

voking the said Will so far, and only so far, as the same conflicts with this Codicil, hereby reaffirming my said last Will and Testament in every other respect, that is to say:

I bequeath to my daughter, Emma Gertrude Theobold, one share of stock of the Auxier Coal Company, and to my son, Samuel Robert Auxier, one share of stock of said Company.

I hereby modify Item Six of my said last Will and Testament to the following extent, that is to say:

I hereby revoke the appointment of my son, Samuel Robert Auxier, as Trustee for my son, John Friend Auxier, to the extent and as hereafter set forth. I hereby appoint the Trust Department of The First National Bank, Pikeville, Kentucky, as Trustee for my son, John Friend Auxier, and of his share in my estate, except the furniture mentioned in Paragraph 2 of Item Three of my said last Will and Testament. Said Trust Department shall receive the share of my said son, except said furniture, and I direct the Trust Department of said Bank to pay to my said son, John Friend Auxier, the sum of Twenty (\$20.00) Dollars per month out of the sum and summing the receipt of my said son therefor, the said Trust Department shall not be further liable with respect to the said Twenty (\$20.00) Dollars per month. I further authorize the Trust Department of said Bank to pay to or for said son additional amounts over and above said sum of Twenty (\$20.00) Dollars per month out of his share, upon, and only upon the written request or consent of my son, Samuel Robert Auxier. The said Trust Department shall continue to be Trustee of the share of said John Friend Auxier until his share of my estate under said last Will and Testament is exhausted by disbursement as herein authorized and said Trust Department is hereby authorized and empowered to invest the share of my said son, and change the form of its investment, from time to time, according to the discretion of the Officers of said Department, and neither said Trust Department or said Trust Officers shall be liable for any error or judgment with respect to said investment or change of investment.

If said John Friend Auxier should die before receiving all of his share from said Trust Department as authorized in this Codicil, the part thereof remaining shall pass as provided by the latter part of Item Six of my said last Will and Testament.

(a) If said John Friend Auxier should sell, assign, dispose of, or encumber, or attempt to sell, assign, dispose of or encumber his share of my estate while same is in the possession and control of said Trust Department, or before coming into said Trust Department, or if any creditor should attempt to subject such share or any part thereof by execution, attachment or other legal process, then and in that event, payment of said Twenty (\$20.00) Dollars per month to said John Friend Auxier by said Trust Department, and payments of additional amounts by it as in this Codicil provided shall cease and thereupon the said Trust Department and Officials thereof shall be vested with an absolute discretion to pay to said John Friend Auxier such amounts and such amounts only, and at such times as in their judgments are fit and proper, but if the provisions or any of the provisions of this paragraph (a) of this Codicil should be declared invalid the remainder of this Codicil shall not be affected but shall remain in full force.

Dated at Prestonsburg, Kentucky, this the 3rd day of January, 1936.

MOLLIE FRIEND AUXIER

Signed by Mollie Friend Auxier and by her acknowledged to be a Codicil to her last Will and Testament, dated July 6th, 1935, in our presence, sight and hearing, who at her request have subscribed our names as witnesses, in her presence, and in the presence of each other, at Prestonsburg, Kentucky, this the 3rd day of January, 1936.

ANDREW E. AUXIER  
MAYO DAVIS

residing at PIKEVILLE, KY.  
residing at PIKEVILLE, KY.

STATE OF KENTUCKY

COUNTY OF FLOYD SGT.,

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was on the 27th day of January, 1936 Lodged for record; whereupon the same together with the foregoing and this certificate have been duly recorded in my office.

Witness my hand this the 28th day of January, 1936.

Attest, A. B. MEADE, Clerk

By Maggie Bailey D.C.

#### WILL OF LUCINDA LAYNE

I, Lucinda Layne being of sound mind, this being my second Will and Testament hereby dispose of my personal belongings as follows

First, that Trimble Layne is to have the following furniture, consisting of one Settee set or Living Room Suit, one Dining Room Set, also one Table, Six Chairs, one Buffet, one Kitchen cabinet, One Washing Machine, One Iron Bed, Mattress and Spring.

Second, that proceeds of a note of Eight (\$800.00) Hundred Dollars, owed to me by Bell Spears, shall belong to Wm. Layne at my death.

