

Description: Will of William Osborn(d. 1870)  
Clark Co., OH Will Book 4, Pages 341 - 343

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say, that they were present at the execution of said will, and that they saw the testator sign and hear him acknowledge the same as his last will and testament, and that at the time of the execution thereof, said testator was of full age, of sound and disposing mind and memory and not under any restraint; and that they signed the same as witnesses, in the presence of said testator and at his request.

Sworn to and subscribed the day  
and year, first above written before us.

D. K. Hubbard  
Joseph S. Stafford

E. G. Diehl, Judge of said Court.

And afterwards on the day and year first above written the judge of said Court made and entered upon the Journal thereof the following entry, to wit;

John Bowman, deceased.

The last will and testament of John Bowman, late of Clarke County, Ohio, deceased was this day produced for probate, by the executor named therein, and thereupon said will was duly proved by D. K. Hubbard and J. S. Stafford, subscribing witnesses to said will, who being duly sworn and examined in open Court, and their testimony reduced to writing and filed herein. And it appearing to the Court that said testator at the time of the execution and attestation of said will, was of full age, of sound and disposing mind and memory, and not under any restraint, it is therefore ordered by the Court, that said will be and the same is hereby admitted to probate, and that <sup>the same together with the</sup> testimony so taken, as aforesaid be recorded.

And Cynthia Bowman, widow of said decedent, having appeared in open Court, and the Court having read said will to her, and having explained to her, her rights under the same as also under the law, she then made her election to accept the provisions made for her in said will, and desired the Court to enter her said election of record, which is done accordingly.

E. G. Diehl  
Judge of Probate

324

State of Ohio }  
Clarke County, S.S. }

Be it remembered that heretofore, to wit: on the 26<sup>th</sup> day of October, 1870, the last will and testament of William Osborn, deceased was produced, for probate, by the widow of said decedent - Said will is in the words, and figures following to wit:

I William Osborn of Plattsburg, Clarke County, Ohio, being of full age and of sound and disposing mind and memory, do make and publish this my last will and testament as follows: to wit:

It is my will, and I<sup>so</sup> direct that all my just debts and funeral expenses be paid out of my estate, as soon after my

death as may be convenient and proper.

8<sup>th</sup> All the rest and residue of my estate, Real, personal and mixed, I give, devise and bequeath to my beloved wife, Hannah Osborn, for and during her natural lifetime - with power and authority to her to sell and dispose of the same or any part thereof, during her lifetime, and thereupon to divide the proceeds thereof in equal proportions between my sons, Henry C. Osborn and John Osborn, provided they secure to her the payment of such sums annually or semi-annually as she may prefer, as will afford to her a comfortable and adequate support, during each and every year she may live. - Or in case they should fail so to do, she is authorized to invest the principal sum arising from such sale, upon mortgage or other safe security, so as to provide for her an adequate support - the said principal sum not to be used by her, for such purpose, but kept unconsumed.

9<sup>th</sup> Subject to the provision so made to my wife as aforesaid and subject to her life estate therein as aforesaid - I give, devise and bequeath all of my estate and property, of every kind, to my said two sons, Henry C. Osborn and John Osborn, in equal proportions - Share and Share alike -

I have heretofore advanced to my other children, Washington Osborn, Harriet Ann Browning and Sarah Jane Chamberlin, in property, what I regard, as their several full shares, and I therefore make no provision for them in this will - and neither of them is to receive any part of the estate and property which I may leave at my decease.

In witness whereof I have hereunto set my hand and seal this 19<sup>th</sup> day of March A.D. 1870,

Executed & acknowledged by said testator in our presence and signed by us, as witnesses in his presence & at his request.

William Osborn *[Signature]*

John Jones  
Hiram Franklin,

And on the day and year first above written, the testimony of John Jones and Hiram Franklin, subscribing witnesses to said will, was taken in open Court, reduced to writing and filed herein. Said testimony is in the words and figures following, to wit:  
State of Ohio, Clarke County, Court of Probate, Oct. 26<sup>th</sup> - 1870  
Be it Remembered, that on this day personally appeared before the Judge of said Court, John Jones and Hiram Franklin, subscribing witnesses to the last will and testament of William Osborn, late of said County deceased, who being of lawful age and duly sworn, depose and say that they were present at the execution of said will, that they saw the testator

sign and heard him acknowledge the same as his last will and testament, and that at the time of the execution thereof, said testator was of full age, of sound and disposing mind and memory, and not under any restraint, and that they signed the same as witnesses in the presence of said testator and at his request.

Sworn to and subscribed  
the day and year first above  
written before me.

John Jones  
Hiram Franklin

E. G. Dial,

Judge of said Court.

And afterward on the day and year first above written, the judge of said Court, made and entered upon the journal thereof the following entry, to wit:

William Osborn, deceased.

The last will and testament of William Osborn late of Clarke County, this deceased was this day produced for probate, and thereupon said will was duly proved, by John Jones and Hiram Franklin, subscribing witnesses to said will who being duly sworn, and examined in open Court and their testimony reduced to writing and filed herein. And it appearing to the Court, that said testator, at the time of the execution and attestation of said will, was of full age, of sound and disposing mind and memory, and not under any restraint: It is therefore ordered by the Court, that said will be and the same is hereby admitted to probate, and that the same together with the testimony so taken, as aforesaid be recorded.

And Hannah Osborn, widow of said decedent, having appeared in open Court, and the Court having read said will to her, and having explained to her, her rights under the same as also, under the law, she then made her election to accept the provision made for her in said will, and desires the Court to enter her said election of record, which is done accordingly. Said Hannah Osborn also relinquished the right to administer on the estate of said decedent, and asked the Court to appoint John Osborn, and thereupon, on motion, John Osborn is appointed Administrator with the will annexed, of said William Osborn, decd, and he is ordered to give bond in the sum of Three Thousand dollars, conditions according to law. John Jones and Hiram Franklin are accepted as sureties, and Andrew Nicholson, sen. John Jones and Hiram Franklin are appointed appraisers of the personal estate of said decedent.

E. G. Dial,

Judge of Probate