

Count by the oaths of W. A. Thelle & Allen O'Helle subscribing
in witness whereunto said the Court being sufficiently advised
It is therefore ordered and adjudged that said instrument
of writing be recorded and be such ordered to be admitted
to record as the last Will and Testament of said President.

A Copy

Wm. B. Davidson Clerk

In the name of W. A. Thelle.

I Henry C. Fitzpatrick being of sound mind and disposing
memory do make and publish this as my last will and Testament
I give and bequeath to my son Stephen Fitzpatrick and the heirs of
his body free from any debt or liability which my said son now
owes or may hereafter owe the farm where he now lives & known
as the old Stephen Hamilton farm or so much of it as is embraced
in the following boundary: Beginning at a spring on the right hand
fork of Middle Creek in Floyd County at the upper end of the Irish
field when the grave yard is thence running down with the Creek
to the lower base end of the Howard field thence running with the
cross fence to the top of the hill and the North side of the Creek thence
with the top of the ridge between the Barn Branch and the Branch
where he lives to the top of the ridge between Abbott & Middle Creek;
thence around the head of the Branch to the center of the ridge which
divides the center of where Boyd Holbrooke lived from the branch
where my said son lives; thence running down said ridge to the
road near said son's barn; thence running across the barn field
a straight line from the point to the Creek, thence running down
with the Creek to opposite the house where Wiley Hall now lives
thence straight down through the field so as to include the house
to the bank above the pond thence fifty yards around with
the bank to a stake thence to the foot of the hill and up same
to the top of the point thence with the point to the top of the divi-
ding ridge between the two forks of Middle Creek thence running
down said dividing ridge to the head of a small dam above
the lower field thence down said dam to the sea (running)
Be it remembered that I will and bequeath to my daughter Cynthia Holbrooke
(wife of Boyd Holbrooke) and the heirs of her body all of the upper
end of the said old Stephen Hamilton farm which is now
embraced in the above boundary bequeathed to my son
Stephen Fitzpatrick and this is to carry with it all of the roads
and rights of way over the land given my son Stephen which
are necessary to the use and enjoyment of the land hereby given
to my said daughter which right and privilege is to pass
with said land. Thirdly, I will and bequeath to my son Joseph
Fitzpatrick and the heirs of his body free from any debt which
my said son now owes or may hereafter owe the land where
he now lives on the right hand fork of Middle Creek bounded
as follows. Beginning at the spring on the dividing line between
said land and the land bequeathed to my son Stephen
thence running with said line to the top of the ridge between
the two forks of Middle Creek the right and left hand forks
thence running down said ridge to the head of the dam or
small hill on the opposite side of the Creek from my house
thence running across said hollow to the bottom thence
running around with the foot of the bank at the back
little bottom to the mouth of the branch where

and John Joseph now lives and known as the Barnett branch
thence a straight line to the mouth of said branch I now
running up said branch and with same to the fork thence
running with the right hand fork of said branch to the upper
end of the field where McKingie now lives thence up the point a
North course to the top of the ridge between Middle Creek & Abbott
thence with the top of said ridge around the head of the branch
where Henry Sparks now lives thence around the head of the
Barnett branch to the head of the dividing ridge between the
Barnett branch and the below where Stephen Fitzpatrick
lives thence with Stephen Fitzpatrick line to the beginning.
Sixthly - I will and bequeath to my daughter Jane P. Howard
(wife of R. P. Howard) and the heirs of her body the following
described tract of land adjoining the lands of Joseph P. Fitzpatrick
above on the Creek and running down and including all of
the lands on both sides of the Creek to the line of Jonathan
Fitzpatrick which runs across just below the house where
I live and is more fully set forth in the next bequest.
Seventhly - I will and bequeath to my son Jonathan Fitzpatrick
and the heirs of his body free from any debt or liability which
my said son now owes or may hereafter owe the following
tract of land Beginning on top of the ridge on the South side of
the Creek at the head of a drain or small hollow then running
down said hollow to a Spring tree standing on the South side
of the Creek thence with the Creek down to the lower end of the
field which lies just below the house where I live thence
running up the point to the center of same thence with the
center of same point to the top of the ridge on the North side of
the Creek thence with the top of said ridge down to Spaulding
line thence with said Spaulding line down to the Creek and
up the hill on the South side to the top of the ridge thence
along and with the top of the ridge to the place of beginning.
Eighthly - I will and bequeath to my son William Fitzpatrick and
the heirs of his body free from any debt or liability he now owes
or may hereafter owe the farm lying at and around the fork
of Middle Creek known as Tooke farm in Floyd County Ky.
Ninthly - I will and bequeath to my son William P. Fitzpatrick
the farm where he now lives on Middle Creek in this County
This bequest is to my said son and the heirs of his body
and is to be forever free from any debt or liability which he
may now owe, or may hereafter owe. I hereby appoint and
constitute my son William P. Fitzpatrick my sole and only
Executor of this my last Will and Testament and authorize
empower and direct him to sell and convey all of the land
I own on the Spaulding fork of Middle Creek in this County
and out of the proceeds of same thereof to reinvest the sum
of fifteen hundred dollars in real estate to be conveyed
to my said son and the heirs of his body and my daughter Mary C. Harris

