

not under any restraint.

William Butler

Constantine Weiss

comes to before me and subscribed in my presence this 5th day of February, 1910.

Clarence Murphy Probate Judge

By Margaret Gillies Deputy.

Philip Jacob Thunis } Probate
Deceased: } Feb. 5th, 1910.

Application having heretofore been made to admit to probate the last Will and Testament of Philip Jacob Thunis late of Butler County, Ohio, deceased, the same not having been, during the life time of the testator deposited in the office of the Judge of the Court, and notice of the time of hearing of said application having been waived by the next of kin of the testator resident in the State of Ohio; and said application now coming on to be heard, therefore said Will was duly proved by the oaths of William Butler and Constantine Weiss subscribing witnesses thereto, who were duly sworn and examined in open Court and their testimony reduced to writing and filed and, at appearing to the Court from the testimony of said witnesses, that said Will was duly attested and executed "and that the testator at the time of executing the same was of full age and sound mind and memory and not under any restraint."

It is now here ordered that said Will be admitted to probate and filed, and that the same together with the testimony so taken and reduced to writing as aforesaid, be recorded.

Clarence Murphy,

Probate Judge.

Harold M. Magee Deceased.

In the name of the Beneficent Father of All I Harold M. Magee of Oxford Ohio, do make and publish this my last Will and Testament.

Witness to my daughter Anna B. Hunter to whom I give ample all that portion of my farm in Oxford Township Butler County Ohio that lies west of the Turnpike road leading from the Village of Oxford to the Village of Somerville in said County at the price of ten thousand (\$10,000+) dollars,

- Being same tract I have already bequeathed to my said daughter Item 2 To my daughter Sarah M. Cuffman, I devise her fee simple. My house and lot in the town of Middleboro in said County of Bristol at the price of five thousand (\$5,000) dollars. I also bequeath to my said daughter Sarah M. Cuffman the net income from five thousand (\$5,000) dollars, of my estate to be invested in Real estate or Bonds or Mortgages by my executors as hereinafter directed.
- Said income to be paid to her each and every year during her lifetime.
- Item 3 To my grand daughter Mary Kunkle, I devise my Fee Simple subject to a life estate wherein in favor of my wife Hannah M. Magie, the homestead dwelling house and lot now and ever enjoyed by me in Oxford Ohio.
- Item 4 To my wife Hannah M. Magie I bequeath all of the money bonds notes accounts, claims and demands and all funeral property, I shall have at my decease except the said sum of five thousand (\$5,000) dollars, the sum of which I have hitherto disposed of the same to be free absolutely, subject only to the payment of any debts I may owe and the costs of administering my estate which she shall pay out thereof.
- I furthermore bequeath to my said wife the net income of all that portion of my farm in Oxford Township, that lies east of the Turnpike road leading from Oxford to Somerville as aforesaid.
- Item 5 After the decease of my said wife I bequeath the net income from land lying east of said Oxford and Somerville Turnpike in Oxford Township, my said two daughters Anna B. Kunkle and Sarah M. Cuffman in equal portions during their joint lives, and at the decease of either one of them share of such decedent, shall go to the child or children of her, if any survive her, but if no child survives her then the whole of said income shall go to my other daughter during her life time and at her decease the same to go to her child or children.
- Item 6 If my said daughter Sarah M. Cuffman shall die leaving a child or children surviving her then my executors shall pay over to such child or children the said \$5,000 (which I hereby bequeath to such child or children) the sum of which I have hereinbefore bequeathed to my

said daughter.

Item 7^E I have herinbefore disposed of the minor of that portion of my farm lying east of the turnpike road leading from Oxford to Somerville and I now devise the fee simple of said land as follows to wit: that as to say that if my daughter Sarah M. Coffman shall die leaving a child or children the issue of her body then such children children shall have in fee simple the undivided one half of said land and the said Anna B. Kunkle or her surviving child or children the other undivided half in fee simple. But if said said M. Coffman should die leaving no child or children surviving her then the whole of said land shall go in fee simple to said Anna B. Kunkle, a living, but if then dead to her surviving child or children in fee simple absolute.

