

State of Kentucky
Henderson County *Ex* April County Court 1869

This writing purporting to be the last Will and Testament of James Rawley dec^d which was heretofore produced to this Court for probate was this day again produced in Court with the examination. Henry Dunsheaker One of the subscribing Witnesses thereto taken by James J. Dyer an examiner for Jefferson County in the State of Kentucky pursuant to a Commission issued under an Order of this Court for the taking thereof and at the same time Spencer C. Nelson another subscribing Witness to said Will appears and the same was further and fully proven by his Oath and thereupon it is ordered to be recorded which together with this certificate is truly done

W. E. Allison clerk

Saml Stites
Will

In the Name of God and by my own free will I Samuel Stites of the city and County of Henderson and State of Kentucky being of mature years and of sound body and mind and disposing memory do make and Ordain this as my last Will and Testament in manner and form following Viz. 1. I do hereby revoke and annul all wills and Codicils by me heretofore made and do hereby publish and declare this and each and every Codicil which I may hereafter annex to it my last and only true and valid Will and Testament I Ordain and will that all my just debts be paid 3. After the payment of my just debts which are small in amount I give devise and bequeath to my beloved wife Rebecca B. Stites for and during her natural life or widowhood all my property and Estate of whatever kind or character it may be whether Real mixed or personal to be used enjoyed and disposed of by her for and during her natural life or widowhood and at her death or marriage all the above mentioned property and Estate is to pass to and be divided among and between my three living children Viz. Richard Stites, Rebecca H. Stites and Lucy Stites and also to my Grand daughter Susannah L. Davidson and to each of their heirs Separately and severally in the strict manner and form and under the limitations, conditions and restrictions hereinafter more particularly mentioned and prescribed 4. I hereby also give bequeath and devise to my said wife Rebecca B. Stites in her own absolute right and as her sole Separate and individual Estate with full power either before or after my death to dispose of the same by will deed or otherwise as she may choose all the money which she has heretofore received as her Legacy under the will of her uncle Lyson Stirling dec^d of Columbus Ohio which including the interest of Nine Hundred Dollars received by me for her on the 19th of March 1859 from the Estate of William L. Davidson dec^d and Edmund L. Davidson upon a note for Two thousand Dollars given by them to her for part of her said Legacy leaves a balance at this date in my hands received on said Legacy of Eight thousand Nine Hundred and thirty four Dollars and thirty cents - This with the balance still due on the aforesaid note and One thousand Dollars in stock of the Farmers bank of Kentucky and all the profits heretofore or hereafter made thereon whether in the form of dividends extra dividends new stock or otherwise held in her own name and paid for by me for her out of money derived from her said Legacy together with whatever amount may be now due or hereafter become due to her from John S. Holloway as agent and Trustee acting under the Will of Lyson Stirling dec^d as aforesaid in the sale of certain lands constitute the whole of my said wife's Separate Estate which I hereby devise to her absolutely with the power to dispose of as aforesaid as she chooses 5. At the death or Marriage of my said wife I give bequeath and devise to Edmund L. Davidson as Trustee for his daughter and my Grand daughter Susannah L. Davidson my two story brick store house and back warehouse and the Lot on which they stand on

