Sophronia & Jane are not equal to the portions of land which upon a division will fall to the share of my aforesaid children Ephraim, Robert & Polly that in that case the portions of said Polly, Sophronia & Jane are to be made equal by adding land thereto or by paying to them so much money as will make up the defect, to be adjudged by the aforesaid three good disinterested men —

It is further my will that my black Hobb Horse with its furniture continue in my house and my carriage & harness upon my farm so long as my wife may therein be so long as she shall live for the use of

9 <sup>3</sup>/<sub>4</sub> like giving to the Child or Children of those who may be deceased their parents portion—

It is further my will that my Executors or either of them  
may any lands I have sold or may sell according to the tenor  
strict legal purport of any Bond or Bonds I have or may give  
upon the payment of the consideration if not paid or the bal-  
-ance of the consideration therefor —

It is further my will, that whereas I have heretofore given my son Robert A. Curing two hundred and sixty dollars in specie that said sum be deducted out of his portion of the land directed as aforesaid to be divided between my children Ephraim Robert & Polly, so as to make his lot when added to said sum of money only equal to the Lots of said Ephraim & Polly —

It is further my will that my ox, waggon & two of my best Oxen & their goers, any wheat fan, cutting knife & box any cradles & sythes, any crop cut & hand saw churning knife & anything Irons & grinders, & all the salt & sand on hand are not to be disposed of, but to be left on the farm for the purpose of carrying on the same to wit the farm on which I now live for the benefit of my wife & two youngest sons & their black family, untill my wifes removal from said farm if she should choose to remove or untill her death if she should not remove then to be sold and the proceeds thereof to be equally divided between all my then living children giving to the child or children of those who may be dead their parents share

It is further my will & it is to be expressly understood that the aforesaid property real & personal allotted and set apart in the foregoing part of this will to my aforesaid daughters & each of them, as well as any part or portion of my estate which may fall or come to them under the foregoing or subsequent provisions of this will shall not go or pass to them or either of them directly; but is expressly <sup>my will</sup> that the same and each part & parcel of it shall pass to & be held by the said daughters & each of them

10<sup>3</sup> ~~the~~ the aforesaid provisions of this will and at their or either  
of their deaths, for the use and benefit of each of their chil-  
-dren begotten or to be begotten that is the children of each  
parent have the use of the parents portion, And further  
that my aforesaid Trustees or the survivor of them may by  
 deed or will appoint a Trustee or Trustees ~~whenever~~ <sup>whenever</sup> they may  
 think proper, in whom the said property shall be vested  
 <sup>and it is further</sup> for the like purposes as the same is by this will intended  
 in them. But it is further my will that my said Trust-  
 ees or the survivor of them if they think advisable or for the  
 benefit of my said daughters may pay over any of the money  
 arising from my estate, that may fall to their shares to my  
 said daughters or either of them or their children or sell or  
 lease or convey any personal or real estate invested in them  
 as aforesaid for the use of my said daughters their or  
 either of their receipts though some receipt shall be good to  
 said Trustees —

It is further my will that any executors procure to be  
 built & paid for out of my estate a wall of brick or stone  
 in the grave yard at Red River meeting house suffi-  
 ciently large to embrace the graves of all my family that  
 now or may <sup>may be probably</sup> hereafter be buried there —

It is further my will that any executors sell all my estate  
 not otherwise disposed of by this will and divide the proceeds  
 thereof as well as the proceeds of bonds debts due or demands  
 belonging to my estate equally between my wife and my  
 aforesaid sons & daughters share share alike, But the same  
 which may fall to my daughters so to go and pass to the  
 aforesaid Trustees for their use of their use in or out  
 like times as is directed with respect to the property allo-  
 cated to them in the foregoing part of this will —

It is further my will that my son Ephraim McEwing  
 and

It retained by my wife & Children —

~~For~~ Testimony that the foregoing fifteen Pages are my last  
will and Testament I have hereunto set my hand & seal in  
the presence of the subscribing witnesses who signed their  
names as such in my presence. This 14<sup>th</sup> day of Sept<sup>r</sup>. 1839

Witnesses

Robert Cairng ~~Deed~~

Wm McPherson  
Thomas Campbell

Naniel Ernan

Wilson I Roberts

John Roberts.

