

In the Matter of the Last Will and Testament of Charles Gascoyne, Deceased. )

Proof of Will.

John McCann, a witness of lawful age, produced, sworn and examined on oath in open court, testified as follows, to-wit:

R. C. DONOGHUE: ATTORNEY:

Q. What is your name?

A. John McCann.

Q. Where do you live?

A. Oglesby.

Q. Did you know Charles Gascoyne?

A. Yes, sir.

Q. How long have you known him?

A. About fifteen years.

Q. You may look at the instrument shown you, purporting to be the last will and testament of Charles Gascoyne, deceased, with codicil attached hereto, filed the 24th. of March, 1918 and state whether you have seen this instrument before.

A. Yes, sir, I have, that is my signature.

Q. Did you ever see the codicil?

A. No, sir.

Q. You saw the will and that on the date November 4th. 1916?

A. Yes, sir.

Q. Where did you see it?

A. In A. C. Kidd's office in Oglesby in the City Hall.

Q. Who were present?

A. Mr. Gascoyne, -

Q. Charles Gascoyne?

A. Charles Gascoyne, George Argubright, A. C. Kidd and myself.

Q. What was said at that time if anything, by Mr. Gascoyne, Charles

Gascoyne?

A. He asked me if I would witness, - be a witness on the will.

Q. Did he ask you to sign it?

A. Yes, sir.

Q. What did Charles Gascoyne do?

A. He signed it.

Q. You saw him sign it?

A. Yes, sir.

Q. You saw him sign in the presence of-

A. George Argubright and A. C. Kidd and myself.

Q. What did you do?

A. I signed it.

Q. What did George Argubright do?

A. He signed it.

Q. In the presence of Charles Gascoyne?

A. In the presence of Charles Gascoyne.

Q. And both witnesses signed in the presence of each other?

A. Yes, sir.

Q. What was the condition of Charles Gascoyne's mind and memory at that time?

A. It was good at that time.

Q. You had known him a long time?

A. Yes, sir.

Q. Did you ever sign any other will for Charles Gascoyne?

A. No, sir.

Q. Was he married then?

A. No, sir.

Q. What was he?

A. A widower.

Q. And not married after that?

A. No, sir.

Q. Did he adopt any child or children after that?

A. No, sir.

Q. At the time you signed this instrument, did you observe any evidence of fraud, compulsion or other improper conduct?

A. No, I didn't.

Q. And had there been any, you would have noticed it?

A. I think I would, yes.

Q. At the time you signed as a witness for the will, did you believe Charles Gascoyne to be of sound mind and memory?

A. Yes, sir, I do.

\* \* \* \* \*

In the Matter of the Last Will and Test-  
ament of Charles Gascoyne, deceased. )

Proof of Codicil.

Frank Bassett, a witness of lawful age, produced, sworn and examined on oath in open court, testified as follows, to-wit:

R. C. DONOGHUE, ATTORNEY:

Q. What is your name?

A. Frank Bassett.

Q. Where do you live?

A. La Salle.

Q. Did you know Charles Gascoyne?

A. Yes, sir.

Q. How long did you know him?

A. Ten years.

Q. You may examine the instrument shown you, purporting to be the codicil to the last will of Charles Gascoyne, with the will attached thereto, filed the 24th. day of March, 1918, and state whether you have seen this instrument before.

A. Yes, sir, I have.

Q. Did you ever see the will before?

A. No, I never saw it.

Q. You saw the codicil and that is dated May 9th. 1917?

A. Yes, sir.

Q. Where did you see it?

A. At the home of Mr. Gascoyne.

Q. Where at?

A. In Jonesville.

Q. Oglesby?

A. Yes.

Q. Oglesby, Illinois?

A. Yes,

Q. Who were present?

A. A. C. Kidd, Charles Gascoyne, Dr. Cressman and myself.

Q. What was said at that time by Charles Gascoyne, if anything?

A. He just asked me to sign the will.

Q. Sign the codicil.

A. Sign the codicil to the will.

Q. THE COURT:

Did he tell you it was a codicil to his will?

