

now according to law by the oath of J. J. Duncan and A. S. Parker subscribing witnesses thereto, thereupon the same was adjudged by the Court to be the last will of Eury A. Powell and ordered to be recorded which is here done.

Attest Geo. W. Smith Secy

I Jacob P. Mayer of the City of Henderson State of Kentucky have the necessary testamentary capacity do make ordain and publish this instrument as my last will and testament revoking and canceling any will heretofore made.

1st I request the payment of all just and legal demands which may be due against me at the date of my decease including my funeral expenses.

2nd I give devise and bequeath unto my beloved wife Martha W. Mayer to her sole and separate use for and during her natural life, the undivided one-half interest in and to the Stone house and lot of ground situated on Main street in the City of Evansville in the State of Indiana (which will vest in me upon the decease of my Father and in which my brother Wm. Mayer of Cincinnati Ohio will own the other one-half upon my Father's decease) and in the event she shall marry after my decease (to which marriage I will not urge any objection) and the property be then unsold, said property shall vest immediately in my Executor to be held by him in trust for my Children herein after named, each of whom shall be entitled to an equal share therein, or if she should die unmarried it shall vest in said Executor in trust for said Children.

3rd I direct that after my decease the proceeds of the policy of insurances effected by me upon my life in the Equitable Life Insurance Company of N. Y. be collected by my personal representatives herein after named and that such proceeds be invested in such manner as my said wife may direct and to her I do devise and bequeath the entire profits or interest arising annually from such investment for and during her life provided she remains unmarried but if she marries, from and after said marriage she shall be entitled to receive only one-third of the profits of such investment, or her dowerable portion of the property or fund in which the investment is made, and my Executors may from time to time if they deem it best change the investment, and upon the decease of my wife said property or fund shall vest in the other Executor to be held by him in trust for my Children who

shall become entitled to equal shares therein.

4th It is my desire that my wife while a widow may if she chooses use and occupy the dwelling house on the corner of Green and Clay streets in the City of Henderson Ky. or such other homestead as I may own at the time of my decease.

5th I devise unto my said wife and for B. Johnston (named hereinafter as the Executor and Executor of this will) the following property viz The Stone house and lot on the west side of Main street between First and Second Streets (now occupied by Denton) One lot of ground lying on Ingram street between Clay and Powell streets. One lot lying on Clay street between Green and Ingram streets, my one-half interest in four acres of land in the Lambert enlargement my one-half interest in the dwelling house and lot lying on the corner of Green and Clay streets all of which real estate lies in the City of Henderson Ky. and one lot of ground lying in the City of Evansville Indiana known as lot No 37 Common Building Association and all my other estate real personal and mixed, and all the property and effects I may hereafter acquire or become entitled to, to be by them held in trust for my Children Virginias Francis Mayer, George Walter Mayer, Harry Mayer Frank Woodruff Mayer Herbert Mayer and Maurice Mayer, (the last named three being also the children of my said wife) conferring upon my said Executor and Executor full power to possess control and manage said estate mentioned in the 2nd and 3rd paragraphs of this will according to the dictates of their judgments they may rent or sell said property or any portions thereof, may execute all deeds or other instruments necessary to a transfer thereof they may invest or reinvest the proceeds of such sales in such other property as may seem to them advisable or may keep said property or any portions of it intact, or may convert the proceeds of any sale into stocks or bonds or other securities and they shall hold said property or its proceeds or any property in which an investment has been made in trust for the use and benefit of my said Children, not however to conflict with any devise herein before mentioned made to my said wife, and my said Executors are authorized and requested to deliver or transfer to each of my said Children from time to time as they may deem necessary may seem to require such monies or property so devised in trust as they may deem will benefit the said Children, procuring however as nearly as possible an equal share in value for the use of each child, so that in a final distribution of my estate

among said children the share of each may be equal, they will not however charge up interest on advancements or funds or on the value of property delivered or transferred to any child or children they shall not be required to supply equal amounts to the different children year by year or to transfer to each property of like values from time to time but may furnish or transfer to their funds or property in such quantity or amount (prior to a final distribution) as they may believe the necessities of the child or its welfare may demand, but it is my desire that as to those of my children who are under full age no charges shall be made against their shares for the necessary expense of their education and maintenance. Whenever my said Executors may believe that one or more of said children possess sufficient prudence and discretion to manage property, its share in my estate they may transfer the entire share to such child or children or to the issue of such child if he dies with living issue. It is my desire that if any one of my children dies with living issue surviving him, said issue shall inherit the child's portion--

6th It shall not become the duty of the purchaser of any property which may be sold by my Executors to look to the manner in which the proceeds may be invested.

7th I constitute and appoint my wife Martha W. Mayer and Joseph D. Johnston of Henderson Ky respectively Executors and Executor of this will and if either of them should refuse to qualify resign or die, the remaining Executor or Executor clothed with the same powers and duties as both, may act alone, and I request that the Court admitting to probate this will shall not require of them the execution of my bond with surety.

8th I appoint my said wife Martha W. Mayer guardian of such of our children as may be minors at the date of my decease requesting also that no bond or surety be required of her.

Witness the hand of the Testator this 11th day of September 1885

Jacob F. Mayer

The foregoing will of Jacob F. Mayer was signed by him in our presence, we being also in the presence of each other at the signing thereof and he declared same to be his will & we acted as subscribing witnesses thereto on this 11th day of Sept 1885

Fred P. Gebel

A. J. Dudley

In a codicil to the above will, I direct that any advance I have made or may hereafter make to any of my aforesaid heirs and devisees shall be deducted from the share of such heir or devisee, provided the same be,

charged up against such heir or devisee upon my account books, but no interest is to be computed on such advancements. Witness my hand this 11th day of September 1885

Jacob F. Mayer

The above codicil was signed and acknowledged before us by Testator in the same manner as the above will this 11th Sept 1885

Fred P. Gebel

A. J. Dudley

Codicil

(I Jacob F. Mayer the Testator do hereby make and publish this Codicil to the foregoing will revoking so much of said will as may be inconsistent with this codicil, inasmuch as in said will I gave to my oldest son Virginius Frederick a share equal to that of my other children but since that date of said will and especially since his arrival at full age I have from time to time given, advanced and paid for my said son considerable sums of money and I now estimate his share in my estate charging him with the advances and payments aforesaid does not and should not exceed Two Thousand Five Hundred (\$2500) Dollars and with said sum of \$2500⁰⁰ he will have received as great a share as any other of my children. I therefore cancel so much of the aforesaid will as makes him equal to my other children and now in lieu of the share devised to him in the aforesaid will, I give and devise to him, Two Thousand and Five Hundred Dollars, to be paid or transferred to him by my Executors in money or in property fully equal in value to said amount of \$2500⁰⁰ which shall be in full of his portion-- Henderson Ky May 10th 1889. Jacob F. Mayer)

State of Kentucky } June Term 1890 Henderson County Court
Henderson County } 24th day of June 1890.

This day a paper purporting to be the last will and testament of Jacob F. Mayer dec'd late of Henderson County was this day produced in open Court and proved according to law by the oath of F. P. Gebel and A. J. Dudley subscribing witnesses thereto, thereupon the same was adjudged by the Court to be the last will of Jacob F. Mayer dec'd and ordered to be recorded as such which is here done.

Attest Geo. W. Smith Secy