

SURROGATE'S COURT—OSWEGO COUNTY.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

George Wallau, Deceased.

OSWEGO COUNTY--ss.

James Mills of Oswego, N.Y. and George H. Baugh of Oswego, N.Y. being duly sworn in open court upon their several corporeal oaths, each for himself doth depose and say that they are subscribing witnesses to the last will and testament of George Wallau late of the City of Oswego in the county of Oswego and State of New York, deceased.

And the deponents do further say, that the said George Wallau deceased, did in the presence of each of these deponents, subscribe his name at the end of the instrument in writing which is here shown to these deponents, and which purports to be a codicil to the last will and testament of the said deceased, and which bears date on the 9th day of March one thousand eight hundred and ninety one.

That the said deceased did, at the time of subscribing his name to the said instrument as aforesaid, declare the same to be a codicil to his last will and testament and these deponents did thereupon subscribe their own respective names at the end of said instrument, as attesting witnesses to the execution thereof, each at the request of said deceased and in his presence, and in the presence of each other. That the said deceased, at the time of so subscribing his name to said instrument as aforesaid, and publishing said instrument as aforesaid, was upwards of twenty one years of age, and a citizen of the United States; that he appeared to be, and deponents believe he was of sound mind, memory and understanding, and not under any restraint, and, as deponents verily believe in all respects competent to devise real estate; that each of these deponents saw the other sign his name to said instrument in the presence of the said deceased.

Sworn to before me this 2nd day of April 1891 at Oswego, N.Y. by George H. Baugh and James Mills. F. David Surrogate.

In the County of Oswego, State of New York, I, the undersigned, Judge of the Surrogate's Court, do hereby certify that the foregoing is a true and correct copy of the original of the last will and testament of the said deceased, as the same appears from the records of said Court.

And afterwards to-wit: on the 2nd day of April A. D. 1891 satisfactory evidence by affidavit was produced and presented to said Surrogate, of the due service of said Citation in the mode prescribed by law; and on that day no one appearing to oppose the Probate of such Will, such proceedings was thereupon had in said Court afterwards, that the said Surrogate took the proofs of said Will, hereinafter set forth, upon this 2nd day of April A. D. 1891 and he thereupon adjudged the said Will to be a valid Will of Real and Personal Estate, and the proofs thereof to be sufficient, which said LAST WILL AND TESTAMENT and proofs are as follows, that is to say:

WILL: See page 410 -

In the matter of Proving the Last Will and Testament OF

James A. Merchant deceased. OSWEGO COUNTY, ss.

Cyrus Cross and E. W. Wightman being first duly sworn, in open Court, upon their several corporeal oaths, each for himself, doth depose and say, that they are subscribing witnesses to the last Will and Testament of James A. Merchant late of the town of West Course in the County of Oswego, and State of New York, deceased. And those deponents do further say, that the said James A. Merchant deceased, did in the presence of each of these deponents, subscribe his name at the end of the instrument in writing, which is now here shown to these deponents, and which purports to be the last Will and Testament of the said deceased, and which bears date on the 11th day of August one thousand eight hundred and ninety one. That the said deceased did at the time of subscribing his name to the said instrument as aforesaid, declare the same to be his last Will and Testament; and these deponents did thereupon subscribe their own respective names at the end of said instrument, as attesting witnesses to the execution thereof, each at the request of said deceased, and in his presence and in the presence of each other; That the said deceased, at the time of so subscribing his name to said instrument as aforesaid, and publishing said instrument as aforesaid, was upwards of twenty-one years of age, and a citizen of the United States; that he appeared to be, and deponent believe he was of sound mind, memory and understanding, and not under any restraint, and as deponents verily believe, in all respects competent to devise real estate; that each of those deponents saw the other sign his name to said instrument in the presence of the said deceased.

Subscribed and sworn to before me, this 20th day of April, A. D. 1891. F. David Surrogate.

OSWEGO COUNTY, ss.

It appearing upon the proofs duly taken in respect to the Last Will and Testament of James A. Merchant late of the town of West Course in the County of Oswego, and State of New York, deceased, that the said Will was duly executed, and that the said James A. Merchant at the time he executed the same, was in all respects competent to devise real estate, and not under restraint, the last Will and Testament of the said deceased, and the proofs and examinations are hereby recorded, signed and certified by me, pursuant to the provision of the Revised Statutes, this 20th day of April A. D. 1891. F. David Surrogate.

In the Matter of Proving the Last Will and Testament OF

James A. Merchant deceased.

BE IT REMEMBERED, That heretofore, to-wit, on the 16th day of Feb in the year of our Lord, one thousand eight hundred and ninety one, I, E. W. Miller Executor named in the LAST WILL AND TESTAMENT of James A. Merchant late of the town of West Course in the County of Oswego, deceased, appeared in open Court, before the Surrogate of the County of Oswego and made application to have the said LAST WILL AND TESTAMENT which relates to both Real and Personal Estate proved; and on such application, the said Surrogate did ascertain by satisfactory evidence who were the heirs at law, and next of kin of the said testator, and their respective residences.

and said Surrogate did thereupon issue a Citation in due form of law, directed to the heirs at law, and next of kin by their respective names, stating their respective places of residence requiring them to appear before said Surrogate at the office in the Village of Phoenix in the said County, on the 20th day of April A. D. 1891 to attend the Probate of said Will.

And afterwards to-wit: on the 20th day of April A. D. 1891 satisfactory evidence by affidavit was produced and presented to said Surrogate, of the due service of said Citation in the mode prescribed by law; and on that day no one appearing to oppose the Probate of such Will such proceedings was thereupon had in said Court afterwards, that the said Surrogate took the proofs of said Will hereinafter set forth, upon this 20th day of April A. D. 1891 and he thereupon adjudged the said Will to be a valid Will of Real and Personal Estate, and the proofs thereof to be sufficient, which said LAST WILL AND TESTAMENT and proofs are as follows, that is to say:

WILL: See page 415