

The Last Will & Testament of William McKown

Proved October 24th 1843 as a will relating to both real and personal Estate ~

Be it Remembered that heretofore to wit on the twenty sixth day of September in the year of our Lord one thousand eight hundred and forty three John McKown personally appeared before the Surrogate of the County of Albany and presented by petition to the said Surrogate duly verified, and also produced unto him for probate a certain instrument in writing purporting to be the last will and testament of William McKown of the town of Guilderland in the County of Albany in which the said John McKown is named an Executor, and from said Petition it appeared unto the said Surrogate that, after the execution of the aforesaid instrument and on or about the first day of August in the year aforesaid the said William McKown died being an inhabitant at the time thereof of the said County of Albany leaving the following persons his only heirs at law and next of kin him surviving, to wit, Catherine Colclough the widow of Samuel Colclough deceased residing in the town of Carlisle in the County of Schoharie, Ann Maria Winne wife of Peter Winne residing in the town of Schodack in the County of Rensselaer, John A. McKown and Catherine McKown residing in the town of New Scotland in the County of Albany, John McKown, William A. McKown, Christian McKown and James A. McKown residing in the town of Guilderland in the County of Albany, Francis McKown residing in the town of Bethlehem in the County of Albany, all of full age, Jacob McKown residing in the City of Albany in the County of Albany, Abel French McKown residing in the town of Guilderland in the County of Albany and Jemima McKown residing in the town of Schodack in the County of Rensselaer, minors, and have no general guardian, and therefore, the said Surrogate, did appoint Horace Wyman of the City of Albany special guardian of the aforesaid minors for the sole purpose of appearing for and taking care of the interest of said minors in the proceedings before said Surrogate for the proof of said will, and on the day first aforesaid the said Surrogate issued his citation unto the above named heirs and next of kin of full age and unto the special guardian of said minors, citing them to appear before the said Surrogate at his Office in the City of Albany on (this) the twenty fourth day of October (then) next at ten o'clock in the forenoon of that day, and attend the probate of said will, and on the return day mentioned in said citation the said John McKown appeared in Court in support of said will as well as said special guardian for said minors, and no one appearing to oppose the probate of said will, and the said John McKown then produced proof of the of the lawful service of said citation which is now on file, and also produced in open Court two of the subscribing witnesses to said will, and after taking proof of the death and hand writing of the other witness to said will, and the said witnesses so produced after having been duly sworn and examined by the said Surrogate testified and made their respective depositions in relation, in relation to the due execution of said will, from which it satisfactorily appears unto the said Surrogate, that said will was duly executed by the said William McKown in the presence of all the subscribing witnesses thereto, and that he then declared said instrument to be his last will and testament in the presence of each of the said witnesses, and that said will was thereupon duly attested by each of the persons whose names are thereto subscribed in the presence and at the request of the said testator and, that at the time of the execution aforesaid the said William McKown was of sound mind and memory of full age to execute a will and was not under any restraint, it is therefore adjudged and determined by the said Surrogate that the aforesaid instrument is the last will and testament of the said William McKown deceased by him executed and published in due form of law, and it is ordered that said will be now admitted to Probate by the said Surrogate as a will relating to both real and personal Estate, and that said will together with the proofs and examinations of the attesting witnesses aforesaid and all proofs in relation to the execution of said will, be recorded pursuant to law - which will proofs and examinations are in the words and figures following to wit -

"In the name of God Amen, I William McKown of the town of Guilderland in the County of Albany, being sick in body & considering the uncertainty of life, but of sound and disposing mind and memory, do hereby make and declare this my last will and testament as follows, to wit, My soul I commit to my Redeemer - And as to my worldly estate, I give devise and dispose thereof in the following manner - To

