

Benjamin Winters decd.

Leaut of common pleas, June term 1840, to wit, on the third day of July 1840. The last will & testament of Benjamin Winters late of Monroe Township, Muskingum County, deceased, was this day produced & James Morrow & John Lynch, two credible subscribing witnesses thereto, being in open court, duly sworn & examined declared that said last will & testament, was subscribed by the said Benjamin Winters and subscribed & attested by them in his presence, who saw the said testator, subscribe the same; that said last will & testament was duly executed, that the testator at the time of executing the same, was of full age of sound mind & memory & not under any restraint. And it appearing to the court from the above testimony, that said last will & testament was duly executed that the testator at the time of executing the same was of full age of sound mind & memory & not under any restraint.

It is thereupon considered by the court, that the said last will & testament together with the proof thereof be recorded by the clerk of this court, & that letters testamentary, with a copy of said will annexed, be issued to Jane Winters the executrix named in said last will & testament, who was sworn as such in open court, to give bond in the sum of \$200. James Morrow & James S. Jack are accepted as securities.

WILL.

"In the name of God Amen, I Benjamin Winters of Monroe Township, Muskingum County, Ohio, being of sound mind & memory, but weak in body, thanks be to God for the same, do make and publish this to be my last will & testimony, to wit, First, It is my will that all my just debts & funeral expenses be paid.

Second Item, I will to my ^{two} sons Lewis & Bruce Winters, all my real estate of land in Monroe Township, Muskingum County, Ohio, (that is to say, the north west quarter of the south east quarter of section Ten in Township Three of Range Five in the unappropriated lands in the Military District subject to sale at Jamesville, Ohio containing Forty acres,) also 20 acres it being the south half of the south west quarter of the north east quarter, of section No 10, Township No 3 of Range No 5 My containing, as is supposed 20 acres be the same more or less.

Third Item, I will that at the decease of my son, Lucas, Winters all the land that is in this will, is to be Bruce Winters if the said Lucas decease, with the heirs of his body. Fourth, I will that my beloved wife Jane Winters shall have her maintainance of the land as long as she lives. Fifth Item, I will my son Rees Winters, one dollar. Item, I will my daughter Jerusha one cow. Item, I will to my daughter Rebecca one calf. Item I will to my daughter Hannah two sheep. Item I will to my daughter Jane one bed & bedding & one heifer. Item, I will all the rest of my personal property to my wife Jane for her use & to divide at her decease as she may think proper & lastly, I nominate my wife Jane Executor of my last will & testimony, whereof I have hereunto set my hand. January the 29th A.D. 1840.

Signed in the presence of us

James Morrow

John Lynch

Benjamin Winters

Benjamin M. McClain dec'd

Court of Common Pleas, June term 1840, to wit, on the third day of July 1840. The last will & testament of Benjamin McClain late of the County of Muskingum & State of Ohio deceased, was this day produced, & Isaac Carter and Joseph Wylie two credible subscribing witnesses thereto being in open court, duly sworn & examined, the said Carter declared that said last will & testament was subscribed by said Benjamin & subscribed & attested by him in the presence of him by said Benjamin, who saw the said testator subscribe the same, & said Wylie declared that said last will & testament was acknowledged by said testator in his presence & both said witnesses declared that said last will & testament was duly executed, that the testator at the time of executing the same, was of full age of sound mind & memory & not under any restraint. And it appearing to the Court from the above testimony that said last will & testament was duly executed, that the testator at the time of executing the same was of full age, of sound mind & memory & not under any restraint.

It is thereupon ordered by the Court, that said last will and testament together with the proof thereof be recorded by the Clerk of this Court.