

purpose viz: that he used the said sum in such interest paying bonds or stocks as he may deem best, and apply the annual income therefrom to the support and maintenance of my son Thos L. Posey and his wife and children or any one or more of said parties in his discretion the network extent and purpose of this bequest being that the said trustee and his successors shall have the absolute discretion to apply said fund in his family. Item 3^d. At the death of my son Thos L. Posey should he leave any living child or children, it is my will that such child or children together receive out of the said sum of Three thousand Dollars such an amount as shall be equal to one full child's part in my estate. The balance of said Three thousand Dollars to be distributed equally among my other heirs as mentioned in item first. Item 4th. Should such child or children of my son Thos L. Posey who may inherit a portion then it is my will that such portion revert to my other heirs to be equally divided among them. Item 5th. Should my son Thos L. Posey die before me children 2 and 3 are to be void and his child or children living shall come in and inherit a child's part of my estate with my other heirs as mentioned in item first. Item 6. The property herein bequeathed to my daughters are intended to be their separate estate and property. Item 7. I appoint my son in law H. C. Marshall the executor of this my last will and testament, and hereby authorize and direct him to sell and convey any real estate I may own at my death for the purpose of division and distribution. Witness my hand and seal this 5th day of December 1871

Eliza J. Posey (Sd)

Attest

Mattie P. Deatty

Mattie P. Deatty

State of Kentucky

James County Court 1877 (25th of June)
This day this paper purporting to be the last Will and Testament of Eliza J. Posey, late of Henderson County Ky deceased, was produced in open Court and proved according to law by Mrs J. Posey and Mattie P. Deatty two of the subscribing witnesses thereto, and the same was adjudged to be the true last Will and Testament of said Eliza J. Posey dec'd and ordered to be recorded as such, which is here done accordingly.

(I page)

Attest
Geo. N. Smith Clerk
By Mrs M. Durah Sec

George Atkinson
Will

James

I George Atkinson of the City and County of Henderson and State of Kentucky, do make and publish this my last and only last Will and Testament, hereby revoking and annulling all other wills and Codicils heretofore made by me. First: It is my desire that my executors hereinafter named or such of them as may act, shall, as soon after my decease as practicable, pay off and discharge all of my just debts. The larger portion of which are in bank, and should the proceeds of my personal effects prove insufficient for that purpose, I hereby authorize and direct my said executors, or such of them as may act, to sell and convey such of my real estate as may be necessary to raise money to pay said debts, hereby leaving it to the discretion and sound judgment of my said executor as to what portion of my real estate shall be sold for that purpose. Second: It is my desire in case I should not cause it to be done before that, as soon after my death as may be convenient, my executors shall cause to be removed from the Old Grave Yard near the Cumberland Presbyterian Church, such members of my family as are there interred, and inter them in the two lots down in the City Cemetery, that the said lots be then enclosed with a heavy and strong iron fence or railing, and that such good and substantial marble tomb stones as my executors may select shall be placed upon my own and the graves of the other members of my family; it being my wish that the said enclosures and marble stones shall be of a substantial plain and durable character. The cost of executing this provision of my will is to be paid by my executors out of my estate, but nothing herein is to interfere with or postpone the payment of my debts. Third: Such debts and demands which at the signing and publication of this will I have or hold against the following named persons whether evidenced by bond, note, book account or otherwise, I do hereby remit, release and acquit unto said persons respectively viz: The estates of my brothers James Atkinson and John Atkinson my nephew Robert Small, my son Edward Atkinson, my daughter Mary S. Duncan and her husband Stanton Duncan and the estate of my son Richard D. Atkinson, it being my desire that no claim now due me from any of said persons shall be collected by my executors or charged to any of said persons in the distribution of my estate as hereinafter directed. Fourth: I have charges on my books against my son John C. Atkinson, and perhaps other evidences of debts due from him to me, principally for monies paid by me for him in the management of his farm in Union County, heretofore conveyed by me to him, but in consideration of the fact that he is my eldest son, that we were long associated together in business, that he has rendered me good and valuable

