

The Filson Historical Society

Mss. Sutton, John I., d. 1810.  
A  
.8967 Will  
3  
1799, Feb. 14

In the name of God amen I John Sutton of  
the County of Scott and State of Kentucky  
being well in health and perfect in memory  
do make and ordain this my last will &  
testament in manner and form following  
to wit, that first of all my just debts be paid  
I then I leave and bequeath to my son John  
Sutton the tract of land whereon he now  
lives containing two hundred and seventy  
eight acres by survey also a negro woman  
named Silvia and two children the one  
named Jane the other named Fanny  
to him and his heirs forever

I then I leave and bequeath the tract of  
land whereon my son Robert Sutton now  
lives to his heirs to be equally divided between  
them and to be so laid off as for my grand  
daughter Polly Sutton to have the part where  
on Land Alley now lives and to adjoin  
Geo Sweetland also a negro woman named  
Bet and two children the one named  
Harvey the other named Kitty to be divided  
in the same manner between the lawful  
heirs of the said Robert Sutton to them  
and their heirs forever

I then I leave and bequeath to my son Wm  
Sutton the tract of land whereon he now  
lives containing by survey 266 1/2 acres  
also a negro man named Harvey to him  
and his heirs forever

I then I leave and bequeath to my son  
David Sutton the tract of land whereon  
I now live after the assent of my loving

wife Temperance Sutton But it is my  
will and desire that the plantation  
and lands shoud be equally divided  
between them with all the wood land  
with for her natural life and that  
David is to have and enjoy the half  
left to him until the death of my wife  
his as full and free a man as he after  
her decease I also leave a negro woman  
named Aggy to him and his heirs for  
ever. Item I leave and bequeath  
to my daughter Polly Sweetmans the  
tract of land whereon she and her  
husband Geo Sweetmans now lives con-  
taining by survey two hundred and  
ninety, seven and one half acres also  
a negro woman named Mowing, another  
named Regiah and another named  
Rebecca to her and her heirs forever

Item I leave to my loving wife Temper-  
ance Sutton the one half of the tract  
of land whereon I now live to include  
the dwelling house and one half of  
the cleared land and one equal  
half of the water both Spring & Run  
also all the negroes that are not other-  
wise disposed of all which I leave  
to her during her natural life with  
all the stock of every kind & all the  
household furniture and no further  
division to take place so long as she  
my wife lives

I then my will and desire is that after  
the decease of my wife Temperance  
Sutton that all my estate so unto to be  
equally divided between my son John  
Sutton David Sutton Polly Sweetnam  
and the heirs of Robt Sutton equally ex-  
cept the land which I have already  
disposed of my will and desire is that  
if by any cause any of the land so given  
to my children should be lost by a  
third claim or any other lawful cause  
that each shall lose in proportion and  
lines to be so altered as to make up the  
loss of land so sustained. It is to be  
understood that my Exors named shall  
have the power direction of sixty acres  
of land out of the part left to Robt  
Suttons heirs to be laid off in new  
a manna as to include the planta-  
tion whereon the said Robt Sutton now  
lives to be so disposed of as shall be most  
for the benefit of the sd Robert Sutton  
and ~~Caroline~~ his wife during their  
natural lives but the sd Robt to have  
no power to sell rent or in any other  
way to dispose of the said land or  
any profit arising from it other than  
shall be directed by my said Exors.  
I here by constitute ordain and ap-  
point my friends Rodas Thomson  
& Bartlett Collins Executors and my

Testified and Suttow Executed to this  
my last will and testament as  
witness my hand and seal this  
fourteenth day of February 1799  
Signed sealed and acknowledged  
in presence of

William Montague

John Popham Benj Wharton

Scott County Tenn

August Court 1840

This the last will & testament of John Suttow dec<sup>d</sup> was  
this day produced in Court by the <sup>Exor</sup> Executrix therein  
named and proved by the oaths of William Montague &  
Benja Wharton two of the subscribing witnesses thereto &  
others to be named who the said Exor Executrix having  
taken the oath and entered into Bond as required by law in  
the penalty of four thousand dollars with John Thomson as  
Security. It is ordered that probate of the said will  
granted them & — Attest Cary I Blake 1840