Main and above Mill Street being part of my Lot No. 1 in the City of Henderson and being the same which I bought from Orrell Slap and by him duly conveyed to me by deed recorded in the clerk's Office of the Henderson County Court and to which reference is here made for the boundary of said Lot. I also give bequeath and devise to the said Edmund L. Davidson as Trustee for my Grand daughter Susannah aforesaid my Lot and all the houses and improvements thereon in the City of Henderson being part of my acre Lot No. 14 adjoining the Lot and present residence of James Wilson and fronting on back or Green Street One hundred and fifty feet and running back Easterly at right angles and with the line of said Wilson about Three Hundred feet being the same lot now and for several years past occupied as a residence by wife Mary B. Hopkins. The whole of the last above described Real Estate devised to my Grand daughter Susannah is to be held by her father and Trustee Edmund L. Davidson and his executors as Trustee for the sole and separate use and benefit of my said Grand daughter free from the control of her husband should she have one and free from all liability for his debts and responsibilities for and during her natural life and at her death to be equally divided among her children in absolute fee simple right if should have a child or children but if she should have no child or children or having such they should not attain the age of sixteen years and she be dead then the said above devised Real Estate shall revert to her death vested in and equally among my present three living children and their heirs respectively each heir and his or her heirs having an equal portion. This devise and also a devise hereinafter made of One thousand Dollars from the sale of certain of my lands with the negroes heretofore given to my daughter Mary B. Davidson now dec^d the Mother of my said Grand daughter Susannah Viz. Henry Proff and Margaret and her children now in the possession of her father Edmund L. Davidson together with what my said wife may choose to give her out of her Separate Estate as above described and provided for herein is as I consider a just provision for my said Grand daughter Susannah L. Davidson but it is to take effect only at the death or marriage of my wife aforesaid and under the former limitations, restrictions Trusts and Trustee aforesaid 6. After the death or Marriage of my said wife I give bequeath and devise all my estate whether Real mixed or personal to my three children now living Viz. Richard Stites, Rebecca H. Stites and Lucy Stites and the children of each of them as may die leaving children before their death bequeath and gift takes effect and if either one or more of my said last mentioned three children Richard, Rebecca and Lucy shall die before this gift bequeath and devise shall take effect leaving no child or children then the share of such child or children as dying childless shall pass & descend to the survivor or survivors of my three living children last aforesaid and their children or heirs by race respectively and separately to be equally divided between them and to descend to their heirs as aforesaid according to the laws of descents of the Commonwealth of Kentucky 7. Some years since I purchased under a deed of the Henderson Circuit Court at a Commissioners Sale John S. Holloway being the Commissioner and received his deed as such for the same which is recorded in the clerk's Office of the Henderson County Court a tract of land and Farm Situate in Henderson County Kentucky and in Lot No. 55 in Henderson off grant containing Two Hundred and ninety seven and three quarter acres for which the bid made by me was Twelve thousand Three Hundred and Seventy five Dollars which tract of land and Farm is known as the Langley tract and Farm and is more particularly described by metes and bounds in said Commissioners deed to me recorded as aforesaid upon this farm and tract of land my son Richard Stites now resides and I now give bequeath and devise the same to him and his heirs absolutely and unincumbered by my wife and his Mother's life estate except as follows Viz. out of her aforesaid Legacy from Lyson Stirling dec^d my said wife paid Three thousand Dollars of the purchase money aforesaid for the Langley

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Farm and tract of land which is to be charged to Richard in the division of my wife's separate estate aforesaid and I give to my said wife for and during her natural life One Hundred and fifty acres of said tract of land to be taken off from the southern line by a line parallel thereto but at her request and at her death I give equally and divide the One Hundred and fifty acres to my son Richard and his heirs in absolute right and I further Will and require that on the final division of my Estate herein provided for my said son Richard be only charged as an advancement made by me on account of the aforesaid purchase of this longley tract of land and farm with the sum of Nine thousand three hundred and seventy five Dollars without interest I also gave to my son Richard on the first day of January 1858 my two negro men Slave Ireland and George in absolute right who together are hereby valued to him at fourteen hundred Dollars as an advancement made by me without interest making the whole sum advanced by me to my said son Richard heretofore and to be charged to him without interest on the final division of my Estate on account of the land and two negroes aforesaid Ten thousand seven hundred and twenty five Dollars, \$ No an equivalent to the above mentioned advance-ment to my son Richard of Ten thousand Seven hundred and twenty five Dollars for land and negroes which are hereby devised to him as aforesaid I hereby give bequeath and devise to my son Richard the said as Trustee and for the sole and separate use and benefit of my said two daughters Rebecca and Lucy and to the successors of the said Richard as Trustee free from the control or debts or liabilities of them or either of their husbands but to be equally divided between them and their or either of their children or heirs but only at the death or marriage of the mother according to Item 6 in this will the following described property and Real Estate all in the city of Henderson Kentucky Viz all that lot or parcel of ground on which I now live and have lived for more than thirty five years continuously as my homestead being parts of in - Lots No 16 & 14 at the corner of Mill and Elm Streets fronting about One Hundred and fifty feet on Mill Street and running down on the line of Elm Street about two hundred and twenty feet and thence at right angles North westwardly until it strikes A Dixons line and with said line to Mill Street with all the improvement and buildings thereon Also the two lots and two brick store houses situate thereon on the south side of Mill Street and adjoining each other fronting on Mill Street forty two feet two inches and running back at right angles feet situate on in - lot No 3 being the houses and lots now occupied by Wm S Holloway & Co and Beatty & sister as store houses Also the lot now under lease to J. Millett on the North side of Mill Street and part of in lot No 6 fronting on Mill Street forty feet and running back at right angles thirty five feet to an alley - Also a lot on the East side of Main Street now used my place to Andrew Mackay and William Steele being part of in - lot No 48 fronting on Main Street about fifty feet and running back at right angles to A Dixons line the back line of said lot being three feet longer than the front line owing to an alley three feet wide sold by one to D Wm J. Alvis beginning on Main Street and running back with said Alvis line One hundred feet The said lot was bought by & conveyed to me for George Miff of Maryland by Deed recorded in the clerks Office of the Henderson County Court Also the certificate of stock in the Farmers Bank of Kentucky two of them numbered 11472 dated November 1st 1851 for One thousand Dollars each and the third certificate for Two hundred Dollars numbered 417 and dated on the day of March 1852 with all the dividends and profits which may accrue thereon after the death or marriage of my said wife. I have at various times heretofore given to my son Richard fully five hundred Dollars in cash as a set off against which I give to my two daughters Rebecca &