A. Yes, sir.

MR. DONOGHUE:

Q. Did he ask you to sign it?

A. Yes, sir.

Q. What did Charles Gascoyne do?

A. He signed it.

Q. You saw him sign it?

A. Yes, sir.

Q. You saw him sign in the presence of the other persons who were there as witnesses?

A. Yes, sir.

Q. What did you do?

A. I signed it.

Q. What did Dr. Cressman do?

A. He signed it.

Q. In the presence of Charles Gascoyne?

A. Yes, sir.

Q. And the witnesses both signed in the presence of each other?

A. Yes, sir.

Q. What was the condition of his mind and memory?

A. Good.

Q. You have known him about how long?

A. About ten years.

Q. Did you ever sign any other instrument purporting to be a will for Charles Gascoyne?

A. No, sir.

Q. Was he married then?

A. A widower.

Q. Not married after that?

A. No, sir.

Q. Did he adopt any child or children after that?

A. No, sir.

Q. At the time he signed this instrument, did you observe any evidence of fraud, compulsion or other improper conduct?

A. No, sir.

Q. If there had been any, you would have notice it?

A. Yes, sir.

Q. At the time you signed as a witness to the will, to the codicil of Charles Gascoyne, did you believe him to be of sound mind and memory?

A. Yes, sir.

State of Illinois, )  
 )  
 La Salle County. ) ss.

In the Probate Court,  
 April Term, A. D. 1919.

I, Anna M. Devore, hereby certify the above and foregoing to be a true and correct transcript of the notes taken by me in shorthand, in said court, in the matter of the proof of the will and codicil in the estate of Charles Gascoyne, deceased, on this 10th day of April, A. D. 1919, and I verily believe said notes to be correct.

Anna M. Devore.

In the Matter of the Last Will  
and Testament of Charles  
Gascoyne, Deceased.

:  
: Probate of Will.  
:  
:

NOTICE is hereby given that an instrument, purporting to be the last will and testament of Charles Gascoyne, deceased, together with codicil attached thereto, having been filed in the office of the Clerk of the Probate Court of La Salle County, Illinois, together with the petition of one Andrew C. Kidd, representing, among other things, that the names of all the heirs at law, devisees and legatees of said decedent are as follows:

Thomas Gascoyne, Oglesby, La Salle County, Illinois;  
Marie Field, R.F.D. 32, Ottawa, LaSalle County, Illinois;  
Charles Gascoyne, R.F.D. 4, Cedar Rapids, Linn County, Iowa;  
Fred Gascoyne, Oglesby, La Salle County, Illinois;  
Jane Kneebone, " " "  
John Gascoyne, the residence and post office address of whom is unknown;

and praying that probate of said alleged will and codicil be granted, and the same ordered for record, and that letters testamentary thereon may be granted to said Andrew C. Kidd;

YOU ARE FURTHER NOTIFIED that, it appearing to said Probate Court of La Salle County that one Ralph G. Cressman, an attesting witness to said alleged codicil, resides without the limits of the County of La Salle and State of Illinois, to-wit, at Hastings, Nebraska. An application having been made to said Probate Court to issue a *dedimus potestatum* to take the testimony of said Ralph G. Cressman, you are hereby notified that the said Probate Court of La Salle County has set said application for *dedimus potestatum* for hearing for June 5, 1919, at ten o'clock A.M.

YOU ARE FURTHER NOTIFIED, prior to June 5, 1919, at ten A.M., to file with the Clerk of said Probate Court any interrogatories

in chief or cross interrogatories which you may desire to have propounded to said witness, Ralph G. Cressman, touching the execution of said codicil.

YOU ARE FURTHER NOTIFIED that said Probate Court has set said petition for probate and the proofs of said codicil for June 26, 1919, at ten A.M.

This notice is given by order of the Probate Court of La Salle County, Illinois.

Dated at Ottawa, Illinois, this 15th day of April,

A.D. 1919.

Andrew C. Kidd

Administrator of the Estate of  
Charles Gascoyne, Deceased.



