

Will of Caleb Jones
Contributed by Nan Strang

I, Caleb Jones, of the County of Cooper, in the State of Missouri, being of sound mind and memory and desiring to put in order my business and to make what I believe to be an equitable and proper division of my property and effects among my children and grandchildren, taking into consideration their present condition and the advancements heretofore made by me, do (hereby revoking all former wills and codicils by me made) make, publish and declare my last will and testament in the manner following, that is to say:

Item First I believe that it will be for the best interest of my estate to reserve from sale, say for ten years, my home place, situated about three and one half miles west of Boonville on the Georgetown road, containing about _____ acres, and I hereby direct that the net income from said farm shall be applied by my executor, hereinafter named, in the support of my grandchildren, Hugh D Muir and Caleb and Addie Jones; the former to receive one-fourth and the last two the remaining three-fourths thereof, and I direct that the income shall be used in supporting said grandchildren and giving them a good, practical business education, and shall be so applied for five years, and at the expiration of that time it shall be used in the same manner for the benefit of the younger children of my son George C Jones. I do not prohibit the sale of my said home place for the length of time mentioned above but authorize my executors at any time they may think best, to sell all or any part thereof, reserving the right of mining thereon, and in the event of sale the proceeds or income shall be used as above directed, and at the expiration of ten years, the principal to be divided as provided in Item Eight.

Item Second To my daughter, Mary L. Gibson, wife of Dr. H.C. Gibson, I have already given about two hundred and forty acres of land adjoining the farm of Dunkle, McGraw, Felton and Bowman, in Cooper County, Mo., but I have not made a deed to her for same, and I do give and devise to my said daughter said lands, to have and to hold the same to her the said Mary L Gibson for her sole separate and exclusive use and benefit and free from the control of her said husband. She to have and hold the same for and during her natural life, and at her death to pass to and vest in her children that may be living at that time.

Item Third. I give and devise unto H. Bunce and W. Speed Stephens, all the lands owned by me in Blackwater Township, Cooper County, Missouri, to have and to hold same to them, the said H Bunce and W. Speed Stephens, and their successors in this trust for the following purposed to-wit: to receive the rents, issues and profits therefrom, and after the payment of taxes and other expense in keeping up said place to use the remainder in the support and maintenance of the wife and children of my son, Geo. C. Jones, provided however that said Geo. C. Jones may if he so desire live upon and use said lands and receive the income therefrom and shall not be accountable for rent, and his wife if she should survive him shall have the same privilege, but this shall be a personal right, and they shall have no power to dispose of or sell the same nor shall said privilege be subject to sale for the payment of the debts of said parties, and any attempt to sell

either by said parties themselves or for their debts shall terminate their right to remain upon said lands and the trustees hereinbefore mentioned shall immediately take possession of and use said lands for the purposes and in the manner hereinbefore directed, and upon the death of said Geo C Jones and his wife Nannie Jones, then title shall pass to and vest in the children of said Geo. C Jones, share and share alike.

Item Fourth I have carefully examined the advancements heretofore made to my children and have taken the same into consideration in the distribution of my property and I direct that no such advancement shall be charged against my children except as hereinafter provided.

Item Fifth Upon the lands owned by me and purchased from D.J. Muir, Executor of the Last Will and Testament of William D. Muir, deceased, and being part of the William D. Muir farm, I charge the debts due from me to J.K.Ragland and J.M.Nelson, and I will direct that my Executors sell 120 acres of this land that lies north of the Rocheport road to pay said debts, and that the balance of the Muir farm shall not be sold for five years unless it can be done to the benefit of the Muir Children in connection with the house and forty acres upon which the same is located and which still belongs to said Children, in which event my Executors may if they deem best, sell the same. I prefer that no sale shall be made within five years at less than thirty dollars per acre under my contract, which is duly recorded in the office of the Recorder of Cooper County, Mo., in Book—on page--; I am entitled to retain out of the purchase money \$6,732.50 and interest thereon less the net receipts from the rental of said farm and over that amount must be paid to the heirs of W.D. Muir, deceased. The rate of interest that I am to receive is left blank in said contract and as I am paying ten per cent for the money which I advanced if I were only to receive if I am only allowed six per cent then in that event I will and direct that the Muir heirs shall be charged four per cent upon the said sum of \$ 6732.50 from the date of the aforesaid contract to the time of the sale of the Muir land by my Executors and that they account therefore in the final distribution of my estate, and I hereby direct that my executors carry out said contract and account to said Muir children for all the sums realized over and above the amount due to me and invest thereon the net income of said farm, and in order to enable my executors to know what the income of said farm amounts to, I will keep an account thereof in a book provided for that purpose.

Item Sixth. The property owned by me in Wyandotte, Kansas, I authorize and empower my Executors to sell at such time and upon such terms, as they in their judgment deem best.

Item Seventh. The limitations as to the time of selling the various tracts of land owned by me and hereinbefore mentioned shall not be construed as a precipitation of the sale until the expiration of that time but merely as an expression of my present judgment as to what will be best. The future may develop such changes as to make the sale of the property necessary and I hereby authorize and empower my Executors to sell any and all my property, real, personal or mixed except that specifically devised in Items Two and Three of this Will.

Item Eighth. I desire that all property that I own at the time of my death or the proceeds thereof divided among my children and grandchildren in the following manner. I will direct that there shall be first paid to my daughter, Mrs. M.L. Gibson, the sum of \$2000 with six per cent interest thereon from date; if however I shall have to pay a note for \$500 upon which I am security for Dr. Gibson, then whatever amount I am required to pay upon said note shall be deducted from said \$2000, and one third of all the remainder of my Estate I give and bequeath to my Executors, W.S. Stephens and H. Bunce to hold in trust for the use and purposes expressed in the Third Item of this Will. I give and bequeath one third to the children of my daughter, Addie Muir, they to account however for \$1500 to my Estate and this bequest to be divided among said children as follows: to D.J. Muir, one dollar; to Caleb Muir and William Muir each one fourth of the remainder, and to Hugh D. Muir one half of the remainder; and I give and bequeath the remaining one third to my daughter, Mary L. Gibson for her sole and separate use and benefit.

Item Ninth I hereby nominate and appoint H. Bunce and W. Speed Stephens, Executors of this my last will and testament. I witness whereof I have hereunto set my hand and seal this 20th day of March 1880.

Caleb Jones

Signed and declared by the above named Caleb Jones to be his last will and testament in the presence of us who at his request and in his presence have subscribed our names as witnesses hereto this 20th day of March 1880

J.W. Draffen
W.M. Williams