

Description: Recorded Will of Thomas J. Osborn (d. 1872)
Fulton Co., IN Will Book B, Pages 91, 94 - 97

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Format: Microfilm
Film #: 1870626

These images were scanned by Lee K. Osborne and posted at the Osborne Origins website at: <http://www.osborne-origins.org/in/fulton/in-fulton-will-b-91.pdf>

Note: The clerk made a false start recording the will on page 91 of Will Book B and then restarted recording the will from its beginning on page 94.

Last Will and Testament of

I Thomas J Osborne hereby Publish and Ordain the following as my last Will and Testament Revoking all Wills by me formerly made whatever to wit

Item 1st I desire all my indebtedness at the time of my death together with funeral expenses to be paid (if there be sufficient for that purpose) out of my personal property;

Item 2nd I bequeath to my beloved wife my Jane Osborne the entire tract of land owned by me in Rochester Township in Tullon County to wit: Eleven acres appox the East end of the South half of the North East quarter of the South East quarter of section number Thirteen (13) Township No. Thirty (30) North of Range No. Two (2) East subject however to any indebtedness of my Estate remaining unpaid in case the personal property should prove insufficient for that purpose

Last Will and Testament of Thomas Osborne

I Thomas Osborne hereby publish and Ordain the following as my Last Will and Testament - Revoking all former wills by me made whatever.

To wit:

Item 1st. I desire all my indebtedness at the time of my death together with funeral expenses to be paid if there be sufficient for that purpose out of my personal property

Item 2^d I bequeath to my beloved wife Mary Jane Osborne the entire tract of land owned by me in Rochester Township in Fulton County to wit:

Eleven acres off the East end of the South half of the North East Quarter of the South East quarter of Section Number Thirteen (13) Township No. Thirty (30) North of Range No. Two (2) East, subject however to any indebtedness of my Estate remaining unpaid in case the personal property should prove insufficient for that purpose

Item 3^d I also give and bequeath to my said wife the undivided One third of the following Real Estate in Richland Township Fulton County Ind. to wit: The East half and North West Quarter of the South East quarter of Section number Three (3) Township No. Thirty One (31) North of Range No. Two (2) East, containing in all One Hundred and Twenty acres more or less

Item 4th I give and bequeath to Jesse Martindale his note on the balance due thereon executed to me for the purchase money in part of the undivided One third part of the heretofore described Real Estate situate in said Richland Township.

And heretofore deeded by me to him - And also the said Martindale to receive the sum of Two hundred and thirty Dollars

Last Will and Testament of Thomas Osborne

to be a lien upon and to be paid out of the proceeds of remaining one third of said Real Estate in Richland Township, when the same shall be sold said Real Estate being the same hereinafter devised to my daughter ^{Mary} Catharine Osborne subject to said lien. The said bequest to the said Martindale being in consideration of release of said Martindale of any claim he may have against me for money paid or labor performed for buildings or improvements on said Real Estate.

Item 5 I give and bequeath to my daughter Mary Catharine Osborne now Martindale the remaining undivided one third part of the heretofore described Real Estate situated in said Richland Township, subject however to a lien of two hundred Dollars and Thirty Dollars, to be paid to Jesse Martindale out of proceeds of said Real Estate when sold as stipulated in preceding Item No. 4.

My intention being that said Martindale shall possess the undivided one third of said Real Estate herein described situated in Richland Township as deeded to him as his wife's share of my Real Estate and the said sum of two hundred and thirty Dollars as herein specified as a reimbursement of money paid and labor performed by him, as an equitable adjustment of the amount of the same between him and my said daughter Catharine, so that each receive an undivided one third part of said Real Estate less the said amount in value of two hundred and thirty Dollars or four hundred and sixty Dollars in all I hereby acknowledge the foregoing as my Last Will and

The Last Will and Testament Thomas J Osborne

Testament the same having been dictated by me, and read to me before attaching my signature Witness my hand and seal this 10th day of June A.D. 1842

Thomas J Osborne ^{seal}

The within Instrument of writing signed and acknowledged by said Thomas J Osborne in our presence as and for his Last Will and Testament and attested by us as witnesses at his request on the day and year aforesaid.

Wm J Osborne
Vernon Gould

State of Indiana:

Dutton County, Es.

Be it remembered that on the 28th day August 1842 Vernon Gould one of the subscribing witnesses to the within and foregoing Last Will and Testament of Thomas J. Osborne late of said County deceased personally appeared before Samuel Beely Clerk of the Court of Common Pleas of Dutton County in the State of Indiana and being duly sworn by the Clerk of said Court upon his oath declared and testified as follows that is to say that on the 10th day of June 1842 he saw the said Thomas J Osborne sign his name to said Instrument in writing as and for his last Will and testament and that the deponent at the same time heard the said Thomas J. Osborne declare the said Instrument in writing to be his last will and testament and that the said Instrument in writ- ing was at the same time at the request of the said Thomas J Osborne and with his consent attested and subscribed by the said Vernon Gould in the presence of said Testator and in the presence of

The Last Will and Testament of Thomas Osborne

each acted as subscribing witnesses thereto and that the said Thomas J. Osborne was at the time of the signing and subscribing of said instrument in writing a person of full age (that is more than 21 years of age) and of sound and disposing mind and memory and not under any coercion or restraint as the said deponent sincerely believes and further says not Vernon Coued sworn to and subscribed by the said Vernon Coued before the Clerk of said Court at Rochester the 28th day of August 1842 Samuel Keeg Clerk & Notary Public whereof I have herunto subscribed my name and affixed the seal of said Court Samuel Keeg Clerk
State of Indiana
Fulton County ss

I Samuel Keeg Clerk of the Court of Common Pleas of Fulton Indiana do hereby certify that the within annexed Will and Testament of Thomas J. Osborne has been duly admitted to probate.