

## Miscellaneous Record, No. 21, Madison County, Iowa.

Hanna E. Longshore : Copy of Will  
 To  
 Alice Tuck, et al : \$1215. Fee \$7.50

Filed for record on the 5th day of May, A. D.  
 1927 at 7:00 P. M.  
 Gladys B. De Vault, Recorder.

IN THE NAME OF GOD, AMEN I, Hanna E. Longshore, late of the City of Cambridge, Henry County, Illinois but now temporarily of the City of Toronto, Canada, being of sound mind and memory, mindful of the uncertainty of life and the certainty of death, do hereby make, publish and declare this my Last Will and Testament, in manner following that is to say:--

FIRST: I hereby direct that all my just debts and funeral expenses be first paid as soon after my death as practicable.

SECOND: I hereby declare that I consider Cambridge, Henry County, Illinois, my home, and direct that my body be buried in the Cemetery in said Cambridge where my beloved father lies buried, sometimes called Rosedale Cemetery, and in the family burial lot there, if possible; that a vault be constructed like that my father was buried in, and a headstone placed at my grave, such headstone to cost approximately One Hundred Dollars.

THIRD: I give and bequeath to my half brother AMOS C. LONGSHORE the sum of One Hundred (100) Dollars, the same to be paid to him by my Executor out of my estate, as soon as practicable after my death, and he shall never receive any more of my estate.

FOURTH: Owing to the manner in which my mother Marie D. Longshore, and my sisters Ernestine Boltenstern, Marie G. Longshore and Caroline M. Longshore, have treated me heretofore, I leave nothing to any of them; and I hereby declare and direct that none of them shall ever receive any portion of my estate, directly or indirectly; and I hereby exclude every one of them, and their heirs, from ever receiving any portion of my estate.

FIFTH: I give and bequeath to my friend Miss ALICE TUCK, of the said city of Toronto, the sum of Fifty (50) Dollars, the same to be paid to her by my Executor out of my estate as soon as practicable after my death.

SIXTH: The title to the north-west quarter ( $\frac{1}{4}$ ), and the South-west Quarter of the North-east quarter ( $\frac{1}{4}$ ) of Section number twenty (20), in Township number Seventy-four (74), in Range number Twenty-six (26), West of the 5th P. M., in Madison County, State of Iowa, stands in my name, but subject to a large mortgage indebtedness thereon, and I have determined that whatever interest I shall have therein at my death, shall be devoted to charity, under the supervision of a Court of Equity having charge or supervision of charities; and to that end I hereby empower my Executor, hereinafter named, to sell said real estate at private or public sale, subject to any incumbrances thereon, or disincumbered thereof, as he in his judgment shall determine to be best for my estate, and the net proceeds therefrom, after deducting all expenses attending such sale, shall be applied as herein provided; and I firmly believing that an hospital is a great boon to any locality, and its maintenance a great benefit to a community, it should in part at least, be maintained and supported through taxation; and having regard for the people of the village of TRURO, in said Madison County, and desiring to give them an opportunity of having an hospital, it is my will, as follows: (a) I hereby direct that such net proceeds realized from the sale of my equity in said lands shall be so applied, upon the express condition, however, that the village authorities of said village of Truro, shall take such corporate action, measures and proceedings, as shall be legally sufficient to effectually and permanently insure the raising of sufficient funds yearly thereafter by taxation, which, with the income from such proceeds of my said farm remaining for investment, shall be sufficient to maintain such hospital for said village of Truro; and to that end, I hereby direct my Executor to, as soon as practicable, after my death, submit my purposes and desire to the corporate authorities of said village.

(b) My executor shall propose to such village authorities the purchase of a suitable building within the corporate limits of said village, or the erection of one, and provide the same with

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modern appliances for an operating room adequate therefor in his judgment, and with sanitary bedroom furniture, all at an expense of not to exceed Two thousand (2000) Dollars to come from such proceeds, and the balance of such proceeds remaining, less his charges for services in connection therewith, to be paid over to three trustees to be named by such Court of Equity, or to some Corporation organized and bonded for the execution of Trusts, to be selected by such court, and such Trustees or Trustee, as the case shall be, will keep such net proceeds remaining and applicable to my purposes herein expressed, invested to the best advantage, and the yearly income herefrom paid over to the proper village authorities of said village of Truro, as soon as collected, to be used only for the maintenance of such hospital.

(c) In the event that such village authorities of the village of Truro, shall fail to take the necessary corporate action, as shall be legal, to accept such proposition, and to insure the perpetual maintenance of such hospital, within six months after my Executor shall have submitted the same to them, and so notify said Executor in writing; then this offer and bequest shall abate, and become absolutely null and void, unless such Executor shall extend such time for a period of not to exceed six months.