and James P. Harris infant children of my daughter Agnes now
deceased which same is bequeathed them, and I further direct
that my said Executor pay the remainder of the sum arising from
the sale of said lands and my debts. I further direct that my son
William P. Fitzpatrick pay to my estate the sum of Five hundred
dollars and that for the reason that the same sum be bequeathed
to him is worth more than that given to any other child mine
which sum shall be assets for the payment of my debts. I further
direct that each one of my sons pay to my wife Minerva Fitzpatrick
the sum of Twenty five dollars for annuity and I further give
and bequeath to my wife Minerva Fitzpatrick all of my personal
estate and direct that it all be set apart to her and that no
public sale be made of any of my personal estate in making
this disposition of my property it has been my proper and
intention to secure to each one of my living children a home
for themselves and their families to the full power any debt contract
or liability which any of my said children may have incurred or
may hereafter incur or incur and which will at the death of
of each one and pass free and unincumbered to their children
Witness my hand this 26th day of October 1894.

Witness
Chas. B. Callahan
J. A. Spaulding

W. C. Fitzpatrick

Whereas on the 26th day of October 1894 I made and published my
last Will and Testament which I desire to remain as therein
stated and the following alterations and change in its
provisions viz: I made a mistake in a part of the boundary
of the land bequeathed to my son Joseph P. Fitzpatrick and
on the Benedict fork of the Barnett branch which I hereby
desire to correct as follows. Beginning at the public road where
said branch crosses it nearer the house where Joseph Fitzpatrick
lives thence running up said branch with its meanderings to
the mouth of the Benedict fork thence running up said Benedict fork
to the forks of same just below where McKingie now lives thence
up the right hand fork of said branch to a small elm tree
standing near the branch a short distance above McKingie's
house thence running across a small field a North West course
to the foot of the hill and up the same the same course to three
sugar trees tree on the point thence up the point to the line as
stated in my original will and I further direct that a right of
way for road purposes at least ten feet wide shall remain
and exist up said branch from the public road to the lands
lying above said McKingie house for the use and benefit of
the heirs of said lands I further desire to make the following
change in the boundary line between the lands given to
my said Stephen and daughter Agnes to be changed to run
as follows Beginning at the mouth of Thomas branch
to a large locust on top of said branch of the Creek