services and assistance in my business affairs, and because of the severe losses he sustained during the late war, occasioned by raids upon, and the forcible seizure of his slaves and other property by robbers claiming to be soldiers of our Government. I do hereby release acquit and remit unto my said son, all and every debt claim and demand of every kind and description which may be found due to me from him at my death. Fifth: I am at this time possessed of the following real estate, namely, about four hundred and seventy acres of land in Henderson County in the "Crossville Bend", about four hundred and seventy acres of land in Henderson Co., on Green River Island purchased by me at Sheriff's Sale, about one hundred and twenty acres of land in Henderson Co. near Canoe Creek Bridge, about one hundred acres of Coal lands in Hopkins Co. about sixteen hundred and thirty five acres of land in Union Co. opposite Shawmston Ill. an undivided one-half interest in a tract of land containing about twenty four hundred acres situated in Phillips Co. Arkansas, the other undivided one half interest in which is owned by the heirs of John S. Hollaway dec'd, and the following property in the City of Richmond, viz: My present residence and the lot of about two acres attached thereto, the Store house and lot on Mill or Second Street adjoining the property of Jacob Keld, the vacant lot on the corner of Mill or Second and Water Streets, the square or lot of four acres in the upper part of the City, lying between Main and Elm Streets, all of One hundred feet front in Street. Enlargement purchased by me at Sheriff's Sale, and perhaps other real estate, not now called to mind. It is my will, and I hereby direct, that the foregoing real estate as well as all other real estate that I may die possessed of, together with the proceeds of all personal property, debts due me (except as herein remitted and released) and other effects that I may die possessed of, or so much of said real estate, and proceeds of personal property and other effects, as may remain after the payment of all my just debts and the expenses of executing this will, shall be divided at my death, or as soon thereafter as practicable in the manner hereinafter directed, into four equal parts, whereof I give and bequeath one, in fee simple, to my son John C. Atkinson or in the event I survive him, to his children then living in equal portions. One of said four parts I give and bequeath to my two sons John C. Atkinson and Edward Atkinson to be held by them in trust for, and for the separate use and benefit of my daughter Mary S. Duncan wife of Phantus Duncan. The said one fourth part here given to my said two sons in trust for my said daughter, is not to be liable for her debts, on the debt of her present or any future husband, and the issues, rents and profits thereof are to be paid over to her by the said Trustees, at such

times and in such amounts as the necessities of my said daughter may require, and as may seem fit and proper to the said Trustees, and at the death of my said daughter the portion here given to my said sons in trust for her, or such part thereof as may remain after the payment to her as aforesaid of the issues, rents and profits thereof, is to go in fee simple and unincumbered by any trust to the children of my said daughter, and their descendants (if any) as may survive her. One of said four parts I give and bequeath to my two grand children George and Frances (or Mary) Pittman, children of my deceased son Richard A. Atkinson. But this devise and bequest to my said two grand children, is made expressly subject to these two conditions: 1st If either of my said two grand children die, leaving no issue, then, and in that event, the survivor of them is to have the whole thereof, and 2^d If both of my said two grand children die leaving no issue, then, and in that event the whole thereof is to revert and descend to my own right heirs and no part thereof is to go to the other kindred of my said two grand children. The remaining portion, or one fourth part of my estate, I give and bequeath in fee simple to my son Edward Atkinson, or, in the event I survive him, to his children then living in equal portions. Sixth: It is my desire and I hereby direct that my estate shall be divided and apportioned in the manner set out in the foregoing fifth section of my will, by my executors hereinafter named (provided they can all assent in making said division) so that it will not be necessary to apply to any Court for a division thereof, and I therefore direct that said division shall be made by my said executed executors, trusting to them that it be fair, equitable and in accordance with my will, and after said division is so made by them in such manner as they may deem right and just, I direct that my executor John C. Atkinson and William J. Marshall shall convey to my son Edward Atkinson the part so allotted to him, that my executor Edward Atkinson and said Marshall shall convey to my son John C. Atkinson the part so allotted to him, that my said three executors shall convey to my said two grand children George and Frances, the part so allotted to them, and that my executor, the said William J. Marshall shall convey to my sons John C. and Edward Atkinson the part so allotted to them to be held in trust for my daughter Mary S. Duncan, again reiterating that I trust implicitly to the discretion and sound judgment of my said three executors hereinafter nominated, and their desire to faithfully and fairly carry into effect this my last will and Testament. Seventh: If for the purpose of effecting a division of my estate as directed in the foregoing fifth clause of my will it should become necessary, or appear expedient, to encumber any part of my real estate with a mortgage, or such of them as may be deemed

the authority hereinbefore vested in them, are hereby authorized and empowered to sell and convey at their sound discretion so much part of my real estate as may be necessary or to them seems expedient in order to effect and carry out said division. Eighth: No gift, payment or advancement which I may have heretofore made to any of the devisees named in this will is to be charged to them, or either of them, or in any wise taken into consideration in making the division and apportionment mentioned and contemplated herein.