(d) In the event that said village authorities of Truro shall fail to secure the foregoing bequest, as hereinbefore provided and stipulated, then my Executor is hereby directed to submit a like proposition to the proper authorities of said city of Cambridge, Henry County, Illinois, giving such city the same right to secure the benefit of an hospital, and the bequest contemplated in and by this Item Sixth of my will, upon complying with the same conditions, as above required of the village authorities of said Truro.

(e) In the event that neither the corporate authorities of said Truro or Cambridge, shall comply with the said terms and conditions herein imposed for the inception and maintenance of an hospital, then and in such event, the foregoing bequest for an hospital, shall abate and become void; and such proceeds shall become a part of my residuary estate, and pass and vest as hereinafter stipulated.

SEVENTH: I give, devise and bequeath to the corporation or Trustees, as the case may be, having charge of the management of what is known as the "Sick Childrens Hospital" of Toronto, Canada, the lot and building known as number six hundred and fifty five (655) Bathurst Street, in said city of Toronto, and being a part of Lot Three hundred and ten (310), according to the plan registered in the Register Division of West Toronto, as number Ninety-three (93).. SUBJECT however, to the payment of any and all incumbrances and mortgage indebtedness thereon, which shall exist at the date of my death. To Have and To Hold the same in Trust, for the maintenance and support of said hospital and for the benefit of the sick children treated therein; PROVIDED NEVERTHELESS, that in the event such corporation or Trustees shall fail or neglect to pay off and discharge any and all obligations against or on account of said property, within one year from and after the date of my death, and thereby render my estate from all liability to pay the same, or on account of any such indebtedness; then and upon such failure, this devise shall be and become absolutely null and void, and said property shall then become a part of my residuary estate, and be included in my residuary devise hereinafter made.

EIGHTH: I hereby give and bequeath all of my paintings to my friend Mrs. MAE WOODRHEES, wife of Gilbert Woodrhees, of the town of Modesto in the State of California, as her absolute property.

NINTH: I give and bequeath any and all household property, clothing, jewelry and personal ornaments to my cousin EMORY DAVIDSON and his wife, of Des Moines, Iowa, as their absolute property.

TENTH: All the rest, residue and remainder of my property of every kind and character and wherever situated, or the proceeds thereof, I desire and direct shall go and belong to the hospital known as the Wesley Memorial Hospital, located at 25th and Dearborn Streets in the city of Chicago, Illinois, by whatever corporate name it may exist for the following uses and purposes to wit:

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(a) The net proceeds referred to in Item Sixth of this my will, in the event such proceeds shall become a part of my "residuary" estate, shall be kept and invested by the corporate authorities of the Wesley Memorial Hospital, and the proceeds thereof applied to the maintenance of a free hospital bed or beds to the extent it will reach, for the benefit of such poor sick children as shall be brought to said hospital.

(b) All the rest, residue and remainder of my said "residuary" estate shall belong absolutely to said Wesley Memorial Hospital, to be used and applied towards the maintenance of such hospital under the direction of its Board of Trustees or other proper officers having charge of the conduct of the business of said hospital.

ELEVENTH: In order that the above bequests to the Wesley Memorial Hospital may be legally and effectually carried out, I hereby vest in my executor hereinafter named, full power and authority, in case he shall deem it necessary and for the best interest of said Wesley Memorial Hospital to do so, to convert any and all real and personal estate of which I may die seized, into money or securities; and to that end I hereby give him full power and authority to sell and convey said real estate <sup>and convert</sup> any securities into cash for such price and upon such terms as he shall deem proper, and turn the same over to said Wesley Memorial Hospital corporation or its successors, to be used by it as herein provided; in the event he shall not avail of the power herein granted, and sell said real estate or securities, he shall transfer the same by any proper conveyance to the said Wesley Memorial Hospital corporation, to be used and applied by it as hereinabove provided.

LASTLY: I hereby revoke all former wills by me made. I hereby nominate and appoint my friend and attorney, CHARLES L. WALKER, of Rock Island, Illinois, executor of this my will, with full power to execute the same according to the true intent and purposes hereinbefore by me declared.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of October, A. D. 1916.

Hanna E. Longshore (SEAL)

THE FOREGOING INSTRUMENT was on the day and date thereof signed, sealed, published and declared by the said Hanna E. Longshore, as and for her Last Will and Testament, in our presence, and we at her request, in her presence and in the presence of each other, have subscribed our names hereunto as witnesses to the execution thereof.

John D. Bissett 36 Toronto St. Toronto Canada.  
T. H. Peine  
A. L. Williams.

