

Witnessed and sworn  
 to this 12<sup>th</sup> day of Oct 1847  
 Henry Bennett }  
 C. E. Perry } Comissaries

Charles M Hill of said Lucas Co Ohio was duly  
 seized and upwards being duly and publicly sworn  
 pursuant to instructions hereto annexed and examined  
 on the part of the Legation doth depose and say as  
 follows viz to the 1<sup>st</sup> interrogatory he saith.

My age is thirty five years and upwards I am  
 a lawyer by profession and reside in said County  
 Solida

To the 2<sup>nd</sup> and 3<sup>rd</sup> interrogatory he saith  
 I have examined the paper writing to the said  
 deceased bearing date August 27<sup>th</sup> 1847 purporting  
 to be the last will and testament of Cyrus Tracy  
 and in my opinion it is in due form and is  
 good and valid well by the laws of this state  
 properly executed by the testator and attested by the  
 subscribing witnesses

To the 4<sup>th</sup> interrogatory he saith  
 The laws of the state of Ohio require that wills (not  
 nuncupatory) shall be attested and subscribed in  
 the presence of the testator by two or more competent  
 witnesses who saw the testator subscribe or heard  
 him acknowledge the same: That the will shall  
 be in writing and signed at the end thereof  
 by the party making the same or by some  
 other person in his presence and by his express  
 direction. The following is a transcript from  
 the statute law of this state, which took effect on  
 and has continued in force since the 1<sup>st</sup> day  
 of October 1840 in relation to the matters  
 involved in the foregoing interrogatories.

Sec 1. That any person of full age and sound  
 mind and memory having an interest or estate  
 in any lands tenements or hereditaments or any  
 annuity or rent charged upon or issuing out of the  
 same or any goods shall be right credits whomever in  
 relation or in possession or any other property of any  
 description whatsoever may give and devise the  
 same to any person by last will and testament  
 lawfully made, subject nevertheless to rights of

creditors and to the provisions of this act and of the act  
 entitled an act to restrict the entailment of real estate  
 Sec 2. Every last will and testament purporting such will made  
 and in the sixth eighth section of this act shall be in writing  
 and signed at the end thereof by the party making the  
 same or by some other person in his presence and by his  
 express direction and shall be attested and subscribed  
 in the presence of such party by two or more competent  
 witnesses who saw the testator subscribe or heard him acknowledge  
 the same

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The act restricts the entailment of  
 real estate above referred to

Charles M Hill  
 applies solely to estates in lands or tenements lying within  
 this state and prohibits the granting thereof to any person  
 or persons not in being and does not otherwise relate  
 to the subject aforesaid

And the sixth eighth section of the act in  
 relation to wills above mentioned relates solely to nuncupatory  
 wills and -

To the fourth interrogatory he saith  
 So far as he knows there are no other provisions in  
 the laws of this state in any manner material in proving  
 said last will and testament beyond the territorial  
 jurisdiction of those laws

Charles M Hill  
 Examination taken reduced  
 according by witness and by  
 him subscribed and sworn  
 to this 8<sup>th</sup> day of December  
 A.D. 1847  
 Henry Bennett }  
 C. E. Perry } Comissaries

Clerk County's Records the preceding last will and testament of  
 Cyrus Tracy deceased, as and for a will of real and personal  
 estate together with the proofs taken thereon in the Orphans  
 Surrogate's Court relating to the said last will and  
 testament, which record is hereby signed and certified  
 to be in pursuance to the provisions of the Revised Statutes  
 this tenth day of January in the year A.D. 1850.

O. H. Whitney  
 County Judge &c.