said son Joseph now lives and known as the Barnett branch
thence a straight line to the mouth of said branch thence
running up said branch and with same to the forks thence
running with the right hand fork of said branch to the upper
end of the hill where McKingie now lives thence up the point a
North course to the top of the ridge between Middle Creek & Abbott
thence with the top of said ridge around the head of the branch
where Henry Snakes now lives thence around the head of the
Barnett branch to the head of the dividing ridge between the
Barnett branch and the branch where Stephen Fitzpatrick
lives thence with Stephen Fitzpatrick's line to the beginning.
Smoothly - I will and bequeath to my daughter Judith Henry
wife of R. B. Henry and the heirs of her body the following
described tract of land adjoining the lands of Joseph B. Fitzpatrick
above on this Creek and running down and including all of
the lands on both sides of the Creek to the line of Jonathan
Fitzpatrick which runs across just below the house where
I live and is more fully set forth in the next bequest.
Fifthly - I will and bequeath to my son Jonathan Fitzpatrick
and the heirs of his body free from any debt or liability which
my said son now owes or may hereafter owe the following
tract of land beginning on top of the ridge on the South side of
the Creek at the corner of a ditch or small hollow thence running
down said hollow to a Spruce tree standing on the South side
of the Creek thence with the Creek down to the lower end of the
field which lies just below the house where I live thence
running up the point to the corner of same thence with the
corner of same point to the top of the ridge on the North side of
the Creek thence with the top of said ridge down to Spaulding
line thence with said Spaulding line down to the Creek and
up the hill on the South side to the top of the ridge thence
along and with the top of the ridge to the place of beginning
Sixthly - I will and bequeath to my son William Fitzpatrick and
the heirs of his body free from any debt or liability he now owes
or may hereafter owe the farm lying at and around the forks
of Middle Creek known as Tooke farm in Hodge County Tex.
Seventhly - I will and bequeath to my son William B. Fitzpatrick
the farm where he now lives on Middle Creek in this County
this bequest is to my said son and the heirs of his body
and is to be forever free from any debt or liability which he
may now owe or may hereafter owe. I hereby appoint and
constitute my son William B. Fitzpatrick my sole and only
Executor of this my last Will and Testament and authorized
empowered and direct him to sell and convey all of the land
I own on the Spaulding fork of Middle Creek in this County
and out of the proceeds of sale thereof to reinvest the sum
of fifteen thousand dollars in real estate to be conveyed
to my three grand children Sally M. Harris Henry C. Harris

and James O'Harris infant children of my daughter Agnes now
deceased which sum is bequeathed them and I further direct
that my said Executor pay the remainder of the sum arising from
the sale of said lands over my debts I further direct that my son
William B. Fitzpatrick pay to my estate the sum of five hundred
dollars and that for the reason that the lands given & bequeathed
to him is worth more than that given to my other children
which sum shall be used for the payment of my debts. I further
direct that each one of my above pay to my wife Mary B. Fitzpatrick
the sum of Twenty five dollars for annuity and I further give
and bequeath to my wife Mary B. Fitzpatrick all of my personal
estate and direct that it all be set apart to her and that no
public sale be made of any of my personal estate in making
this disposition of my property it has been my purpose and
intention to secure to each one of my living children a home
for themselves and their families to the free from any debt contract
or liability which any of my said children may have or shall or
may hereafter create or incur and which will at the death of
of each one pass free and unincumbered to their children
Witness my hand this 26th day of October 1894.
Wm. B. Fitzpatrick
Chas. B. Callahan
F. A. Simpson

Thus on the 26th day of October 1894 I made and published my
last Will and Testament which I desire to remain in force
and the following alterations and change in its
provisions viz. I make a mistake as a part of the boundary
of the land bequeathed to my son Joseph B. Fitzpatrick and
on the Benedict fork of the Barnett branch which I hereby
desire to correct as follows. Beginning at the public road where
said branch crosses it near the house where Joseph Fitzpatrick
lives thence running up said branch with the meanderings to
the mouth of the Benedict fork thence running up said Benedict fork
to the forks of same just below where McKingie now lives thence
up the right hand fork of said branch to a small clow tree
standing near the branch a short distance above McKingie's
house thence running across a small field a North West course
to the foot of the hill and up the same the same course to three
large trees on the point thence up the point to the line as
stated in my original will and I further direct that a right of
way for road purposes at least ten feet wide shall remain
and set up said branch from the public road to the lands
lying above said McKingie's house for the use and benefit of
the heirs of said land I further desire to make the following
change in the boundary line between the lands given to my
son Stephen and daughter Cynthia to be changed to run
down and beginning at the mouth of Shavers branch thence
to a large clow on top of the branch of the Creek thence