WHEREAS, I, Hanna E. Longshore, did on the 9th day of October A. D. 1916, make and last will and testament in writing, in and by which I have made a certain bequest to the village of Truro, Madison County, Iowa by Item "SIXTH" thereof, which I desire to revoke in every respect.

NOW THEREFORE I do by this my writing, which I hereby declare to be a codicil to my last will and testament, and to be taken as a part thereof, order and declare that my will is that all of said Item "SIXTH" be and the same is hereby revoked and I do hereby declare, devise and bequeath the property and proceeds thereof as follows:

The title to the Northwest quarter ( $\frac{1}{4}$ ), and the Southwest quarter of the Northeast quarter ( $\frac{1}{4}$ ) of Section number Twenty (20), in Township number Seventy-four (74), in Range number Twenty-six (26), West of the 5th P. M., in Madison County, State of Iowa, stands in my name, and I have determined that whatever interest I shall have therein at my death, shall be devoted to charity, under the supervision of a court of Equity having charge or supervision of charities; and to that end I hereby empower my Executor, hereinafter named, to sell said real estate at private or public sale, subject to any incumbrances thereon, or disincumbered thereof, as he

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in his judgment shall determine to be best for my estate, and the net proceeds therefrom after deducting all expenses attending such sale, I do hereby give, devise and bequeath to the TRUSTEES OF THE METHODIST HOSPITAL at DES MOINES, IOWA, for the benefit and use of said Hospital, and in the event said Hospital is incorporated, then I make this devise to it in its corporate capacity, for the use and benefit of said Hospital.

AND LASTLY it is my desire that this codicil be annexed to and made a part of my last will and testament as aforesaid, to all intents and purposes.

IN WITNESS WHEREOF I have hereunto set my hand and seal this Second (2nd) day of August, A. D. 1920.

Hanna E. Longshore (SEAL)

THE FOREGOING INSTRUMENT was on the day and date thereof duly signed, sealed, published and declared by the said HANNA E. LONGSHORE as and for a codicil to her Last Will and Testament, in our presence, and we at her request, in her presence and in the presence of each other, have subscribed our names hereunto as witnesses to the execution thereof.

Nellie J. Scully.

Gertrude Helfpenstell.

State of Illinois ss.  
County of Henry

In the Circuit Court in and for said County  
of the February Term, A. D. 1922.

In the matter of the estate  
of Hanna E. Longshore, deceased. }

In the matter of the Probate of  
her will.

Appeal from the order and Judgment of the County Court in and for said County Admitting said will to Probate.

Now on this 7th, day of April, A. D. 1922, the above entitled cause coming on to be heard on the petition of Charles L. Walker for the probate of the paper purporting to be the last Will & Testament of said Hanna E. Longshore, deceased, and for his appointment as Executor of said last will; being present in open Court said Charles L. Walker, petitioner in his own proper person and by C. J. Searle, his attorney, and also being present in open Court, appellants, Marie D. Longshore, Amos G. Longshore, Ernestine Boltenstern, Marie G. Longshore and Caroline N. Longshore by Carl A. Melin and Hunn & Jones, their Attorneys; and now coming on for hearing and disposition the motion of said Charles L. Walker petitioner, filed herein February 27th, A. D. 1922, to strike from the files herein appellants objections to jurisdiction filed in said County Court April 16th, A. D. 1921 and refiled in said County Court January 11th A. D. 1922; and the Court now having heard and considered the said objections and motions and the suggestions and arguments of said respective attorneys thereon, and being fully advised in the premises doth grant and allow said motion, and strikes said objections from the filed herein; to which ruling of the court said appellants by their said attorneys duly except.

And now the said appellants, by their said attorneys offer to adduce evidence herein to prove that said Hanna E. Longshore, deceased, was not, at the time of her death a resident of or having her domicile in said Henry County, but was a resident of the State of Iowa or the Dominion of Canada; to which offer of evidence petitioner, Charles L. Walker, by his said Attorney objected; and the Court having duly considered said offer of evidence and objections thereto and the suggestions and arguments of said respective attorneys thereon, hereby sustains said objections and disallows appellants said offer of evidence; to which ruling of the Court said appellants, by their said attorneys except.