In Testimony that the foregoing will of John Suttow  
deceased is truly transcribed from the records of my office  
I Elijah Hawkins Deputy Clerk of the Scott County Court  
do hereto set my hand this 23<sup>d</sup> day of August 1840 In  
the 31<sup>st</sup> year of the Commonwealth. —

Elijah Hawkins

A copy of John Sutton's Will Senecov

In the name of God! amen I John Sutton of the County of Scott and state of Kentucky being well in health and perfect in memory, do ordain this my last will and Testament in manner and form following (to wit) That first of all my Just debts be paid, Item I leave and bequeath unto my son John Sutton the tract of land whereon he now lives Containing Two hundred and seventy eight acres by Survey, Also a negro woman named Silvie, and two children the one named Jerry and the other named Fanny To him and his heirs forever.

" Item, I leave and bequeath the tract of land whereon my son Robert Sutton now lives, to his heirs to be equally divided between them and to be so laid off as for my Grand daughter Polly Sutton to have the part whereon Saml. Atley now lives, and to adjoin Gt. Sweetnam, also a negro woman named Lett and two children the one named Harry, the other Kitt, to be divided in the same manner between the lawful heirs of the said Robert to them and their heirs forever.

Item I leave and bequeath unto my son William Sutton the tract of Land whereon he now lives, containing by Survey 260<sup>2</sup> acres also a negro man named Mandy to him and his heirs forever.

Item, I leave and bequeath to my son David Sutton the tract of land whereon I now live decas of my loving wife Temperance Sutton but it is my will and desire that the plantation and water should be equally divided between them with all the woodland for her natural life and that David is to have and enjoy the half left to him until the decas of my wife in as full and free a manner as after her decas I also leave a negro woman named Aggy to him and his heirs forever.

Item I leave and bequeath to my daughter Polly Sweetnam the tract of land whereon she, and her husband Gt. Sweetnam now live Containing by Survey two hundred and ninety seven and one half acres - Also a negro woman named Morning another named Rogiah and another named Reuben to her heirs forever.

Item, I leave to my loving wife Temperance Sutton the one half of the tract of land, whereon I now live to include the dwelling house and one half of the cleared land, and one equal half of the water

both spring and run. Also all the negroes that are not otherwise disposed of all which I lend to her during her natural life with all the stock of every kind & all the household furniture, and no further division to take place so long as she my said wife lives.

Item; my will and desire is that after the Deceas of my wife Temperance Sutton, that all my estate so lent to be equally divided between my son John Sutton William Sutton, David Sutton Polly Swetnam and the heirs of Robert Sutton equally except the land which I have already disposed of. (My will and desire is if by any cause any of the Lands given to my said children should be lost by a private claim, or any other lawful cause, that each shall loose in proportion and their to be so altered as to make up the loss of land so sustained. It is to be understood that my <sup>Executors</sup> Executors hereafter named shall have the direction of sixty acres of land out of the part left to Robert Sutton's heirs to be laid off in such a manner as to include the plantation, whereon the said Robert now lives to be so disposed of as shall be most for the benefit of the said Robert Sutton and Caroline his wife during their natural lives, But the said Robert to have no power in any other way to sell, rent or in any other way to dispose of the said land or any profit arising from it, than shall be directed by my said <sup>Executors</sup> Executors.

I hereby constitute ordain and appoint my friends Rhodes Thourson & Bartlett Collins Executors & my wife Temperance Sutton Executrix to this my last will and Testament as witness my hand and seal this fourteenth day of February 1799

Signed sealed and acknowledged in presence of  
William Montague John Rolton  
Benj. Wharton

John Sutton (Seal)

Copy From Will Book No 1. Scott County. Ky  
February 5<sup>th</sup> 1826

*[Signature]*