wit, I give and devise to my son John McKown all the land which I own in the tract called the gore, which was allotted to me in a partition thereof with the dwelling house, barns, stables, outhouses & appurtenances thereon which I now occupy - And also those three certain parcels of land called Lots Nos 4, 5 & 10 lying south of and adjoining the said premises, excepting therefrom a small piece of land off of the southerly end of lot No 4 hereinafter mentioned. Also I give and bequeath to my said son, all the cattle, horses, cows & stock of every description, hay and grain, farming utensils & implements of husbandry & household furniture, which may be in my said dwelling house or upon the said premises at the time of my decease - Item - I give and devise unto my said son John McKown all that certain farm or tract of land situate lying and being on the Normans Creek, commonly called the Kill property on the Trust & for the uses & purposes herein after mentioned that is to say, that my said son John his executors, administrators & assigns, shall have the free & undisturbed occupation, emoluments & profits of all that portion of the said farm which is called & known by the name of the Masland Kill meadow: as the same is now in fence, and also the meadow land on the south side of the Creek with the barn thereon, with liberty of a free and convenient passage over the remaining part of the said farm, for himself, his servants and cattle for the term of ten years from my decease, To have and to hold the remaining part of the said farm with the buildings thereon from the time of my decease, and also the part and parcel above mentioned, after the expiration of the said term of ten years for the use of my son Absalom McKown during his natural life for the sole occupation, benefit & emolument of the said Absalom during his natural life without however any privilege to cut or carry away any timber or trees on the said premises, during the said time except such as may be absolutely necessary for fencing and fuel on the said premises or for repairing or erecting any buildings on the same - And after the death, of my son Absalom then to have and to hold the same for the lawful male children of my said son Absalom who may be living at the time of his death, their heirs & assigns for ever to be divided in such manner & in such proportion amongst the said male children of my said son Absalom as my said son John shall deem proper & expedient as they shall respectively arrive to the age of twenty one years, and in case of the death of my son John before the death of my son Absalom then the said farm to be divided amongst the said male children of my son Absalom by my executors herein after named or the survivors or survivor of them in such manner & in in such proportions as he or they shall deem proper and expedient as they shall respectively arrive to the age of twenty one years - Item - I give and devise to my beloved wife Catherine all that certain piece or lot of land adjoining the said Normans Kill Farm called Lot No 1 containing about seventy one acres, and also the one equal undivid(ed) half part of the lot of ground with the saw mill & appurtenances adjoining the last above mentioned premises for and during her natural life or widowhood, and after her death or remarriage, then I give & devise the same to my son John McKown his heirs and assigns forever - Item - I give & devise the remaining equal undivided half part of the said last mentioned lot of ground with the sawmill thereon to my said son John McKown in the trust & for the uses and purposes herein after mentioned, that is to say in trust for my son Absalom McKown during his natural life, for the sole occupation benefit & emolument of the said Absalom during his natural life and after his death in trust for the lawful male children of my said son Absalom, who may be living at the time of his death their heirs and assigns forever to be divided amongst them in the same manner as the farm on the Normans Kill as herein before directed to be divided amongst them - Item - I give and devise to my daughter Catherine McKown all that certain farm piece or lot of land, situate lying on the Great Western Turnpike Road in the town of Carlisle in in the County of Schoharie containing about three hundred acres of land, whereon William Dunlop and one Polluck now reside, to have and to hold the same to my said daughter Catherine her heirs and assigns forever - Also I give devise & bequeath to my said daughter Catherine, two feather beds, bedsteads & bedding, the one to be chosen by her out of any in the house I now live in & occupy & the other to be selected for her by my son John. I also will and direct that my son John shall give to my daughter Catherine within one year after my decease - One looking glass worth at least \$20 - Two tables worth at least \$25 - One dog chain worth at least \$24. One pair Andirons worth at least \$8. One