And now this cause coming on to be further heard upon said petition of said petitioner, Charles L. Walker for the probate of the said paper purporting to be the last will and testament and Codicil thereto of Hanna E. Longshore, deceased, on file herein, and for his appointment

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as executor; and now the said Charles L. Walker petitioner offers in evidence the said papers purporting to be the last will and testament and Codicil thereto, of said Hanna E. Longshore, deceased, and the deposition taken under the direction of said County Court, and transferred to and on file in this Court on this appeal in proof of the execution of said Will and codicil which evidence is now by the Court duly admitted; and now the Court having duly read, inspected and considered the record and files in this cause, including the said paper purporting to be the last will and testament and codicil thereto of said Hanna E. Longshore, deceased, the said petitions of petitioner, Charles L. Walker for the probate of the same, and the said depositions, it duly appears to the court and the court finds that thereby said County Court and this Court obtained complete jurisdiction of said subject<sup>matter</sup> and of all the heirs, legatees, and devisees of said Hanna E. Longshore, deceased, that said Petitioner, Charles L. Walker on March 28th, A. D. 1921 filed in said County Court his petition for and for the Court to fix a date for hearing on, the probate of the said Last Will and Testament and Codicil thereto of said Hanna E. Longshore, deceased, and in said petition represented and set forth that said Hanna E. Longshore, deceased, died at Toronto Canada on March 15th, A. D. 1921, the names and places of residence of all her legatees, devisees, and heirs at law; that at the time of her death she was a resident of said Henry County and had real and personal property in said county; and said Original will was duly executed, published and witnessed in Canada, and said Codicil thereto in this State, in all respects as required by the laws of this State and asked for the issuance of a *dedimus potestatum* to take the depositions of non-resident witnesses to said original will, and for the issuance of a summons for the resident witnesses to said codicil thereto; that on to-wit: said March 28th, A. D. 1921, and pursuant to the prayer of said duly verified petition, the said County Court set and fixed the 18th, of April A. D. 1921 at 8: A. M. as the time for hearing on said petition, and ordered that a *dedimus potestatum* issue on April 7th, A. D. 1921, directed to Charles J. Holman, a Notary Public of Toronto Canada, to take the depositions of the subscribing witnesses to said Original Will, and that notice to said petitioner and said heirs, legatees and devisees to file interrogatories and cross interrogatories by April 6th, A. D. 1921 to be attached to said *dedimus potestatum*, should they desire to interrogate said witnesses with reference thereto; that on said March 28th A. D. 1921, the Clerk of said Court duly sent by mail in a sealed envelope with full letter postage prepaid thereon, a copy of said petition, notice of time of filing interrogatories and cross interrogatories, and issuing of a *dedimus potestatum*, and of said date set for hearing, to each and all of the heirs, legatees and devisees of said Hanna E. Longshore, deceased, at their respective places of residence and post office address as set forth in said petition, in all respects as required by the laws of this State, and made and filed in said County Court his due returns thereof; that on to-wit: April 7th, A. D. 1921 said *dedimus potestatum* was duly issued by the Clerk of said County Court, with said interrogatories thereto attached; that on, to-wit: April 11th, A. D. 1921, pursuant to said *dedimus potestatum* and interrogatories thereto attached the deposition of John D. Bissett, one of the subscribing witnesses to such original will was duly taken, and afterwards filed in said County Court; that on the 18th day of April A. D. 1921, at the time fixed for hearing on said petition aforesaid, appeared in said County Court in open Court Nellie J. Scully and Gertrude Helpenstell, subscribing witnesses to said Codicil, and also came said appellants by Carl A. Melin, their attorney, and filed herein their written objections to the jurisdiction of said County Court to Probate said will upon the ground that said Henry County was not the domicile of said Hanna E. Longshore, deceased, or the place where said will should first be admitted to probate, and that thereupon said Nellie J. Scully and Gertrude Helpenstell, said attesting witnesses to said Codicil were each duly sworn and testified in open Court to the execution of said Codicil