William McPherson

Nuncan Gordon

of those who shall not  
to the child or children  
the present future increase I suggest  
which said Sally  
their parents share

thirty poles north 34 East from the North East corner  
of my Military tract formerly known by the name of  
Johnson's tract survey of one hundred acres thence to  
run North West untill it intersects the north  
boundary of the above two hundred acre tract thence  
with a line of said tract North 34 East so far that a  
parallel line with first line run will intersect the  
South boundary of said two hundred acre tract and  
with said South boundary to the beginning so as to in-  
clude one hundred and twenty acres together with  
all the improvements and buildings thereon. But in  
as much as my said daughter Jane H Townsend is  
very sickly and sorely afflicted and may not long  
live. It is my will that if she shall die before her eldest  
child becomes of age and without more issue of her body  
than her present son William L Townsend & daughter  
Martha Jane Townsend, that upon her death <sup>the</sup>  
~~property real personal and mixed devised or bequeathed~~  
to her in this will or invested in trustees for her use  
shall go and pass to all my other children equally  
share and share alike giving to the child or children  
of those who shall then be deceased the parents portion  
except the negroes Sally & her present future increase  
also a negro girl named Sarah & her future increase  
Which it is my will shall be settled in my trustees  
hereafter named for the use of said William L Townsend  
& Martha Jane Townsend sons & daughter of said Jane  
Townsend. And if she shall have more issue of her body  
it or they shall share equal with her present child  
William L & Martha Jane Townsend but if said  
shall die before it or they shall arrive to the age of  
the & in that case all said

183 powers as those given to said Ex<sup>rs</sup> & Trustees - And it is further  
my will that said Ex<sup>rs</sup> as Trustees or those appointed in their  
stead or the survivor or survivors of them shall have full  
and unlimited power at their discretion or the discretion  
of the survivor of them to sell or exchange said property or any  
part of it or purchase other property in its stead or with the  
money in their hands and to use and apply said estate  
principal and interest for the use and benefit of said children  
in any manner they may think best -

And further it is my intention & will that the provision  
made for said children in this my codicil is in full &  
full of all claim which I intend them to have on my estate

And whereas I have provided in my said ~~estate~~ will that  
a sum of money which I advanced to my son Robert A.  
Curing should be deducted from his part in the division of  
a certain connection of land between him Ephraim  
P. & P. H. P. & S. S. S. it is now my will and desire  
that he shall be an equal sharer with each of them in the  
division of said land he having made an agreement with  
me by which he is to account for said sum of money in  
another way. And having erased the name of some of  
my Ex<sup>rs</sup> and Trustees in said will, I hereby acknowledge  
it subject to the alterations herein made and also acknow-  
ledge this codicil in the presence of the witnesses who  
stand subscribed to the same who having attested the same  
in my presence - In Testimony whereof I have hereunto  
set my hand & seal this 26<sup>th</sup> day of Oct<sup>r</sup> 1831

Samuel Brian

Robert Curing

John Roberts

Amear Gordon

John Grayson

William McHenry

Logan County, Ky

October 26<sup>th</sup> 1831

14<sup>th</sup> William McPherson subscribing witness thereto and  
ordered to be recorded ~~which is done accordingly~~  
GIVEN under my hand as clerk of said <sup>Court</sup> the date above  
said to be and L.C.C.

Attest

John E. Cress L.C.C.

for said Court & L.C.C.

October Term 1832

~~The foregoing~~ The within thirteen pages contain a true  
copy of the last will & Testament of Robert Cuming dec.  
taken from the original will in my office, which will was  
produced to the court on the 1<sup>st</sup> day of October 1832 and proven  
by the oaths of John Roberts & William McPherson two of the  
subscribing witnesses thereto & ordered to be recorded.

Sam. A. Lewis clk

Attest  
Dec 4. 37 1/2 ct

Robert Cuming  
will

11320 words

2 cts. twenty

At \$113 7/8 cents

Robt. Cuning  
Last Will and  
Testament—