State of Illinois, :  
: ss.  
County of La Salle. :

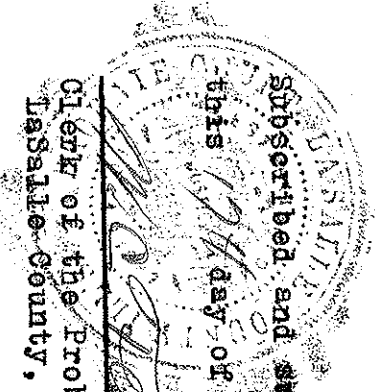
Edith A. Damm, being first duly sworn, on oath states that, on the 16th day of April, 1919, she mailed, postage prepaid, a copy of the notice attached to this affidavit to each of the following named persons, at the address in each instance following the name of said person:

Thomas Gascoyne, Oglesby, La Salle County, Illinois;  
Marie Field, R.F.D. 32, Ottawa, LaSalle County, Illinois;  
Charles Gascoyne, R.F.D. 4, Cedar Rapids, Linn County, Iowa;  
Fred Gascoyne, Oglesby, LaSalle County, Illinois;  
Jane Kneebone, Oglesby, LaSalle County, Illinois.

And further deponent sayeth not.

Edith A. Damm.

Subscribed and sworn to before me,  
this 17th day of April, A.D. 1919.

  
W. C. [Signature]  
Clerk of the Probate Court,  
LaSalle County, Illinois.

NOTICE TO THE PUBLIC

In matter of the Last Will and Testament of Charles Gascoyne, Deceased. Probate of Will given that an in-

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PUBLISHER'S CERTIFICATE

La Salle, La Salle Co., Ill. *January 4* 191*8*

The undersigned does hereby certify that the advertisement hereto annexed was printed and published in THE DAILY POST, a daily newspaper of general circulation and published by THE POST PUBLISHING CO. in La Salle County and State of Illinois for *four* successive weeks; first insertion being in issue of *March 16* A. D. 191*8* and the last in the issue of *May 14* A. D. 191*8* and that said newspaper has been regularly published at La Salle, in said La Salle County for at least six (6) months prior to the date of the first insertion of said notice aforesaid.

THE POST PUBLISHING CO., Publishers

The Daily Post

Per *James R. McPherson*

Printer's Fees... *\$ 9 00*

Received Payment.....



legatee and devisee, at his or her last known post office address, at least ten days prior to August 8, 1918, at ten A.M., proper notice of such application.

And it further appearing to the Court that on, to-wit, June 28, 1918, hearing on petition and proofs of will was continued and set for August 29, 1918, at ten A.M.

And it further appearing to the Court that, on, to-wit, August 8, 1918, upon showing that petitioner had complied with the order of the Court heretofore entered, it was ordered that said *dedimus potestatum* issue as prayed.

And it further appearing to the Court that, on August 29, 1918, hearing on said petition to probate said will was continued and set for September 26, 1918, at ten A.M.

And it further appearing to the Court that, on September 26, 1918, hearing on said petition was continued and set for October 24, 1918, at ten A.M.

And it further appearing to the Court that on October 24, 1918, hearing on said petition was continued and set for November 21, 1918, at ten A.M.

And it further appearing to the Court that on November 21, 1918, hearing on said petition was continued and set for December 19, 1918, at ten A.M.

And it further appearing to the Court that on December 19, 1918, hearing on said petition was again continued and set for January 16, 1919, at ten A.M.

And it further appearing to the Court that on January 16, 1919, hearing on said petition was again continued and set for February 13, 1919, at ten A.M.

And it further appearing to the Court that on February 13,

1919, said hearing was again continued and set for March 13, 1919, at ten A.M.

And it further appearing to the Court that on March 13, 1919, said hearing was again continued and set for today, April 10, 1919, at ten A.M.

And it further appearing to the Court that said *adimms* potestatum was, on the 22nd day of March, 1919, returned to this Court, said witness, Frank Bassett, one of the witnesses to said codicil, not being found at Detroit, Michigan.

And said petition and the proofs of said instrument now coming on for hearing, John McCann, one of the attesting witnesses to said will, appeared in open Court, and on oath testified that he was present at the execution of said will, and saw the testator sign said will in his presence, and in the presence of said George Argubright, who was also a witness to said will, and that he, the said John McCann, subscribed his name thereto as a witness in the presence of said George Argubright, and said testator, and at the request of said testator, and that he, the said John McCann, believed that the said testator was of sound mind and memory and of lawful age at the time of signing said will, and that there was no evidence of fraud or duress at the time of signing said will.