in a straight line to the limits of the land of the said thence
with the bank eight yards down the bank thence a southward
course to a millstone now near the road (old road) thence a
southward course to the center of the point thence with same
to the top of the hill between the two forks of Middle bank thence
down the same to the head of a line above the grave yard
and down the center of said stream to a hickory tree near
the old road thence to the railing fence and with same to
Middle bank thence crossing the Creek to the end of the railing
fence and with same to the public road thence with the
the upper side of the road down to opposite the cross fence at the
lower end of the known field to the line as stated in my said
original Will In my said Will I gave to my son Stephen and
the heirs of his body certain lands the boundary of which is
shown in two fields which now seems to show it so as to
prove that Minerva Hamilton who as a child and daughter
of my said son Stephen by his first marriage shall not have
interest have or ever possess any interest in said land or any of
my other lands or property and in time and full of age and
estate or claim which she can ever have to any of my property or
the property which I give to my descendants whereby direct
that my executor pay her the sum of One dollar and one penny
as soon as he can. The property given to my son William
is all that I intend him to have for the reason that I have
heretofore paid for him certain security debt and he is not
to have any share or interest in any other property I have or
my said at my death. It is not my purpose or intention to
destroy or do away with my said original Will only so far as
its provisions are changed and modified by the estate
to mine, I have under my hand this 24th day of November 1874.
Signed & acknowledged
in the presence of
J. S. Stephens
C. S. Hallahan

State of Kentucky } March Term
Way County Court } March 24 1875

An instrument of writing bearing date
the 26th day of October 1874 purporting to be the last Will and
Testament of Henry C. Fitzpatrick together with a codicil to same
bearing date the 27th day of November 1874, was this day produced
to the Court for probate and thereupon the genuineness of said
instrument as well as the genuineness of the signature of Mr. Hepburn
one of the attesting witnesses thereto was proven by the testimony
of C. S. Callahan the other attesting witness to said instrument
and thereupon it was ordered to be filed, which is done
thereupon Minerva Fitzpatrick the widow of said Henry C.
Fitzpatrick deceased and S. H. Fitzpatrick, A. H. Fitzpatrick on

Legathas Holbrook and S. B. Holbrook her husband J. H. Fitzpatrick
J. H. Fitzpatrick Junior Minerva Fitzpatrick her husband and W. H. Fitzpatrick
heretofore at last of said deceased and filed a writing and entered their
appearance drawing time and process and answer of process
and asked that said Will be admitted to probate and it appearing
to the satisfaction of the Court that Henry C. Harris and M.
Harris and a joint M. Harris deposes under said Will are infants
the Court thereupon appointed John F. Butler a regular practicing
attorney of the Court as guardian ad litem for said infants
who being present accepted said appointment, and the Court
ordered a summons to issue against said infants returnable to
the first day of the next Term of this Court to which time it is
ordered that this cause be continued.
Here follows a copy of order admitting said Will and codicil
to probate which is in words and figures as follows viz:

State of Kentucky

Way County Court } April Term April 14 1875

The guardian ad litem John F. Butler for the
infants Willie M. Harris, Henry C. Harris and James P. Harris
children and heirs at last of Agnes Harris deceased having
produced and filed his report and the Court being sufficiently
advised and seeing that the last will and Testament of said
deceased Henry C. Fitzpatrick deceased appear and filed at the
last term of this Court he and the same is now admitted
to probate and ordered to be recorded as required by law
The Guardian ad litem John F. Butler is allowed the sum of
Five Dollars for his services as such guardian to be paid
as cost of the said Will of H. C. Harris by John F. Butler subject
to the probate of said will.

State of Kentucky } Sch
County of Floyd }

W. R. Davidson Clerk of the Third County
Court do Certify that the foregoing will of Henry C. Fitzpatrick
deceased together with the codicil thereto and the order admitting
same to probate and record has this day together with this
Certificate been duly admitted to record in my office
Witness under my hand this 27 day of April 1875
W. R. Davidson C. J. C.