Item 8^E I hereby constitute and appoint my son in law J. R. Kneller Executor of

David M. Magee

This my last Will and Testament hereby directeth him to security me in Real Estate lands, & notes secured by mortgage as he may deem most expedient, the above mentioned \$5000 of my estate and to collect and each me every year, pay over during her lifetime to my daughter Sarah M. Coffman the net income thereof as I have herinbefore bequeathed to her. It is my will that my said executor shall also rent and collect the rents of my said farm lying east of said Oxford and Somerville turnpike and pay over the net amount thereof annually to the persons whom I have herinbefore bequeathed the same.

It is my will that an Inventory or appraisement be made of my estate and that no Bond be required of my executors and I hereby request the Probate Court to direct and order the amending thereof.

In as much as I believe that in this will I have made such dispositions of my Estate as under all the circumstances is just and proper it is my will that at any one of my heirs at law or legatees shall bring suit to vacate and set aside this will that such person filing a petition for that purpose shall have no interest whatever in my

Estate and I hereby animal all desire and
bequests herein made in behalf of such person
and desire and bequest the share or shares
of such to the other legatees herein named in
equal proportions who do not give in suit
and.

In testimony whereof I have hereunto my
hand to this my last Will and Testament on
this the 12th day of August A.D. 1886.

Daniel M. Magee,

Signed and acknowledged by said Daniel
M. Magee as his last Will and Testament in
my presence and signed by me in his pre-
sence and at his request we witnesseth wherefore,

A. G. Curtis

Ezra Pollie

Proof of signature of witnesses to will

Probate Court Butler County, Ohio.

In the matter of the will of } Testimony
Daniel M. Magee, deceased }
Widow of Daniel M. Magee, deceased

The State of Ohio Butler County, ss.

Personally appeared in open Court
Wm. C. Brown and Israel Williams, both being
first duly sworn to testify the truth, the whole
truth and nothing but the truth in the matter
of the Will of Daniel M. Magee deceased
depose and say; that A. G. Curtis and Ezra
Pollie whose name appears as the subscriber-
ing witnesses to the last Will and Testament
Daniel M. Magee, deceased, recently deceased
has since the date of said Will, deceased,
that we are each of us well acquainted
with the handwriting and signature of said
deceased witness and that the signature
of said A. G. Curtis and Ezra Pollie purporting
to be the subscribing witnesses to said Will
are the true and genuine signature of the
said deceased witness.

William C. Brown

Israel Williams

Imur to before me and signed in my
presence, in open Court, this 15th day of Feb-
ruary 1905.

Clarence Murphy

Probate Judge.

MAGIE CONTEST COMPROMISED

Sensational Oxford Family Litigation

Happily Ended in The Court Today.

APRIL 11, 1900

Will Formally Set Aside and The Property Privately Divided—Terms Not Given Out.

At noon today the contest begun by Mrs. Sarah M. Coffman over the estate of her late father, David M. Magie, the Oxford swine-breeder, was compromised in the common pleas court, and all proceedings against Mrs. Laura B. Kumler, the other daughter, and T. R. Kumler of Oxford, her husband and executor under the will, were dismissed. The compromise is entirely satisfactory to both parties; but its terms are secret. Morey, Andrews and Morey represented Mrs. Coffman and Slayback and Harr the Kumlers.

To facilitate the settlement a friendly suit to set aside the will was filed today in which this was said:

"That said paper writing and pretended last will and testament is not the last will and testament of said David M. Magie; that at the time the said decedent signed, executed said paper writing he was of unsound mind and memory from old age and infirmities and that said paper writing is void because of indistinctness and uncertainty and that said pretended last will and testament was not executed, signed and attested as required by law."

A jury, with Squire J. W. Mechley as foreman was impaneled and at once returned a verdict setting aside the will. The estate was then privately divided. It is said to be worth \$20,000. Under the will Mrs. Kumler got the bulk of it.