shovel and tongs worth at least \$8 - Item I give and devise to Benjamin Johnson & Ephraim Jones all that certain lot of land called lot No 14 in a patent granted to John Glen & others in Sacandaga, containing about 252 acres To have and to hold the same to them their heirs & assigns forever in equal shares as tenants in common - I give and bequeath to my beloved wife the sum of one thousand Dollars to be paid to her or, her heirs, executors administrators or assigns by my son John McKown within five years after my decease with the interest of the said sum from the time of my decease which sum I give to her as the amount I have received from her out of her former husbands estate & with the device heretofore made to her is and shall be in lieu of and in bar to all dower & claims of dower out of my estate - Item - It is my will and devise and I do hereby direct, that my beloved wife, Catherine, shall have the privilege to live in the house I now occupy with my son John during her natural life or widowhood - item - It is my will and I do hereby direct that as soon after my decease as can conveniently be done my executors hereinafter named shall proceed to take an inventory of the stock farming utensils and instruments of husbandry on my said farm at Normans Kill and make an estimate of the value thereof and that the same except as herein after mentioned, shall remain on the said farm for the use and benefit of my son Absalom during his natural life and after his death, my said executors or the survivors or survivor of them shall apportion and divide the said stock, with the natural increase thereof together with the said implements of husbandry equally amongst the female children of my said son Absalom who may then be living - Item - I give and devise to my friend George Brown his heirs and assigns forever a piece of land off of the south west end of the lot of land called Lot No 4 herein before devised to my son John which said piece of land is in a parallelogram form and is to be taken on a line parallel with the S(?) W boundary line of the said lot so as to extend the said line through to the south east side of the said lot and contains about 6 acres be it more or less - Item - I give and bequeath to my brother Barnard McKown an annuity of ten dollars to be paid to him during his natural life by my son John his heirs executors or administrators - Item I give and bequeath to William McKown Case, son of Rupel Case \$30 to be paid to him by my son John his heirs executors or administrators when he shall have arrived to the age of 21 years with interest from the time of my decease - Item - I give and bequeath to William Anbleman (?) son of Christian Anbleman \$15 to be paid as last above mentioned - Item - I give & bequeath to Rebecca Brown one milch cow to be chosen by her from any on my farm at Normans Kill & to be delivered one year after my decease - Item - I give and bequeath to Eleanor Thompson, daughter of John Thompson one milch cow to be chosen from amongst any on my said farm after the one above mentioned, and to be delivered within one year from my decease - Item - I give and bequeath to Jacob Hill \$30 to be paid to him by my son John within one year after my decease, but the legacy hereby bequeathed to him shall in no wise be considered as a release of any debts due from him to me - Item - I give devise and bequeath to my son John all my mortgages, bonds, notes books and accounts and all securities whatever and all sums of money due or to become due thereon and all other my real and personal estate not herein before devised and do expressly charge the real estate devised to him, his heirs & assigns as well as with the payment of all the just debts which I may owe at the time of my decease as also with the payment of the annuities & legacies herein mentioned - Lastly - I do hereby nominate and appoint my beloved wife Catherine Executrix & my son John McKown, my nephew James McKown and my friends Abel French & Henry B. Cooke Executors of this my last will and testament, hereby revoking all former last will & testaments by me made - In testimony whereof I have hereto set my hand & seal this 25th day of August 1815

William McKown L.S.

Signed sealed published & declared as & for the last will & testament of Wm McKown in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto - the words as they respectively arrive to the age of twenty one years interlined in the third page in 11 & 17 lines, containing about 3 acres of land in 2d & 3 lines 4 page erased The whole of the second line in the sixth page interlined & the words Abel French & in the last page interlined before execution -

J. Eights, Royal Johnson - Jacob S. Miller -

followed by depositions of witnesses Jonathan Eights, Jacob S. Miller, and the son of deceased witness Royal Johnson (Oliver Henry Johnson)

and the Surrogates certification - Moses Patten, Surrogate

Notes

Will is dated 25 August 1815

Relatives named as beneficiaries in the will but who died before William McKown, 1st August 1843

Catherine, wife of William McKown died 3 July 1841

Absalom McKown, son of William McKown, died 17 August 1831

Barnard McKown, brother of William McKown, died after 1830 but before 1840 (exact date unknown)

Named relatives living as of 1 August 1843

John McKown - eldest son of William McKown (16 April 1787 - 6 February 1870)

Catherine McKown, or Catherine Colclough, daughter of William McKown (27 July 1797 - 1881)

Ann Maria Winne, eldest daughter of Absalom McKown (16 Jan 1809 - 1877)

William A. McKown, first son of Absalom McKown (17 July 1810 - ?, after 1849)

John A. McKown, second son of Absalom McKown (1 November 1811 - 26 December 1864)

Catherine McKown, second daughter of Absalom McKown (8 February 1813 - 1844)

Christian McKown, third son of Absalom McKown (25 August 1814 - 1 July 1849)

James A. McKown, fourth son of Absalom McKown (29 March 1818 - 14 June 1897)

Francis McKown, fifth son of Absalom McKown (1820 - 9 November 1900)

Jacob McKown, sixth son of Absalom McKown (13 August 1824 - 1879)

Abel French McKown, seventh son of Absalom McKown (1827 - 3 October 1853)

Jemima McKown, third daughter of Absalom McKown (22 July 1831 - 31 May 1884)

The James McKown, nephew, (1789-1847) listed among the executors was the son of Robert McKown, and not one of the beneficiaries