I William H. Telford of the County of Floyd and State of Kentucky of the age of twenty one years after being of sound and disposing mind and memory that following that a desiring to the laws of nature I must die and being desirous while yet possessed of health and strength both of mind and body to dispose of my property as I may best see I do hereby make public and declare this my last will and testament in the following manner that is to say First I will and direct my Executors hereafter appointed and named to pay out of my personal estate as soon as possible after my decease all my just debts of any kind together with the expenses of my last sickness and all my funeral and Testamentary expenses.

Second I give and bequeath to my daughter Cleopatra married wife of Wm. H. Hance the following property to-wit for and during the full term of and period of her Natural life all that certain piece or parcel of land situated on Middle Creek in Floyd County Kentucky and being part of my home farm on which I now live Beginning at the lower end of the garden lot which surrounds the house where I now live thence running up the branch on the lower side of the road leading up said branch (that is on the side of the road next to the house) one hundred and seventy five feet to a stake, thence a straight line running a South West course crossing the branch to the top of the game yard point, thence down said point to the center thereof to the center of the old public road leading up Middle Creek across said point in front of and above where the old school house formerly stood, thence running down the road with the center thereof a North East course to a place opposite the beginning thence to the beginning at the lower corner of the garden lot for heris mentioned and including and included to include all the buildings orchards and gardens where I now live.

I also give and bequeath to my said daughter subject to the qualifications and conditions hereinafter mentioned the following tract or parcel of land for and during her Natural life to-wit Beginning at a point opposite the center of the cliff below the Mouth of Spoolock fork at the Creek on the North West side thence thence running down said Creek with the several meanderings thereof to the dividing line between the lands of H. C. Telford and myself thence with said line to the public road leading up Middle Creek thence up with the road to the end of the same fences nearly opposite the gate in front of the houses where I now live thence with said Creek fence across the bottom to the beginning opposite the cliff on this boundary there is a flat which may be known as the "mound block" containing about twelve acres of meadow land it is my will that this portion be held jointly by my said daughter and my son Isaac Henry Telford each of them contributing equally and cultivating and keeping the same in repair and bearing equally all the expenses of

the same and sharing equally in the yearly products for and during the natural lives of both of them that in case of the death of either of them the whole of said portion is to go to the other for life with remainder in fee as hereinafter provided It is further my will and desire that my said daughter shall have and take a sufficient quantity of timber from the other portion of my landed estate, as she may need the same for the purpose of keeping up and properly repairing the property houses building fences &c. hereinafter given & bequeathed to her for life, that I give and bequeath to my son Isaac Henry Telford for and during the full term and period of his Natural life all the lands now included in my home farm on which I now live after a certain period of said farm and in case he should survive my daughter Cleopatra then he is also to have and hold for life all that portion of land which I have set apart and given to her for and during her Natural life but this provision in favor of my said son is not to be construed so as to interfere with the right heretofore given to my said daughter and it is further my will that my son Isaac Henry may if he choose it that for the interest of the whole estate and the remains for purposes of merchandise any timber standing on said land except the oak &c. chestnut which is my will and request shall forever be kept for purpose of farming and repairs. Thence I further will and bequeath to my five grandsons the children of my said Isaac Henry Telford that is to say Lewis Telford William Henry Telford Jonathan Duison Telford Henry Henry Telford J. and Andrew Collier Telford all the lands included in my home farm in equal portions to each and all of them but in sample this bequest is to have effect only upon the failure of said daughter to wit: at and after the termination of the life estate of my daughter Cleopatra and my said Isaac Henry, provided the youngest of said grand children then living shall be of the age of twenty one years but not until the youngest and kindest shall arrive at the full age of twenty one years and provided further that in the event any one of said grandsons should die before the termination of the life estate of my daughter Cleopatra and my said Isaac Henry or otherwise but before the youngest of said grand children shall have arrived at full age as aforesaid then in that event the survivors shall take the whole estate in equal portions and the same being the old homestead and it being my cannot desire that the same should be kept in the family but it is further provided that if any one of the five children above named shall sell contract or attempt to sell said farm or any interest therein or in any of the coal or oil lands or other minerals or mining privileges before the said youngest child shall arrive at full age or