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and their testimony was reduced to writing and subscribed to by them and duly filed in said County Court; that thereupon by agreement of the respective attorneys in said cause the hearing of said Cause was continued for the substitution of authorities and for further proceedings therein, and that said testimony should be considered by the said Court as of the date of the decision upon said objections; that afterwards, to-wit; on April 26th A. D. 1921, the said petitioner, Charles L. Walker, duly filed in said County Court a supplemental petition, duly verified, setting forth and representing that neither he nor any of the parties concerned in said estate were able to ascertain the residences or whereabouts of said other attesting witnesses to said original will and praying for a dedimus potestatum to take the testimony of witnesses at Toronto Canada in proof of the handwriting of said other subscribing witnesses, and submitting interrogatories for that purpose; That said County Court, by its order duly entered directing the issuance of a dedimus potestatum to take such depositions, and its said Clerk, on, to-wit; April 26th, A. D. 1921 duly issued such dedimus potestatum with interrogatories thereto attached as prayed, and on file herein; that pursuant to said last named dedimus potestatum and interrogatories thereto attached, as aforesaid, on, to-wit; April 29th, A. D. 1921 and April 30th, A. D. 1921, the depositions were duly taken respectively of John D. Bissett and Grace Thompson and were thereafter duly returned in said County Court; that thereafter, to-wit; on May 16th, A. D. 1921, said petitioner, Charles L. Walker, duly filed in said County Court his further petition, duly verified, setting up the facts that the bills of the undertaker for the embalming of the body of the said Hanna E. Longshore, deceased, the funeral expenses, transportation charges for bringing her body from Toronto Canada to Cambridge in said Henry County, as directed by said deceased, had not been paid; that the taxes upon the real estate of said deceased in said Henry County were past due, and said real estate was taken being advertised for judgment and sale by the County Collector of said Henry County; that storage charges upon her personal property was past due; And thereupon came into said Court said respective parties, to-wit; said Petitioner and said appellants by their said respective attorneys and proceeded to argue said objections of said appellants; that thereupon said County Court duly took the matter under advisement, and thereafter on; to-wit; June 4th, A. D. 1921, said County Court duly considered the said arguments of Counsel, the authorities cited by them, the statutes of this State governing the question involved, and the said paper purporting to be the last Will and Testament of said Hanna E. Longshore, deceased, and said objections, and the said depositions and the testimony of said attesting witnesses, relative to the execution of said will and codicil, and being fully advised in the premises duly found and adjudged that it had full and complete jurisdiction to admit said will to probate; that said deceased died seized of lands and personal property in the said County of Henry and owned debts therein, and in her will claimed Henry County as her home; that the testimony of said witnesses showed that said original will was duly signed, sealed and published by said deceased in the City of Toronto in the Dominion of Canada, by said Hanna E. Longshore, in their presence of each other, that the said Hanna E. Longshore, deceased, at the time of the execution thereof was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint; that said paper purporting to be the last will and testament of her, and said Hanna E. Longshore, deceased, was duly executed according to the laws of this State; That the testimony of the witnesses as to the execution of said codicil to said will showed that the said codicil was duly signed, sealed and published by said deceased in their presence and in the presence of each other, and that the said Hanna E. Longshore deceased, at the time of the execution of said Codicil, was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint, and was duly executed in accordance with the laws of this State; and that said will and Codicil attached thereto, should be so adjudged and admitted to record; and thereupon, said County Court entered an order adjudging that said papers so presented to said Court

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for probate as the last will and testament of said Hanna E. Longshore, deceased, including the codicil thereto attached, were duly and sufficiently proved and established by the testimony of the respective attesting witnesses thereto, and the other witnesses whose depositions were on file in said County Court in proof of the handwriting of the other subscribing witnesses in proof of the execution thereof, in strict accordance with the laws of this State, as the last will and Testament of said Hanna E. Longshore, deceased, and admitted the same to Probate as the <sup>last</sup> Will and Testament of said Hanna E. Longshore, deceased, and that the said last Will and Testament and Codicil thereto attached together with said depositions and testimony taken in proof of the execution thereof, be entered at length upon the records of said County Court, to the end that said paper be established and shown upon said records of said County Court to be the last Will and Testament of said Hanna E. Longshore, deceased, and further ordered and adjudged that Letters Testamentary issue forthwith to said Charles L. Walker, as prayed in said petition, upon his filing in said Court a bond in the sum of Ten Thousand Dollars, which he, the said Charles L. Walker then and there did; and the same was approved by said County Court, and said Letters Testamentary then and there issued to him accordingly; that said County Court then and there further held and adjudged that the question of whether the domicile of said Hanna E. Longshore was in fact in Cambridge, Henry County, Illinois, as she declared in her said will, or elsewhere, was one which did not affect the jurisdiction of said Court to adjudicate upon and admit her will to probate in this county, since she published said will in Canada, did seized of real estate in this County, owned personal property in this County and owed debts here, so that her will should be admitted to Probate here; but that as such question may become important upon the distribution of her estate, the question of ascertaining her domicile was held open for the purpose of taking evidence as to that question, either upon testimony taken in that Court or upon depositions, as the parties interested should desire and that all parties interested were thereby authorized to take any legal evidence upon that question by deposition upon notice provided by the Evidence of this State, within six months from that date, and offer oral evidence in open Court on such date as said Court should thereafter fix, for which purpose said cause should stand continued:

That thereafter an appeal from said order and judgment of said County Court admitting said will to probate was duly prosecuted to this Court by appellants; that thereafter, to-wit: on December 14th, A. D. 1921 said petitioner Charles L. Walker duly filed in said County Court his further petition duly verified calling the attention of said County Court to the fact that in his said original petition, he intended in perfect good faith to give the names of all the heirs, legatees and devisees of said Hanna E. Longshore, deceased, but through inadvertence and mistake he failed to include the Village of Truro, in Madison County, Iowa, and the Village of Cambridge in said Henry County, Illinois, named as legatees or devisees of said Hanna E. Longshore, deceased, in said original will, and prayed for the entry of such order in said County Court, as was required by law, for notice to all said heirs, legatees and devisees of deceased, and for the issuance of a dedimus potestatum to take the depositions of the attesting witnesses to said will at Toronto Canada upon the interrogatories presented with said petition, and also a dedimus potestatum to take the depositions of the attesting witnesses to said codicil in Rock Island Illinois, and for such further order as the law should require for the full and complete probate of said will and codicil thereto; and thereupon, to-wit: on said 14th day of December A. D. 1921, said County Court duly made and entered an order as prayed in said last named petition, and set aside said order and judgment of said County Court of the 4th day of June A. D. 1921 admitting said will and codicil to probate, and fixed the 23rd day of December A. D. 1921 as the time for filing of cross-interrogatories and for the issuance of said dedimus potestatum to J. Weber, a Notary Public in Toronto Canada, to take depositions in proof of the

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execution of said original will, and upon the return of said depositions from Toronto Canada, as the time for the issuance of a *dedimus potestatum* to James L. Mc Namara, a Notary Public, of Rock Island, Rock Island County, Illinois, to take the testimony of the attesting witnesses to said codicil of said Hanna E. Longshore, deceased, and directed its Clerk to send a copy of said petition as required by the Statute, and the 4th day of January A. D. 1922 as the time for the hearing of the said petition for the probate of said will and codicil; that on, to-wit: December 14th, A. D. 1921, the Clerk of said County Court duly mailed, in a sealed envelope and with full letter postage prepaid thereon, a copy of said petition, together with a notice of said date of hearing, issuing of said *dedimus potestatum* and of filing interrogatories and cross interrogatories, as aforesaid, to each and all of said heirs, legatees and devisees at their respective residences and post office addresses, as set forth in said petition, and made and filed in said County Court his due return thereon, in all respects as required by the statutes in such case made and provided; that on to-wit: December 23rd, A. D. 1921, a *dedimus potestatum* to said Toronto Canada, with all interrogatories and said original will and codicil thereto attached was duly issued by said County Court and thereafter, to-wit: on the 30th day of December, A. D. 1921, the deposition was duly taken thereunder of John D. Bissett, one of the subscribing witnesses to said will, and thereafter said *dedimus potestatum* was duly returned and filed in said County Court with the deposition of said subscribing witness John D. Bissett, and thereupon, on, to-wit: the 4th day of January, A. D. 1922 said County Court duly issued said *dedimus potestatum* to said James L. Mc Namara, a Notary Public with interrogatories and said original will and codicil thereto attached, to take the depositions of said attesting witnesses to said codicil and the hearing of said petition for, and the probate of said will of said Hanna E. Longshore, deceased, was duly continued for the return of said last mentioned deposition on the 7th day of January A. D. 1922, the depositions of Gerturde Helpenstell and Nellie J. Scully subscribing witnesses to said codicil were duly taken and said last named *dedimus potestatum* and depositions were duly returned and filed in said County Court; that thereupon, on, to-wit: said January 11th, A. D. 1922, the date so set for the hearing of said petition for the probate of said last will and testament of said Hanna E. Longshore, deceased, and the codicil thereto, appellants, by their said attorneys, appeared in open Court and refiled in said County Court their said objections to the jurisdiction of said Court; that thereafter, to-wit: on said 11th day of January A. D. 1922, said County Court, upon due consideration of the said papers purporting to be the last will and Testament and Codicil thereto of the said Hanna E. Longshore deceased, said objections, said depositions relative to the execution of said will and codicil and the suggestions and arguments of the respective attorneys thereon, and being fully advised in the premises, duly found and adjudged that it had full and complete jurisdiction to admit said papers purporting to be the last will and testament and codicil thereto, of said Hanna E. Longshore, deceased, to probate, as her last Will and Testament; that said deceased died seized of land and personal property in said County of Henry and owed debts therein, and in her will claimed Henry County, Illinois as her home; that the testimony of the subscribing witnesses thereto showed that the original will was duly signed, sealed and published by said deceased in the City of Toronto in the Dominion of Canada, in their presence, and in the presence of each other; that the Hanna E. Longshore deceased, at the time of the execution thereof was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint, and said paper purporting to be the original last Will and Testament of her, the said Hanna E. Longshore, deceased, was duly executed according to the laws of this State, that the testimony of the subscribing witnesses thereto showed that said paper purporting to be the codicil to said original will was duly signed, sealed and published by the deceased in their presence and in the presence of each other; that the said Hanna E. Longshore, deceased, at the time of the execution of said codicil