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and Lucy the to be equally divided between them a certificate for One thousand Dollars of stock in the bank aforesaid numbered 61 and dated Nov 1st 1851 and transferred by me to my said two daughters by signing my name on its back with all profits dividends and dividends be arising out of or accruing from this certificate No 61 but it is my will and desire that neither my said son nor either of my said two daughters shall in any future settlement or division of my estate be in any way charged with or made responsible for the sums given to them as specified in this 9th item of my last Will and Testament 10 If it should be seen that the city Real Estate and the three certificates of Farmers bank stock numbered 71, 72, & 117 as aforesaid and hereon above devised to my son Richard as Trustee for his two sisters Rebecca & Lucy & and his successors as Trustee upon the trusts and stipulations and to take effect at the time above specified should not be to each of them at the death or marriage of their mother such in value to the land and two negroes heretofore devised to my son Richard at the valuation heretofore fixed then my wish and Will is that such inequality be made up to each or either of my said two daughters whose share may fall short in evenly out of my other Real Estate or its proceeds if sold as hereinafter provided but to pass to their Trustee and his successors as aforesaid and to be held by him & them upon the trusts stipulations limitations and conditions herein above specified 11 In the division of my negroes at the death or marriage of my wife I wish that as far as practicable mothers and their young children shall not be separated I further wish that on each division my son Richard shall retain as part on the whole of his portion in my negroes as far as may be the following negroes now in his possession viz Louisa Rachel and her three children viz Williams Common and Edmund and also Morris and her child - But notwithstanding this I hereby fully authorize and empower my wife by will deed or otherwise during her life to make such division or distribution of all the negroes and their descendants derived from the Estate of her father John Holloway dec^d as she may think best most proper and just 12 I fully authorize and empower my Executive or Executors upon the condition that a Majority of my three living children aforesaid wife and coheirs in it and provided that not less than Three thousand Dollars in cash or its equivalent can be obtained for it to sell and convey any tract of land lying near the Plank road now leased to Theodore Colyer and containing a fraction over One hundred acres remaining and hereby devise to my son Richard the present road and land on which it is located lying within the boundary of the above mentioned tract belonging to one which road runs on and near Roberts & Pownalls line and is to be not less in any part of than thirty feet wide connecting at John S Holloways line with a Road of equal width which said Holloway has agreed verbally to establish through his land and which is now in use to my son Richards line and present gate but with the understanding that the County Court of Henderson County shall have the right without any charge against the County for right of way to establish said road of the width aforesaid and on the route aforesaid running from Richards Stites gate aforesaid to the plank road leading to the city of Henderson 13 I also fully authorize and empower my Executive or Executors upon the condition that a majority of my three living children aforesaid coheirs in it and provided that not less than fifteen Dollars per acre can be obtained for it in cash or its equivalent to sell and convey the tract of land owned by me on Race Creek in lots No 61 & 62 in Henderson County containing a balance now unsold of about fourteen hundred acres and which is now under my lease to No 6 Blay the lease recorded in the clerks Office of the Henderson County Court 14 when the two tracts of land or parts thereof in the two last items mentioned shall be sold and the purchase money for them realized I wish and will that said purchase money be disposed of as follows viz One thousand Dollars of it to go to and be vested in Edmund S Davidson and his successors as Trustee as aforesaid for my grand daughter Susannah S Davidson upon the trusts and limitations contained in Item 5 heretofore

Saml Stites
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wish her said trustee to invest the same in some safe and profitable stocks for the use and benefit of her and her heirs as aforesaid. The said land or each of them as may remain unsold and the residue of the purchase money of each of them as may have been sold. I wish will bequeath and devise to be divided equally between my three living children aforesaid and the heirs of each in severalty. My executors shall have the power to sell the whole or any part of both or either of said three tracts of land as may be required during the life of my wife or within three years after her death then I will and require that my Executor pay the above legacy of One Thousand Dollars for the use and benefit of my said Grand daughter Susannah out of my Estate generally to her said trustee Edmund L. Davidson to be managed and held by him upon the uses and trusts aforesaid.

