

Will of Benjamin Ham.

Know all men by these presents: That I, Benjamin Ham of Miami County and State of Indiana, being of sound disposing mind and memory do make and publish this my last Will and Testament.

Item 1st I will and direct that all of my just debts and funeral expenses be paid out of the first money coming to the hands of my executor, out of my estate

Item 2nd. I will and bequath to my children in equal shares all my personal and Real Estate or the proceeds of the same, viz. Emily, wife of John Fawinkle, Phoebe Ellen, wife of John Baggerty, John R. Ham James D. Ham, Alonzo C. Ham and Eliza F., wife Lafayette Flagq.

In ascertaining and determining the equal share to each of my said children, whatever notes or receipts I may have against each, the principal thereof shall be and is hereby charged as an advancement to such child, and my executor shall only collect if necessary and also charge each with any amount of unpaid interest that may be specified in said notes or receipts which is not endorsed thereon specifically

Item 3rd. I hereby will and direct that my executor within a reasonable time after my death shall sell all Real Estate of which I may die seized, upon such notice as he may deem best, and upon such time terms credit, cash or interest upon deferred payments securing my unpaid sums by mortgage and other security by way of Insurance or personal security as may fully protect any deferred payments and I hereby authorize and empower my said executor to make, execute and deliver deeds in fee simple as such executor to said Real Estate.

Item 4th I hereby nominate and

appoint my son James D. Ham, Executor of this my last Will and Testament, hereby authorizing and empowering him to do all and every act and thing necessary or required of him, to perform all the provisions of this Will. He shall not be required to give bond as such executor, and shall not be required to resort to Court in the discharge of any duties as such executor. He shall probate this will, and may if he deems it expedient file a final report of his settlement, but shall not be required so to do.

Item 5th. I hereby revoke all former Wills and codicils thereto by me made

In testimony whereof I have hereunto set my hand and seal this 26th day of May, 1897.

Benjamin Ham. (Seal)

Signed and acknowledged by the said Benjamin Ham as his last Will and Testament in our presence and signed by us as witnesses thereto in his presence this 26th day of May 1897.

James M. Brown
Joseph F. Nordike

State of Indiana, Miami County, ss:

Be it remembered that on the 8th day of January 1898, Joseph F. Nordike one of the subscribing witnesses to the within and foregoing last will and Testament of Benjamin Ham late of said County, deceased, personally appeared before Charles R. Hughes Clerk of the Circuit Court of Miami County, in the State of Indiana and being sworn by the Clerk of said Court, upon his oath declared and testified as follows, that is to say: that on the 26th of May 1897, he saw the said Benjamin Ham sign his name to said instrument in writing as and for his last will and testa-

ment and that this deponent at the same time heard the said Benjamin Hann declare the said instrument in writing to be his last will and testament and that the said instrument in writing was at the same time, and at the request of the said Benjamin Hann and with his consent attested and subscribed by the said Joseph J. Nordike and James M. Brown in the presence of said testator, and in the presence of each other as subscribing witnesses thereto and that the said Benjamin Hann was at the time of signing of said instrument in writing as aforesaid of full age (that is more than twenty one years of age) and of sound and disposing mind and memory and not under any coercion or restraint as the said deponent verily believes and that said Benjamin Hann died on the 2nd day of January 1898, and further deponent saith not.

Joseph J. Nordike.

Subscribed and sworn to by the said Joseph J. Nordike before me Charles R. Hughes Clerk of (Seal) said Court at the City of Peru, the 8th day of January 1898.

In testimony whereof I have hereunto subscribed my name and affixed the seal of said Court.

Chas. R. Hughes

The State of Indiana, Miami County ss:

I, Charles R. Hughes Clerk of the Circuit Court of Miami County, Indiana, do hereby certify that the within annexed will and testament of Benjamin Hann has been duly admitted to probate and duly proved by the testimony of Joseph J. Nordike one of the subscribing witnesses thereto, that a complete record of said will, and of the testimony of said Joseph J. Nordike in proof thereof has been by me duly made and recorded in Book 4 at pages 296-297-298-299 of the records of wills

In attestation Whereof I have hereunto subscribed my name and affixed the seal of said Court at the city of Peru, this 8th day of January 1898.

Chas. R. Hughes, Clerk.
Circuit Court Miami Co.