And appeared also in open Court, Frank Bassett, one of the attesting witnesses to said codicil, and on oath testified that he was present at the execution of said codicil, and saw said testator sign said codicil in his presence, and also in the presence of one Ralph G. Cressman, who was also a witness to said codicil, as and for a codicil to his said last will and testament, and that he, the said Frank Bassett, subscribed his name thereto as a witness to said codicil, in the presence of said Ralph G. Cressman and the said

testator, and at the request of said testator, and that he, the said Frank Bassett, believed that said testator was of sound mind and memory, and of lawful age, at the time of signing said codicil to said last will and testament, and that there was no evidence of fraud or duress, or other improper conduct, at the time of signing said codicil to said last will and testament.

And it further appearing to the Court from order entered herein on June 28, 1918, that the testimony of said George Argubright, the other attesting witness to said last will, has already been taken in open Court, as more fully appears by reference to said last mentioned order.

IT IS THEREFORE ORDERED by the Court that said last will and testament of Charles Gascoyne, deceased, be admitted to probate in this Court, as and for the last will and testament of Charles Gascoyne, deceased.

And it being represented by Andrew C. Kidd, petitioner herein, to the Court that Ralph G. Cressman, a witness to said codicil to said will of Charles Gascoyne, deceased, now resides without the limits of the State of Illinois, at, to-wit, Hastings, Nebraska;

And thereupon, application being made to this Court by said Andrew C. Kidd, petitioner herein, to issue a *dedimus potestatum* out of this Court, according to law, to take the testimony of said Ralph G. Cressman, according to the statute in such case made and provided;

IT IS, THEREFORE, ORDERED by the Court that said application for a *dedimus potestatum* be set down for hearing on, to-wit, the

5th day of June, A.D. 1919, at 10 A.M.

AND IT IS FURTHER ORDERED by the Court that the petitioner

herein give 10. days notice to all persons interested in said petition of the time and place when said hearing on said application for ~~adimus~~ <sup>said</sup> potestatum will be had, and also notify all persons interested in said estate that, on or before said date, they and each of them may file in this Court any interrogatories, either direct or cross interrogatories, which they may wish to have attached to said ~~adimus~~ potestatum, when issued, and which they may wish to have propounded to said witness, Ralph G. Cressman.

And thereupon further hearing upon this petition to probate said codicil to said will is hereby continued and set for the 26th day of June. A.D. 1919, at 10. A.M.

*R. H. Willis*  
Judge.

State of Illinois, :  
County of La Salle. : ss.

In the Probate Court,  
No the June Term, A.D. 1919.

In re Will of Charles :  
Gascoyne, Deceased. :

Order on Issuing  
Dedimus Potestatum.

And now, on this 5th day of June, A.D. 1919, at ten o'clock A.M., again comes Andrew C. Kidd, petitioner herein, by R. C. Donoghue and McDougall, Chapman & Bayne, his attorneys;

And it appearing to the Court that by a certain order entered herein on, to-wit, April 10, 1919, it was provided, among other things that:

"It being represented by Andrew C. Kidd, petitioner herein, to the Court that Ralph G. Cressman, a witness to said codicil to said will of said Charles Gascoyne, deceased, now resides without the limits of the State of Illinois, at, to-wit, Hastings, Nebraska;

"And thereupon, application being made to this Court by said Andrew C. Kidd, petitioner herein, to issue a dedimus potestatum out of this Court, according to law, to take the testimony of said Ralph G. Cressman, according to the statute in such case made and provided;

"It is therefore ordered by the Court that said application for a dedimus potestatum be set down for hearing on, to-wit, the 5th day of June, A.D. 1919, at ten A.M.

"And it is further ordered by the Court that the petitioner herein give ten days notice to all persons interested in said petition of the time and place when said hearing on said application for dedimus potestatum will be had, and also notify all of said persons interested in said estate that on or before said date they and each of them may file in this Court any interrogatories, either direct or cross interrogatories, which they may wish to have attached to said dedimus potestatum, when issued, and which they may wish to have propounded to said witness, Ralph G. Cressman."

And this application for the issuing of said dedimus potestatum now coming on for hearing, and the Court being fully