At the death or Marriage of my said wife I will bequeath and devise all the rest and residue of my Estate Real Mixed and Personal to my three living children Richd. Rebecca and Lucy to be equally divided between them and their heirs as required by Item 6th of this Will but the share of my two daughters Rebecca and Lucy are to pass to and be vested in their brother Richard as trustee and his executors to be held and managed controlled and disposed of in all respects as required by Item 6th in this my last Will and Testament except the proceeds of the sale of the two tracts of land aforesaid and their share in which are to pass to my said two daughters in severalty directly and in fee simple at the time hereinafter specified in this Item 10. I hereby nominate constitute and appoint my wife Rebecca B. Stites the sole executrix of this my last Will and Testament for and during her natural life or widowhood and at her death or marriage or failure to qualify I hereby nominate and appoint my son Richard my Executor but I wish and will that neither my wife nor my son shall be required to give any security when either of them qualifies as my executrix or executor as aforesaid but I require and empower it upon each of them to take the best attainable legal counsel and advice in their respective management control and administration of my Estate as my executrix or executor under the provisions of this my last Will and Testament. In testimony whereof I have hereunto set my hand and affixed my seal this 30th day of May 1859.

Saml Stites (seal)

The foregoing instrument of writing containing eleven pages and a fraction is on this the day of its date aforesaid signed sealed and published in our presence & sight by the Testator Samuel Stites as his last will & Testament and acknowledged by him as such all which we at his request and in his presence & sight do hereby attest as subscribing Witnesses. This 30 day of May 1859.

Adm^r H. Hopkings

W. H. Ingram
Thomas Evans

Whereas I Samuel Stites of the city of Anderson and State of Kentucky on the 30th day of May 1859 made my last Will and Testament of that day I do hereby declare the following to be a correct copy of the same said Will and Testament as attached to said last Will and Testament.

In the 3rd Item of my said Will it ought to be so construed that the Dividends made on my wife two shares of Farmers Bank Stock has not been drawn and used by her but will be due her from my Estate but the Stock being held in her own name the dividends have been and will continue to be drawn and used by her as declared and made by said bank. Also the Dividends on the two shares of Farmers Bank Stock certificate No 11 given by me to my two daughters Rebecca A. and Lucy B. Stites have been and should be regularly paid over to them as made by said bank. In my said last Will & Testament

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I named and constituted Edmund L. Davidson of Washington County Kentucky as trustee for his daughter and my Grand daughter Susannah B. Davidson but he being unable from the propriety of the bequest devised by me to my said Grand daughter and believing it will be for her interest to have some one here to act as such, I hereby constitute and appoint (any thing in my said Will to the contrary notwithstanding) to act as trustee in his place for my said Grand daughter Susannah B. Davidson my wife & executrix Rebecca B. Stites and at her death or failure to qualify as trustee, my son Richard Stites but only for the purpose of carrying out the execution and stipulations of the bequest to her my said Grand daughter Susannah B. Davidson as set forth in said last Will & Testament. Having purchased for my wife Rebecca B. Stites in her own name and for her separate use and benefit Forty Shares of bank of Kentucky stock at a premium of 2 1/2 per cent amounting to the sum of Four Thousand One hundred Dollars which sum is to be deducted from the amount of her funds in my hands as stated in the fourth Item of my aforesaid last Will and Testament the interest on said funds having been paid over to her regularly on the 1st day of November in each year since in my possession Witness my hand this 9th day of May 1861.

Saml Stites

State of Kentucky

Henderson County 2nd April County Court 1863 (27th)

The last Will and Testament of Samuel Stites dec^d was produced in Court and read and published in open Court by the Acts of Nathl. H. Ingram and Thomas Evans two of the undersigned Witnesses thereto and the copies appended to said Will was proved at the same time by the Acts of James B. Lyon to be wholly in the hand writing of the said Saml Stites dec^d and thereupon the said Will is ordered to be recorded which with this Certificate is truly done.

H. B. Allard Clerk

My Son I know all men by these presents that I Samuel Stites of Henderson County and State of Kentucky conscious of the sanctity of life and the certainty of death and desirous of disposing of my property during my lifetime and being of sound mind and disposing memory do make and ordain this to be my last Will and Testament. hereby revoking all former Wills made by me hereto.

I Will that out of my personal property and money due and all my just debts shall be paid by my Executor who are hereunto to be named. I Will and bequeath to my son Richard J. Stites, the tract of land upon which he now resides, also twenty four acres adjoining the above tract and to be known from what is known to be the Patton tract. I also give to him the slave Kate Phipps and her children and Mary the brother of Hannah to have and to hold said land Negroes during his life and at his death to descend to the heirs of his body, the intention of the above gift is that it shall be held by the said Samuel J. Stites during his life and shall use and enjoy the land during his natural life but shall not be responsible for his debts in any manner whatever, and for that purpose I declare that it shall be held in trust by the Executor hereinafter named or each of them as may qualify for his use and benefit.

I give and bequeath to my Grand son James B. Lyon the tract of land upon which he now resides, also the tract of land purchased of Hector Breen by me, and the Negro boy Henry son of Violet and also the son of Violet. I give and bequeath to the children of the