should he shall thereby forfeit any and all interest in said
land and the same shall go in equal ~~parts~~ proportions
to the others who do keep their request. If the said further will and
consent that in the event my daughter Cleopatra should survive
my son Seane Henry & his children before him named
then and in that event she shall take the whole of said home
farm in fee simple together with all my personal property
of every kind. But the said further will and bequeath all my
personal property and effects of which I may be the owner
in full and my interest in said property and goods I
give to my daughter Cleopatra all my personal effects
I give and devise and third thereof to my daughter Cleopatra
and two thirds thereof I give to my son Seane Henry to be
held by him or trust for my further and some living shall
remain until the age of said son Seane Henry shall
arrive at the age of majority one year, without interest.
But the said further will and devise that my daughter Cleopatra shall
have the right and privilege of pasturing her milk stock
and such beasts jointly with my son Seane Henry
where the same is not in cultivation, in that portion of the
land leading up Middle Creek and between the land known
as the State lot, and the road leading out to the mouth
of Spout Creek. It is further my will and desire that
my said daughter should actually occupy the land herein-
before given her as a home and in the event she should
desire to rent or lease the same she shall give the preference
of renting or leasing to my said two brothers Seane Henry
who if he rents shall pay her a reasonable rental and of
the amount of rent to be paid cannot be agreed upon
between them they may and two disinterested persons must
settle the same and she shall not rent or lease the same
to another without the advice and consent of her ^{said} brother
Seane Henry who must either rent it himself to agree to a
tenant and if my said daughter rent or lease said property
to a stranger without the consent of her said brother or shall
sell or attempt to sell his life estate in said property or shall
permanently abandon the same she shall thereby forfeit her
right to same and it may go to my son Seane Henry
for his life. I further will and devise that my said daughter
shall have the right to take wood and use fire for her own
use both wood and coal as she may need the same from
any part of said home farm.

Seventh

It is hereby attested my son Seane Henry J. J. Patrick
the sole testator of his last will and testament and
bearing full faith and confidence in his honesty
and faithfulness to the trust confided
to him he may qualify without executing
any bond as executor.

In witness whereof I have hereunto set my hand and seal
this 25th day of February A.D. 1871.
John Henry J. J. Patrick

The foregoing instrument was at the date thereof published
and declared signed sealed by the said testator John H. J. Patrick
before me for his last will and testament in the presence of
us who at his request, in his presence and in the presence
of each other have subscribed our names as witnesses thereto
John B. J. Patrick Testator
John H. J. Patrick Testator

I, John H. J. Patrick being dead in body but of sound mind
and memory having therefore made and published my last
will and testament which bearing full faith to me as any disposition
of my land and Spout Creek fork of Middle Creek. It is hereby
made and published this writing as a record to me and to wit:
I will and bequeath to my daughter Cleopatra wife of
John H. Harris one entire and half of my said land on Spout
Creek fork of Middle Creek known as the Spout Creek land and the other
one half I desire to be sold by my executor as soon as practicable
and converted into money and said money is granted in
the education of my son Seane Henry in his original will
reserving the right to alter change or revoke this as well as
my original will if I should at any time see fit to do so.
In testimony whereof I have hereunto set my hand and seal
this the 25th day of April, 1875.
John H. J. Patrick

The foregoing codicil to the Will of John H. J. Patrick was at
the date thereof published and declared signed and sealed
by the said testator John H. J. Patrick as a record for a codicil
to his last will and testament in the presence of us who at
the time at his request and in his presence and in the
presence of each other have subscribed our names as wit-
nesses thereto

John H. J. Patrick Testator
John H. J. Patrick Testator

State of Kentucky
May 6th 1875

Don instrument of writing purporting
to be the last will and testament of John H. J. Patrick
before me with a codicil thereto was this day produced
in open Court by John H. J. Patrick one of the attesting
witnesses to said instrument and the same offered for
probate the said John H. J. Patrick swearing the genuineness
of the signature of said William H. J. Patrick to said will
to be the act and deed of said decedent and witnesses