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was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint; that said paper purporting to be said codicil was duly executed according to the laws of this State; that said papers purporting to be the original will and codicil thereof of said Hanna E. Longshore deceased, should be adjudicated as her last will and codicil and admitted to Probate and record; that thereupon, on, to-wit: the 11th day of January, A. D. 1922, said County Court having full and complete jurisdiction of said subject matter of the persons of all the heirs, devisees and legatees of said Hanna E. Longshore, deceased, and by its order therein duly ordered, adjudged and declared that said paper presented to said Court for probate as the last Will and Testament of said Hanna E. Longshore, deceased, including the Codicil thereto attached, were duly and sufficiently proven and established by the testimony of the respective attesting witnesses thereto, and the other witnesses whose depositions were on file in said County Court in proof of the handwriting of the other subscribing witnesses, in proof of the execution thereof, in accordance with the laws of this State, as the last Will and Testament of said Hanna E. Longshore, deceased, and admitted the same to probate as the last Will and Testament of said Hanna E. Longshore, deceased; and further ordered that the said Last Will and Testament and Codicil thereto, together with said depositions and testimony taken in proof of the execution thereof, be entered at length upon the records of said County Court to the end that said paper be established and shown upon the said records of said County Court to be the last will and testament of said Hanna E. Longshore, deceased, and further ordered, adjudged and decreed that Letters Testamentary issue forthwith to said Charles L. Walker, as prayed in said petition; from which order and judgment this appeal was duly prosecuted to this Court by said appellants.

And now the Court having given the said pleadings, papers, returns and depositions due and proper consideration, it appears to the Court, and the Court doth find that it has full and complete jurisdiction over the subject matter involved in this appeal and to probate the paper presented, and filed purporting to be the original last Will and Testament of said Hanna E. Longshore, deceased, and the Codicil thereto, as the Last Will and Testament of said Hanna E. Longshore deceased, and over the persons of all of the heirs, devisees and legatees of her, and said Hanna E. Longshore, deceased, and that said paper purporting to be the Original Last Will and Testament of her, the said Hanna E. Longshore, deceased, was duly signed, sealed and published by said deceased in the City of Toronto in the Dominion of Canada; that the said Hanna E. Longshore, deceased, at the time of the execution thereof was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint, and that said paper purporting to be the Original Last Will and Testament of her, the said Hanna E. Longshore, deceased, was duly executed according to the laws of this State; that said paper purporting to be the Codicil to said original will was also duly signed, sealed and published by the said deceased; that said deceased at the time of the execution of said codicil was of lawful age, of sound mind and memory, capable of disposing of her property and under no constraint; that said paper purporting to be the said codicil was duly executed according to the laws of this State; that said papers purporting to be the Original Will and Codicil thereto, of her, the said Hanna E. Longshore, deceased, was and should be adjudicated by this Court as the last Will and Testament of her, the said Hanna E. Longshore, deceased, and admitted to probate and record accordingly; and that said Charles L. Walker was properly appointed Executor, and should continue to be Executor.

Wherefore, it is by this Court ordered, adjudged and declared that said paper presented to said County Court, and now on appeal in this Court, as the Last Will and Testament and Codicil thereto of said Hanna E. Longshore, deceased, were and are duly and sufficiently proven and established in accordance with the laws of this State to be the last Will and Testament of said

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Hanna E. Longshore, deceased and is hereby admitted to Probate as the last Will and Testament of said Hanna E. Longshore, deceased.

And it is hereby ordered and adjudged that the said Last Will and Testament of said Hanna E. Longshore, deceased, together with full and complete files herein including returns of service of said County Clerk, the depositions and testimony taken in proof of the execution of said will and codicil, and this order and adjudication be entered at length upon the records of this court to the end that the said last Will and Testament and Codicil thereto, be established and shown upon the records of this Court to be the last Will and Testament of said Hanna E. Longshore, deceased, and that said last Will and Testament and Codicil and all the files and depositions of and from said County Court be returned and restored by the Clerk of this Court to the Clerk of said County Court, together with this order or a certified copy thereof, there to remain for such further orders and action in the administration of the estate and the execution of the said last Will and Testament of her, the said Hanna E. Longshore, deceased, as the law requires.

It is further ordered that the Clerk of this Court make and retain on file in this Court a copy of all the aforementioned papers in order that the record of this appeal shall be preserved in this Court.

It is further ordered and adjudged that said appellants pay the costs of this appeal and that the proper writ issue for the collection thereof.

To which order and Judgment of this Court in so admitting said will and testament of her, the said Hanna E. Longshore, deceased, to probate, appellants duly except and pray an appeal to the Supreme Court of the State of Illinois, which is allowed upon their filing a bond in the penal sum of Five Hundred Dollars (\$500.00) conditioned as required by law, with sureties to be approved by the Clerk of this Court within thirty (30) days and a Bill of Exceptions to be executed and filed in sixty (60) days from the date hereof.