Third, that  $\frac{1}{2}$  of the proceeds of one note of One (\$1000.00) Thousand Dollars owed to me by Loreda Branson shall belong to Ada Spears at my death.

This Will and Testament supercedes all previous disposition of property mentioned above.

This being my Last Will and Testament. This 10th day Feb. 1933.

Witness:

J. M. Stumbo  
Della Stumbo

her  
LUCINDA x LAYNE  
mark

This being my Second Will, I Lucinda Layne, being of sound mind, I hereby dispose of my property as follows:

First, that all of my just debts and funeral expenses be paid,

Second, that Chattie Layne Small, shall have House and Lot on land laid off to said Lucinda Layne in the division of the late Broadus Layne, Estate.

Said Chattie Layne Small upon accepting the benefits of the above conveyance shall pay to Trimble Layne One Thousand (\$1000.00) Dollars, the intention is for Trimble Layne to receive One Thousand Dollars from the above property.

This being my Last Will and Testament.

This 27th day of Oct. 1932.

Witness:  
Della Stumbo  
J. M. Stumbo

her  
LUCINDA x LAYNE  
mark

STATE OF KENTUCKY

COUNTY OF FLOYD SGT.,

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid certify that the foregoing Will was on the 24th day of February, 1936 Lodged for record; whereupon the same together with the foregoing and this certificate have been duly recorded in my office.

Witness my hand, this the 28th day of February, 1936.

Attest, A. B. MEADE, Clerk

By Maggie Bailey D.C.

#### WILL OF N. C. BOUGHTON

June 8, 1936.

#### GREETINGS:

I, N. C. Boughton being in my right mind do hereby make my last Will and Testament.

All of my earthly goods, my estate, my insurance, my property and each item of worth I leave to my beloved wife and companion, Elsie J. Boughton, without any restrictions.

I further request that she be made Administratrix and would like for Henry Stephens, Jr., of Prestonsburg to advise her in any transaction or disposition of property, however, he is to serve without pay or compensation.

Since my faith in my wife, Elsie, is supreme, I request that Elizabeth be cared for according to her desire. I would like for any money that could be spared to be set aside for her educational advantages and would like further that she be sent to Ashbury for her education and religious advantages (if Ashbury remains as it is).

My last request is that Elsie will train "my baby" Elizabeth with all the care and love of her life to be a Christian girl and woman.

Given under my hand and signature this 8th day of June, 1936.  
Witness my signature

Witnesses: M. C. BOUGHTON  
AMANDA SUTTON  
SAM JONES

STATE OF KENTUCKY

COUNTY OF FLOYD SCT.

I, A. B. MEADE, Clerk of the County Court in and for the County and State aforesaid, certify that the foregoing Will was on the 23rd day of May, 1936 Legged for record; whereupon the same together with the foregoing and this certificate have been duly recorded in my office.

Witness my hand this the 29th day of May, 1936.

Attest, A. B. MEADE, Clerk  
By Maggie Bailey D.C.

LAST WILL AND TESTAMENT OF WM. R. LAYNE

IN THE NAME OF GOD, AMEN:

I, WM. R. Layne, a legal resident of the City of Washington, District of Columbia, being of sound and disposing mind, memory and understanding, do make my last will and Testament in manner and form following:

1. I order that all my debts and funeral expenses be first paid.

2. I give, devise and bequeath unto my beloved wife, Annie L. Layne, her heirs and assigns forever, all my property, real, personal and mixed now acquired and which I may hereafter acquire, of what nature or kind soever, and wheresoever the same shall be at the time of my death.

3. And I do nominate, constitute and appoint my wife sole executrix of this my last will and Testament of my mind, I cause my said wife, Annie L. Layne, is, at the time of my death, of unsound mind, then in that event I do nominate, constitute and appoint her sister, Alice Wells Graves, #248 North Water Street, Franklin, Indiana, sole executrix of this my last will and Testament without bond; and in case the said Wells Graves for any reason cannot act as executrix, I do nominate, constitute and appoint my wife's sister, Katherine Graves of Franklin, Indiana, sole executrix of this my last will and Testament without bond.