Ninth, I hereby constitute and appoint my sons John C. Atkinson and Edward Atkinson and my friend William J. Marshall to be the executor of this my last will and testament, hereby requesting and directing that no security be required of them or either of them in any fiduciary bond that they may execute, either as executor or trustees.

In Witness Whereof I hereunto set my hand this 5th day of October A.D. 1872

Witness my hand and seal
Signed by the testator George Atkinson as and for his last will and testament in the presence of us, who, at his request in his sight and presence, and in the presence of each other have subscribed our names as attesting witnesses

Sam^l H. Lyre

David Clark

Malcolm Yeaman

Codicil

I hereby annex this Codicil to my foregoing will dated 5th Octob^r 1872 viz: That portion of my estate, which in the foregoing will, I have devised to my grandson George Atkinson, I now give and devise to Rev. Jackson M. Chain in trust for said George, to be held by said M. Chain in trust for George until he attain the age of thirty years, and in the mean time, that is during the continuance of the trust, the said M. Chain shall pay to George such portion of the issues, rents and profits thereof as the said M. Chain shall in view of Geo^{'s} necessities think proper, and when George attains said age of thirty years, the said M. Chain shall transfer pay and deliver to him the principal of his said portion together with all profits that may have accumulated. In the event said M. Chain should decline to accept said trust, or accepting it, should from death or any other cause, cease to act as said trustee, then I direct that the trust shall devolve upon my executor named in my will or such of them as may act, the trust to be executed and carried out by them in the same manner I have above directed as to

test. M. Chain &c. That portion of my estate which in the foregoing will I have given and devised to my grand daughter Frances Atkinson, I now give and devise to her step father John D. Clark to be held by him in trust for said Frances until she attains the age of twenty six years. She said Frances is however at all times to have the full benefit of all the rents issues and profits of her said portion which shall from time to time as the same are received be paid to her by said Clark, and when she arrives at said age of twenty six, the said Clark shall transfer pay and deliver to said Frances for her separate use and benefit, and not to be subject to the debts liabilities or control of any husband whom she may ever have, the whole of her said portion. Nothing in this Codicil is to be construed as altering or in any manner changing the disposition which I have directed to be made of the portions of my estate devised to said Geo^{'s} & Frances Atkinson in the event of the death of either one or both of them. I have made the alteration in regard to the portion of my said two grand children only because I am convinced, in view of their youth and inexperience, it would serve to secure to them more fully the benefit of that part of my estate devised to them, and with the desire to promote & advance their interests & welfare all that lay in my power. I most earnestly request and enjoin my executor heretofore named to carry into execution my foregoing will in every particular, seeing that every trust and provision is faithfully carried out as I have directed. In Witness my hand this 20th Jan^y 1873

Witness

Sam^l H. Lyre

Malcolm Yeaman

Geo Atkinson

I hereby annex this second Codicil to my last will and testament dated 5th October 1872, namely,
1st The ninth clause of my said last will and testament by which John C. Atkinson, Edward Atkinson and W^m J. Marshall are appointed executor of my said last will and testament. I hereby annul and revoke. 2nd I now nominate and appoint my son John C. Atkinson to be the sole executor of my last will and testament and appoint request and direct that he shall not be required to give any bond or security as such executor. 3rd I will and direct that such real estate as I may die possessed of shall be preserved intact and no division thereof made until such time as the debts that I may owe at the time of my death are paid and discharged in full either by the appropriation to that purpose of the income and profits from the estate as hereinafter provided, or by the sale of such part of my estate as may be necessary to pay said debts. 4th In order to provide for the payment of my debts out of the income and profits of my said estate, I hereby

