

## DISPOSING OF TWO MILLIONS.

### THE WILL OF THE LATE THOMAS E. DAVIS.

The will of the late Thomas E. Davis was filed for probate yesterday in the Surrogate's Court, and is interesting from the fact that it disposes of an estate of \$2,000,000 or thereabouts. The proponent is Thomas E. Davis, Jr., a son of the testator, now residing in this City. The personal estate is estimated to be worth about \$1,000,000, and the realty at about a similar amount. The next of kin surviving are Anne Davis, widow of the decedent, residing in Paris; the proponent; Isabel Sanford and Annie La Montagne, daughters, both residing in Paris; Matilda Lante, a daughter, residing at Bognaja, Italy; Lizzie Gavotte, a daughter, residing at Florence, Italy; Marie D'Heursel, a daughter, at Paris, all of full age; also, Isabel Nielson, a granddaughter, of full age; Frederick Gebhard, a minor grandson, residing in this City, but now temporarily at Paris; Edward D'Hautrine, a minor grandson, residing with his father, Charles D'Hautrine, at Paris. William H. Gebhard is general guardian of Isabel Nielson and Frederick Gebhard. Edward D'Hautrine has no guardian in this City.

In the preamble of the will the testator designates himself: "I, Thomas E. Davis, of the City of New-York, gentleman, being of sound mind," &c. He gives to his wife, Anne, absolutely, all his horses, carriages, harness, diamonds, jewelry, *bijouterie* silver, furniture, ornaments, bedding, paintings, articles of *vertu*, clothing, wines, liquors, and all goods and chattles stored at his banker's or elsewhere at the time of his death, and an annuity of \$15,000, beginning at the date of his death, and payable semi-annually during her lifetime. He leaves in trust to his son, Thomas E. Davis, Jr., a lot of land in New-Brighton, Staten Island, on Richmond Terrace, 140 feet by 195 feet, with the house now situated therein, and leased to Franklin Osgood, the income of this property to be paid as ordered by the Executors. He also gives his son power to dispose of this property to his (the son's) wife and her issue, the wife, however, to take only for her lifetime, and the issue to take in fee simple. In case of the death of his son without issue, the property reverts back to such persons as would have taken it as heirs at law in case of intestacy. To his Executors he leaves one twenty-fourth part of the residue of the estate of each of his three grandchildren born of Catharine Gebhard, his daughter, now deceased; the income to be applied to the use of the children until they shall reach the age of 30 years, when the title is to be absolutely vested in them. He leaves similarly in trust for the benefit of his son, Thomas E. Davis, Jr., one-eighth part of the residue, the income of which is to be applied to his use only during his lifetime. To each of his six daughters now living he leaves the income of equal one-eighth parts, to be applied to their sole and separate use, free from all control of their husbands, if they have any, and without any power to either of said daughters to alienate or anticipate the same; provided, however, that all income of his daughter Nora's eighth part over and above the sum of \$2,000 annually, which shall be received before her marriage in the lifetime of her mother be paid over to her mother for her separate use. Each equal eighth part before mentioned he gives after death to such child as he or she may by will direct, and authorizes each of the legatees in his or her discretion to give any such shares as they may think fit to his or her wife or husband, or their issue, the wife or husband to take no more than one-half part, and that only for life; such as is not disposed of this manner falls to the heirs at law of the legatees. He further desires that during the lifetime of his wife and until the marriage of his daughter Nora, the latter shall be entitled to live with and be supported by her mother; that the annuity first devised to his wife shall be a charge upon the several parts of the residuary estate disposed of to the persons above named, and makes many interlocutory conditions as to the other shares disposed of. The ninth clause of the will gives power to the Executors to sell and dispose of the property, and provides that when any descendant shall be ineligible or incompetent to take an interest in real property by reason of alienism, such estate shall be sold and converted into cash for the use of such ineligible persons. This clause was doubtless intended to meet the cases of his children residing and actually and perpetually domiciled abroad. The Executors named are the testator's wife, his friend Charles O'Connor, by whom the will was drawn, William H. Gebhard, and Thomas Vyse.

The will is dated July 18, 1870, and was witnessed by John J. Oisco, Van B. Livingston, and Edmund Elmendorf, Jr. A certificate is appended signed by H. C. Huntington, United States Vice-Consul at Florence, Italy, and sealed with the seal of the Consulate, certifying that a copy of the will is deposited in the office of that Consulate. The certificate is dated March 20, 1878. Each page of the will is signed on the margin by the testator.

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