

Testimony of Witness to Will.

The State of Ohio,
Fairfield County, ss.

In Probate Court.
August 19th. 1905.

Personally appeared in open Court Lewis C. Mitchell and A. K. Martin the subscribing witnesses to the last Will and Testament of Emma Nell now deceased, who, being duly sworn according to law, depose and say, that the paper before them, purporting to be the last Will and Testament of Emma Nell who resided in Lancaster Township in Fairfield County, Ohio, and died on the 11 day of August 1905, was duly executed as such will by said Emma Nell at Lancaster, Ohio, on the 4th day of April 1905 that they were present at the execution of said Will, and at the request of the Testatrix subscribed their names to the same as witnesses in her presence, and in the presence of each other, and that they saw the said Emma Nell sign said Will and heard her acknowledge the same to be her last Will and Testament; that the said Emma Nell at the time of making and signing said Will, was of legal age, and of sound and disposing mind and memory, and under no undue or unlawful restraint whatever.

Lewis C. Mitchell
A. K. Martin

Sworn to and subscribed in open Court,
this 19th day of August 1905.

W. B. Kilgore, Probate Judge.

By E. J. Holland, Deputy Clerk.

Last Will and Testament.

In the Name of God, Amen. I, Emma Nell, of the City of Lancaster, State of Ohio, being aware of the uncertainty of life, and failing health, but of sound mind and memory, do make and declare this to be my only valid last will and testament:

First: If my dear brother survive me, I devise and bequeath all my property real and personal wherever situate to my brother Charles P. Nell as trustee in trust, that during the life of my mother he shall manage the same in his best judgment, and pay over the full one half of the net income thereof to my said mother, but the other half he shall pay over to my niece Margaret Sadie Nell.

Second: Upon the death of my mother, or if she do not survive me, my property shall be divided as follows;

I bequeath to Margaret Sadie Nell the debt and mortgage on the property known as 2823 Atlantic Avenue, Atlantic City, N. J. or if said debt has been paid before said time, then the amount thereof shall go to said niece from my estate, and she shall always seek the advice and judgment of her uncle Charles P. Nell, or her father as to the manner in which she shall invest the same.

I devise to said Margaret Sadie Nell the undivided half interest and estate in Lot 31 situate in Atlantic City N. J. on Atlantic Avenue near Brighton Avenue, also my piano, side

board, table, also any of my clothing, linens and fancy work she may desire, the same to be delivered to her so soon after my decease as my mother or brother Charles P. Nell shall desire, terminate except the piano, the stool and the cover, which shall be hers immediately.

I also give her my two rings, and my deposit in the Hocking Valley National Bank of Lancaster, Ohio whatever it may be at the time of my decease, also one bureau and washstand. To Emaline Nell, wife of Albert P. Nell I give ten dollars. To Albert P. Nell son of Albert P. Nell I give five dollars. To my brother Charles P. Nell I bequeath my 15 shares of E. Becker Brewing Company stock.

I desire that the note owing by me to the Hocking Valley National Bank upon said stock be paid from my estate so that said stock go to my said brother free of any claim or debt.

To my brother Edward. I give my five shares of Sterling Realty Co's stock of Atlantic City, and which is at present deposited in the Guaranty Trust Co. of Atlantic City pending a division and reparation of said Sterling Realty Company and The Eastern Fire Ins. Co; and also I give to said Edward my five lots in Hillside Cemetery, and my four shares of stock in same; and also to my said brother Edward I give and devise the undivided one half interest and estate in said Lot 31, situate on Atlantic Avenue next to the corner of Brighton Ave; in Atlantic City N. J.; and whatever money remains in my estate not specifically bequeathed and not required for the payment of debts or legacies shall go to my brother Edward P. Nell.

To his wife Lydia, I give all my jewelry, excepting the two rings given to Sadie, she to use them until her daughter Mildred Anna is 18 years of age when they are to be given to her or should she not survive them they are to revert to Dorothy Nell.

I also give to Mildred Anna Nell my deposit in the Philadelphia Savings Fund, the amount therein to be credited to her, also fifty dollars to be added thereto.

To their son Stanley Edward Nell I give my deposit in the Western Savings Fund Society, the amount therein to be credited to him, and fifty dollars added thereto.

To my nephew Herbert E. Nell, I give fifty dollars and this bequest be considered as payment of the small sum placed at one time to his credit in the Phila. Savings Fund.

To my Aunt Dora Friend of 3535 Iowa Ave, St. Louis Mo. I give and bequeath one hundred dollars.

To her daughter Emma of same address, I bequeath Three hundred dollars.

To her married daughter Tillie Kessling I give one hundred dollars.

I hereby appoint my brother Charles P. Nell executor of this my last will and testament without bond, and without in-