4. I hereby revoke all former wills by me made.

IN WITNESS WHEREOF I, WM. R. Layne, the testator, have to this, my will, written on one sheet of paper, set my hand and seal this twenty-fourth day of July, A. D., one thousand nine hundred and twenty-five.

WM. R. LAYNE (SEAL)

Signed, sealed, Published and  
Declared by the above named wa.  
R. Layne, as and for his last  
will and Testament, in the presence of  
as who have hereunto subscribed our  
names at his request as witnesses  
thereto, in the presence of the  
said testator and of each other.

W. A. MARSHALL  
J. de L. CARPENTER

PROBATE COURT OF THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA, to wit:

On this 10th day of December, A. D., 1935 personally appeared Katherine Graves who on oath say that she do not know of any will or codicil of WM. R. Layne late of said District, deceased, other than the instrument of writing hereunto annexed dated July 24th, 1925; that she received the same from WM. R. Layne, the testator, for safekeeping and that said WM. R. Layne died on or about the 18th day of October, 1935.

Sworn to and subscribed before  
me on the day before last.  
ADMITTED 448 S. Water St.,  
Franklin, Indiana

WITA S. MERSCH  
Register of Wills for the District of Columbia  
Deputy Clerk of the Probate Court

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA  
Holding Probate Court

DISTRICT OF COLUMBIA, to-wit:

On this 14th day of December, A. D. 1935, personally appeared J. de L. Carpenter, who on oath says that he is one of the subscribing witnesses to the last will and testament of WM. R. Layne, deceased, late of the District of Columbia, that the testator therein named signed and will in his presence; that said testator published, pronounced and declared the same to be his last will and testament; that at the time of signing said testator was, to the best of affiants apprehension, of sound and disposing mind, and capable of executing a valid deed or contract; and that affiants name as witness to the aforesaid will was signed in the presence and at the request of testator and in the presence of W. A. Marshall, the other subscribing witness, who also signed in the presence of the affiant, and in the presence and at the request of the testator.

J. de L. Carpenter  
1916 Kilbourne Pl. N. W. Wash. D.C.

Sworn to and subscribed before  
me on the day aforesaid.

WITA S. MERSCH  
Register of Wills for the District of Columbia  
Deputy Clerk of the Probate Court

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA  
Holding Probate Court

DISTRICT OF COLUMBIA, to-wit:

On this 17th day of December, A. D. 1935 personally appeared W. A. Marshall, who on oath says that he is one of the subscribing witnesses to the foregoing paper-writing dated the 24th day of July, A. D. 1925 purporting to be the last will and testament of WM. R. Layne, deceased, late of the District of Columbia, that the testator therein named signed and will in his presence; that said testator published, pronounced and declared the same to be his last will and testament; that at the time of signing said testator was, to the best of affiants apprehension, of sound and disposing mind, and capable of executing a valid deed or contract; and that affiants name as witness to the aforesaid will was signed in the presence and at the request of testator and in the presence of J. de L. Carpenter the other subscribing witness, who also signed in the presence of the affiant, and in the presence and at the request of the testator.

W. A. MARSHALL  
3304 34th St. N.W.

Sworn to and subscribed before  
me on the day aforesaid.

WITA S. MERSCH  
Register of Wills for the District of Columbia  
Deputy Clerk of the Probate Court

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA  
Holding Probate Sessions

State of,

William R. Layne, Adm. No. 49,283  
DECEASED LASTING WILL AND GRANTING LETTERS

It appearing that the will of William R. Layne dated July 24, 1925 and witnessed by W. A. Marshall and J. de L. Carpenter has been filed in this court, and petition of Katherine Graves mentioned as executrix in it has been filed seeking for proof, probate and record of said will and for letters testamentary.

And it further appearing that said will has been duly proved by all the witnesses to it and that there has been due compliance with the law and rules of court required to be present to this court, it is March 11th, 1936, by the court Considered, Ordered, and Decreed that the will be and it hereby is admitted to probate, probate and record as a will of real estate and personal property, and letters testamentary are issued to Katherine Graves on her first filing an undertaking in the sum of \$1,000.00 conditioned for faithful discharge of her duties as such executrix, provided she executes a non-resident power of attorney in accordance with Section 308a, D. C. Code.

KATHERINE GRAVES,  
Justice