

In the name of God Amen I John Phillip of the town of Hastings in the County of Albany and State of New York being of sound mind and memory well considering the uncertainty of this frail and transient life do therefore make and declare my last Will and Testament that after all my lawful debts are paid and discharge the residue of my estate real and personal I give bequeath and dispose of as follows to wit to my beloved friends Benj & Henry and Jane Kenyon his wife of the town of Hastings County land to a fee simple jointly and equally my estate of whatever name or nature to be divided and make constitute and appoint Benj P Allen of the town of Hastings County and state aforesaid to be executor of this my last Will and Testament hereby revoking all former Wills by me made

I in W<sup>th</sup> witness hereof I have hereunto subscribed my name and affixed my seal this eighth day of Dec in the year of our Lord one thousand eight hundred and sixty five

John Phillip J. S.

The above written and signed Will was subscribed by the said John Phillip in our presence and acknowledged by him to each of us and he at the same time published and declared the same to be his last Will and Testament and we at the same time were in his presence and in the presence of each other have signed our names as witnesses hereunto and with our names are respective places of residence

Benj P Allen  
Henry Kenyon  
Jane Kenyon

SURROGATE'S COURT.

In the matter of proving the last Will and Testament

of John Phillip DECEASED.

Albany County, ss. John W. McKim and Personal Exe 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 John Phillip late of the town of Hastings in the County of Albany and State of New York deceased. And these deponents do further say, that the said John Phillip 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 7<sup>th</sup> day of Dec one thousand eight hundred and sixty five. 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 the 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.

John W. McKim  
Elizabeth Girdley

Subscribed and sworn to before me, this 11<sup>th</sup> day of Dec A. D. 1865

Albany County, ss. W. H. McKim Surrogate.

It appearing upon the proofs duly taken in respect to the last Will and Testament of John Phillip late of the town of Hastings in the County of Albany and State of New York, deceased, that the said Will was duly executed, and that the said John Phillip at the time he executed the same, was in all respects competent to devise real estate, and not under restraint, the said last Will and Testament and the proofs and examinations are hereby recorded, signed and certified by me, pursuant to the provisions of the Revised Statutes, this 11<sup>th</sup> day of Dec A. D. 1865

W. H. McKim Surrogate.

LAST WILL AND TESTAMENT OF John Phillip Deceased.

BE IT REMEMBERED, That hereofore, to wit: on the 11<sup>th</sup> day of Dec in the year of our Lord one thousand eight hundred and sixty five the said John Phillip deceased, named in the last Will and Testament of John Phillip late of the town of Hastings in the County of Albany deceased, appeared in open Court, before the Surrogate of the County of Albany 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 the form of law, directed to the heirs-at-law, and next of kin of the said testator, by their respective names, stating their respective places of residence requiring them to appear before said Surrogate at the village of Albany in said County, on the 11<sup>th</sup> day of Dec A. D. 1865 to attend the Probate of said Will.

And afterwards to wit: on the 11<sup>th</sup> day of Dec A. D. 1865 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 said Will such proceedings was thereupon had in said Court in accordance, that the said Surrogate took the proofs of said Will hereinafter set forth, upon this 11<sup>th</sup> day of Dec A. D. 1865 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: