

M. S. Mahoney's Will

I M. S. Mahoney, in view of the feeble condition of my health, do make and publish this my last will and testament, hereby revoking any former testamentary disposition I may have made of my property or any part thereof. My purpose and intention being to dispose herein of all my property and effects of whatever character or description, I therefor will and desire:

First That my executors herein after named pay all my debts including my burial expenses, out of the first assets which come to their hands, and which may be made available for that purpose.

Second I desire and my will is, that my executors cease out my mercantile business, at as early a day as practicable after my demise, and in such way as will result in the least loss to my estate. I hereby committing to their discretion the ~~best~~ methods to be employed by them to accomplish this end, and investing them with full power and authority in this behalf.

Third I will and devise to my beloved wife Margaret C. Mahoney, in her own right absolutely the one third part in value of all my estate, real personal and mixed, after payment of my debts as provided for in the first clause of this my will. And I will that she shall have the right to select, as hereinafter provided such part of my real estate as she shall desire to retain.

Fourth I further will that my said wife Margaret C. shall have and be allowed to retain any and all articles of household and kitchen furniture which she may desire including my Piano, watch, library, &c. and which shall not be valued, or counted to her in the estimate of one third of my estate herein before devised to her.

Fifth I will and devise to my daughter Cora Frank Kirkpatrick Mahoney, in her own right free from the control and dominion of any one whom she may marry, one third part of all my estate, real, personal and mixed remaining after

satisfying the first and fourth clause of this will.

Sixth The remaining one third of my estate I will and devise in trust for the use and benefit of my brother Josiah Mahoney, his wife Mary C. Mahoney and the issue of their marriage which may survive them, to be vested as follows. I hereby appoint Henry M. Walter, a trustee to receive from the hands of my executors and to be by them vested with the title to said one third part of my estate intended hereby for my said brother and his family, and will and direct that said one third part be invested by said trustee or his successor in real estate, such as said trustee shall think best suited to the wants and necessities of my said brother ^{and his wife and children} and the title thereto, and the use thereof vested in them, the said Josiah and Mary C. during their joint and several lives free from the claims of their creditors or the creditors of either of them, with the remainder thereof in fee to their children or the representatives thereof surviving. And if in the division of my estate my executors shall find it necessary or expedient to convey to either of the aforesaid devisees any portion of my real estate, they are hereby directed to execute such conveyances and meet such estate subject to the limitations prescribed, but not otherwise, but it is not intended hereby to limit the power of my said executors to convey my real estate to other persons than those herein named in the Fifth and Sixth clause of this will, without condition or restriction when necessary in executing the trust herein imposed upon them.

Seventh—

If at any time before said trustee shall have invested said one third part of my ^{said} estate for the benefit of said Josiah Mahoney his wife & children, it shall appear to said trustee that the condition of my said brother or his ^{said} wife requires the use of a part of said devise for their immediate relief from want or destitution, then and in that

event said trustee is authorized to appropriate so much and no more of the principal of said devise as may be necessary to relieve them from such want or destitution, and the residue thereof to in part as above directed.

Eighth

Full power and authority is hereby given my said executor to sell and convey the whole or any part of my real estate which may be necessary in the execution of this will.

Ninth

If my said wife desires to retain any part of my real estate at home she shall be valued to her in the following manner, that is to say, my said wife, said Josiah & wife & my said executors acting for my said daughter, shall select those disinterested freeholders, not related to any of the parties, that is my said wife may select one, the said Josiah & wife one and said executors one, who shall value such real estate at its cash valuation, and the same shall be ^{charged} ~~charged~~ to her at such valuation, if thereafter she elect to take same.

Tenth

I hereby appoint my said wife Margaret G. Mahoney Guardian of my daughter Nora P. Mahoney and having implicit confidence in her integrity and faithfulness, I desire that no bond shall be required of her in her assuming this trust.

Eleventh

I hereby appoint R. M. May and J. A. February as Executors of this my last will and testament Signed this July 10th 1883

M. S. Mahoney

Signed sealed and published in our presence and at the request of the testator we have each hereunto signed our names this July 10th 1883

S. J. Kirkpatrick

A. W. Stewart

See Codicil on opposite Page

Codicil to Will of M. S. Mahoney.

I M. S. Mahoney having heretofore made and published my last will and testament, in which I nominated constituted, and appointed, R. M. May and J. A. February my executors of my said last will and testament, and it having come to my knowledge that said R. M. May and J. A. February do not desire to act as such executors, I do therefore hereby make and publish this as a Codicil to my said last will and testament, hereby revoking and annulling my said last will and testament in so far as I have therein appointed said R. M. May and J. A. February my executors of said will and in their stead I do hereby nominate constitute and appoint E. A. Shipley and Margaret Mahoney my beloved wife, as my executor and executrix of my said last will and testament. This is only intended to be a Codicil to said last will and testament, and would have been written on the same paper but said last will and testament is locked up in a safe to which I cannot now have access. In witness whereof I do to this Codicil of my last will and testament set my hand, this the seventeenth day of August A.D. 1883

M. S. Mahoney

Signed and published in our presence and we have subscribed our names hereto in the presence of the testator and at his request this seventeenth day of August A.D. 1883

Witnesses

R. H. Oungan

J. C. H. Smith

The foregoing will and Codicil thereto was presented to the County Court of Washington County, Tenn. in open Court at its Sept Term 1883, and passed by the votes of J. H. H. Patrick, A. W. Stewart, R. H. Oungan and J. C. H. Smith, subscribing witnesses thereto, and there being no objections made, the said will and Codicil thereto, were admitted to probate and ordered to be entered of record

E. A. Shipley