

Will of Joseph E. McDonald.

This instrument witnessed that J. Joseph E. McDonald, of the County of Marion and State of Indiana, making all other wills heretofore made, do make and publish this my last Will and Testament.

First, I desire that the payment of all of my debts and legal liabilities shall be made out of my general estate.

Second, I devise, bequeath and confirm unto my beloved wife Josephine F. McDonald, the following real estate in the County of Marion and State of Indiana, to wit: Part of lot eight (8), in square fifty seven (57), in the City of Indianapolis, bounded as follows: Beginning twenty two and one half (22 1/2) feet west of the southeast corner of said lot; running thence north one hundred and ninety five (195) feet to an alley; thence west twenty two and one half (22 1/2) feet; thence south one hundred and ninety five (195) feet to Washington Street, and thence east twenty two and one half (22 1/2) feet to the place of beginning, together with all of the hereditaments and appurtenances therunto belonging, to have and to hold the same in fee simple free from all incumbrances, it having been my intention at the time of making said purchase of said property to make an investment for her use and benefit. I also devise and bequeath to her all carriages, harness and horses that I may own at the time of my decease, and all my household and kitchen furniture, including silver ware and table ware, and my private library and all works of art. The above devise and bequests to be in full of all of her interest in my estate, and the acceptance thereof to be deemed a relinquishment of any and all other claim in and to the same.

Third, I devise and bequeath to my grand son, C. J. McDonald, the gold watch I may own at the time of my decease, and if he should adopt the profession of the law I devise and bequeath to him my law library; otherwise the same is to be treated as a part of my estate, and to be disposed of in the manner provided in the next item.

Fourth, All of my estate of whatever kind, real and personal, not herein specifically devised or bequeathed, I devise and bequeath to my heirs at law other than my wife, to be distributed among them according to the laws of descent and distribution that may be in force, at the time of my decease, applicable to said property.

I hereby appoint my friend Theo. P. Haughey of the City of Indianapolis and State of Indiana, the sole executor of this my last will and testament.

In witness whereof I have herunto set my hand and seal this 26th day of August, 1890.

Joseph E. McDonald (seal)

We, the undersigned attesting witnesses, hereby certify that the abovesaid Joseph E. McDonald signed the above instrument, and acknowledged the execution thereof in our presence as his last will and testament; and that we signed this attestation at his request and in his presence, and in the presence of each other, this 26th day of August, 1890 as aforesaid,

Stephen N. Snow,
Jas. K. Daniels.

AFFIDAVIT OF DEATH.

State of Indiana, Marion County, Sct:

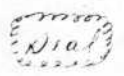
Alpheus H Snow being duly sworn, on oath says that *Joseph E McDonald* departed this life on or about the *21* day of *June*, 18*91*, and at the time of *his* death was a resident of said County and State

Subscribed and sworn to before me, this *26* day of *June* A. D. 18*91* *John R Wilson* Clerk.

PROOF OF WILL.

Before the Clerk of the Circuit Court of the County of Marion, in the State of Indiana, personally came *Alpheus H Snow* one of the subscribing witnesses to the foregoing instrument of writing, who being by me first duly sworn, upon oath depose and say that the *Joseph E McDonald* the testator named in the instrument of writing purporting to be *his* LAST WILL AND TESTAMENT did sign, seal, publish and declare the same to be *his* last will and testament, on the day of the date thereof; that the said testator was at the same time of the full age of twenty-one years, and of sound and disposing mind and memory, and that he was under no coercion, compulsion or restraint, and that he was competent to devise *his* property. And that the said testator so signed, sealed, published and declared the same to be *his* last will and testament, in manner and form as aforesaid, in the presence of affiant and of *Harry Daniels* thereto, and that each attested the same, and subscribed their names as witnesses thereto, in the presence and at the request of said testator, and in the presence of each other.

Alpheus H Snow



Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of said Court, and subscribe my name at Indianapolis, this *26* day of *June* A. D. 18*91* *John R Wilson* Clerk.

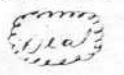
CERTIFICATE OF PROBATE.