William T. Church.  
Judge.

State of Illinois ss;  
County of Henry

I, J. A. Horberg, Clerk of the Circuit Court, within and for said County in the State aforesaid, and keeper of the records and seal of said Court, do hereby certify, that the above and foregoing is a full, true and correct copy of a decree of said Court, in a cause lately pending in said Court, entitled, "In the matter of the estate of Hanna E. Longshore, deceased", as appears from the record and files of said Court now remaining in my Office.

Witness my hand and the seal of said Court at Cambridge, Illinois, this 31st day of October, A. D. 1922.

(Seal)

J. A. Horberg,  
Clerk.

State of Illinois, ss;  
County of Henry

THE PEOPLE OF THE STATE OF ILLINOIS

TO ALL TO WHOM THESE PRESENTS SHALL COME-----GREETING:

Know ye, That whereas, Hanna E. Longshore late of the County of Henry and State of Illinois died on or about the 15th day of March, A. D. 1921, as it is said after having duly made and published her last Will and Testament, a copy whereof is hereunto annexed, leaving at the time of her death, property in this State which may be lost, destroyed or diminished in value, if speedy care is not taken of the same; and in as much as it appears that Charles L. Walker has been heretofore appointed Executor of said Will by this Court and was appointed Executor, in and by said Will and Testament, to execute the same; and to the end that said property may be preserved for those who shall appear to have a legal right or interest therein, and that the said Will may be

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executed according to the request of said testatrix, we do hereby authorize and re-authorize him the said Charles L. Walker as such executor to collect and secure all and singular the goods and chattels, rights and credits, which were of the said Hanna E. Longshore at the time of her decease, in whatsoever hands or possession the same may be found in this State; and well and truly to perform and fulfill all such duties as may be enjoined upon him by the said Will, so far as there shall be property, and the law charge him; in general to do and perform all other acts, which now are or hereafter may be required of him by law.

WITNESS: JOHN S. SMITH, Clerk of the County Court of said County of Henry, and the Seal of the said Court this 4th day of June, A. D. 1923.

(SEAL)

JOHN S. SMITH  
County Clerk.

STATE OF ILLINOIS,  
ss:  
COUNTY OF HENRY,

I, JOHN S. SMITH, Clerk of the County Court in and for said County, in the State aforesaid, the same being a Court of Record, having exclusive original jurisdiction of all matters Probate and Guardianship in said County, do hereby certify the foregoing to be a true, perfect and complete copy of the original last will and testament and Codicils attached thereto of Hanna E. Longshore, deceased as the same was admitted to probate and duly entered of record; also a full, true and complete copy of an order of the Circuit Court entered on the 7th day of April, A. D. 1922 in the matter of the Appeal from the Order and Judgment of the County Court of Henry County, admitting said will to probate, said Order being duly certified to the County Court on the 31st day of October, A. D. 1922; also a full, true and complete copy of Letters Testamentary duly granted to Charles L. Walker on the 4th day of June A. D. 1923, as Executor of the last Will and Testament of Hanna E. Longshore, deceased, all of which appears from the Records and files now in my office remaining.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in Cambridge, in said County, this 17th day of March, A. D. 1926.

(COUNTY SEAL)

John S. Smith.  
Clerk.

STATE OF ILLINOIS,  
ss:  
County of Henry

I, Leonard E. Telleen, sole Presiding Judge of the County Court in and for Henry County, do hereby certify that John S. Smith, whose name is subscribed to the foregoing Certificate of Attestation, now is, and was at the time of signing and sealing the same, Clerk of the County Court of Henry County, aforesaid, and keeper of the Records and Seal thereof, duly elected and qualified to office; that full faith and credit are, and of right ought to be given to all his official acts as such, in all courts of record and elsewhere; and that his said attestation is in due form of law, and by proper officer.

Given under my hand and seal this 17th day of March, A. D. 1926.

Leonard E. Telleen. (SEAL)

STATE OF ILLINOIS,  
ss:  
County of Henry,

I, John S. Smith, Clerk of the County Court in and for said County, in the State aforesaid, do hereby certify that Hon. Leonard E. Telleen, whose genuine signature appears to the foregoing certificate, was at the time of signing the same sole Presiding Judge of the County Court in and for Henry County aforesaid, duly elected, commissioned and qualified

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as such; that full faith and credit are, and of right ought to be given to all his official acts as such, in all courts of record and elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in Cambridge, in said County, this 17th day of March, A. D. 1926.

John S/ Smith  
Clerk.

**COMPARED**