division is made thereof, I will and direct that my executor the said John C. Atkinson shall reimburse the same from time to time and upon such terms as he may think best and collect the rents and appropriate the same towards the payment of my debts applying whatever sum may remain after paying the interest as aforesaid to the payment of the principal. I give my said executor full power and authority to bind my estate by receiving any notes or other evidence of debt that I may owe, and if security should be required and given on any such note such security shall have recourse upon my estate for indemnity. As compensation to my executor for renting and managing my real estate I direct that he shall be allowed and he may retain in his hands the sum of Five Hundred Dollars per year during the time said real estate is kept together for the purpose of paying my debts as herein provided, said allowance to be in lieu of any other commission upon the same sum he may as executor receive in rents from said real estate during said time, but not in lieu of commission upon money arising from other sources.

5th In the event that the foregoing cannot be made with my estate to pay or settle their debts due to pay by the executors and profits of my estate, then I authorize and direct my executor the said John C. Atkinson, to sell and make conveyance of such part of my real estate, as he may think best and apply the proceeds to the payment of said debts. 6th After the payment of my debts, I will and direct that my estate shall be divided in the manner and among the devisees named in my last Will and in order that said division may be made in the manner therein provided I appoint Wm. J. Marshall, John C. Atkinson and Edward Atkinson trustees with full power and authority to make said division in the same manner as they are in said will empowered to make the division as executors, and as such trustees to make conveyance to the devisees respectively, in the manner directed in my said will. Witness my hand this 17th day of January 1877.

Witness

R. H. Cunningham

Malcolm Yeaman

State of Kentucky, Jackson County Court 1877 25 day of July
Kenderson County 1877

This day this Paper purporting to be the last Will and Testament of George Atkinson, late of Kenderson County, Kentucky, deceased, together with the two Co. Wills thereto attached was produced in open Court and said Will and Codicil No. 1 were proven according to law by the evidence of Leonard H. Lyne and

Malcolm Yeaman, subscribing witnesses thereto, said witnesses having testified that said Will and Codicil offered for probate were signed and published by said Atkinson in their presence and was signed by them in the presence of each other and of said Atkinson as witnesses at said Atkinson's request, and that said Atkinson was at the time of signing and publishing said Will and Codicil No. 1 of sound mind and disposing memory, Codicil No. 1 was proven by the testimony of R. H. Cunningham and Malcolm Yeaman, subscribing witnesses thereto, who testified that said instrument was signed and published in their presence by said Atkinson as a Codicil to his last Will and Testament and Codicil No. 1, that said instrument was signed by them at the request of said Atkinson and in his presence and in the presence of each other and that at the time said instrument was signed and published Codicil No. 1 he was of sound mind and disposing memory. It is therefore adjudged that said Will and Codicil are the true last Will and Testament of said George Atkinson, dec'd and ordered to be recorded as such, which is done accordingly.
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Attest Geo. W. Smith, Secy.

By Alex. M. Purcell, Secy.

Martha E. Pennell
Will

In the name of God Amen, I Martha Elizabeth Pennell of the County of Henderson and State of Kentucky, being of sound mind and disposing memory, but knowing the uncertainty of life, do make and ordain this my last Will and Testament. 1st It is my will and desire that all my property real and personal shall descend to my four children, Blanche Elliott Pennell, Claude M. Pennell, Mary Henry Pennell & Frank Windley, Pennell subject to the restrictions and provisions hereinafter set forth. It is my will and desire that the house and two acres of ground conveyed to me by Joel Lambert situated near the City of Henderson, together with the house hold furniture &c. shall be used and occupied by my children as a home so long as they may desire it. I own jointly with my sister Annie Henry Elliott an house and four acres of ground attached in the town of Princeton Caldwell County, I desire that said last named property shall be sold by my Executor hereinafter named, or disposed of as she may think best and proceeds thereof divided equally among my children hereinafter named. It is my will and desire that my sister Annie Henry Elliott qualify as my Executor, and I do hereby appoint and designate her as my said Executor. I further will that my sister Annie Henry Elliott shall sell and dispose of the two acres of ground conveyed to me by Joel Lambert in the event the same shall cease to be used by my children as a home or the event she may determine on consultation with them that it would be best to dispose of the same. The proceeds of said property to be divided equally among my children. It is further my will and desire that