State of Indiana, Marion County, ss:

I, *John R Wilson* Clerk of the Circuit Court of the County of Marion, in the State of Indiana, do hereby certify that the foregoing *will* and testament of *Joseph E McDonald* has been duly admitted to probate before *said Court*

That the same was proven by the examination, under oath, of *Alpheus H Snow* one of the subscribing witnesses thereto, and that a full and complete record of the said will, and of the proof and examination of the witness by whom the same was proven, has been made and is now of record in the Will Records of said County.

IN TESTIMONY WHEREOF, I have hereunto affixed the seal of the said Court, and subscribed my name at Indianapolis, this *26* day of *June* A. D. 18*91* *John R Wilson* Clerk.



that foregoing be done

AP 1892
(23)

State of Indiana
Hamilton County } ss:

Hamilton Circuit Court
February Term 1893

Malcolm A. McDonald et al

vs
Josephine F. McDonald et al

Be it remembered That on the 25th day of March 1893 the same being the 41st judicial day of the February Term 1893 of the Hamilton Circuit Court begun, held and continued at the Court House in Milledgeville commencing on Monday the 6th day of February 1893 before the Honorable R. R. Stephenson Judge of said Court the following judgment was rendered in the above entitled cause to wit:

Malcolm A. McDonald
Malcolm S. McDonald
Joseph & M. McDonald
Jesse C. McDonald

No 9275

vs
Josephine F. McDonald
Theodore P. Haughey

Because the parties and the separate motion of the defendant Josephine F. McDonald for a new trial of this cause is now argued by counsel and submitted to the court and the court being advised in the premises do now overrule the same, to which ruling the defendant Josephine F. McDonald nor excepts.

And the plaintiffs now move the Court to render judgment on the verdict of the jury, which motion is sustained and the defendant Josephine F. McDonald excepts.

It is therefore considered adjudged and decreed by the court that the instrument purporting to be the last Will and Testament of Joseph & M. McDonald deceased which was admitted to probate in the Marion Circuit Court on the 26th day of June 1891 and recorded in volume 2^d of the will records of said county in the office of the Clerk of said county on page 50 is not the last Will and Testament of Joseph & M. McDonald deceased and the aforesaid record thereof are in all things void and set aside and held for naught and that the letters testamentary issued thereon by the Marion Circuit Court to the defendant Theo. P. Haughey be and they are hereby voided and set aside.

It is further considered that the plaintiffs recover of the defendants their costs, in this behalf laid out and expended taxed at 10 cents

And the Clerk of this Court is ordered to transmit a certified copy of this judgment to the Clerk of the Marion Circuit Court.

To all of which the defendant Josephine F. McDonald nor excepts. And said defendant is allowed 120 days in which to file her bill of exceptions having this and other exceptions reserved by her in this cause. And the defendant Josephine F. McDonald nor files her separate motion to add to said last mentioned judgment a further and additional decree and judgment.

which motion is as follows:

And the plaintiffs now move the court to strike out ^{and} reject the affidavit
of J. W. Donald filed with said motion.
which said motion to reject is as follows: (Here insert)
which motion the court overrules ^{and} the plaintiffs except ^{and} file their
bills of exceptions as follows: (Here insert)
And the motion of Josephine F. McDonald to add to ^{and} modify said decree
is now submitted to the court ^{and} the previous being overruled to which
only the defendant Josephine F. McDonald excepts.
And said defendant now files her supplemental motion for a new trial
(Here insert)
which said motion is submitted to the court ^{and} overruled ^{and} said de-
fendant excepts ^{and} has 120 days to file her bills of exceptions.
And the defendant Thos. P. Haughey files his separate motion for a new
trial as follows: (Here insert)
which said motion is overruled ^{and} said defendant excepts ^{and} has 120
days in which to file his bills of exceptions.
And said defendants pray an appeal to the Supreme Court which
is granted upon the filing of an appeal bond in the penalty of \$5000 with
Addison C. Harris ^{and} William P. Fishback as sureties.

State of Indiana,
Hamilton County, ss:

I, Joel Stafford Clerk of the Hamilton Circuit Court of the county of
Hamilton in the state of Indiana do hereby certify that the foregoing is a true
and complete copy of the judgment ^{and} decree of said Court in the above entit-
led cause on the day ^{and} year first aforesaid as appears of record in my office.
In testimony whereof I hereunto subscribe my name ^{and} affix the
seal of the said Court at my office at Nashville this 25 day of March
AD 1893.

(Seal)

Joel Stafford
Clerk of Hamilton Circuit Court