

In the name of God Amen, I William Lyell of the Town of
 Albany in the County of Albany & State of New York being of sound mind
 and memory & considering the uncertainty of this frail & mortal life
 do therefore make and cause to be published & declared that by my last will &
 testament that is to say I will After all my lawful debts are paid
 and discharged I give & bequeath my wife Sarah Lyell the use of the farm
 upon which she resides with the farming utensils thereon for the term of the
 natural life also I give & bequeath to my said wife all the contents
 of my personal property of every kind & description except the real estate herein
 absolutely I give & bequeath to my son William Lyell & to my daughter
 Maria Lyell the use of the same until the death of my said wife
 my said wife life shall terminate at or soon after the death of my said wife
 with the payment by the said William Lyell of the balance hereof named
 to the said William Lyell one year after he shall come into possession of the said
 farm & that I give & bequeath to my daughter Maria Lyell the use of
 of James M. Clark or the sum of \$100000 dollars to be paid to her by William
 Lyell at the time above stated I give & bequeath to my daughter
 Lydia Ann Lyell the use of my house & estate real & personal by the said
 E. M. Lyell in and to the said house & estate of the said Lydia Ann Lyell
 \$500 when she shall reach the age of 21 years & the said Lydia Ann Lyell
 her a Stephen T. Lyell I give & bequeath to my said son William Lyell
 Porter Edward Porter & Maria Lyell wife of W. Lyell the sum of
 hundred & fifty dollars to be paid to each of them respectively by the said W. Lyell
 within one year after he shall come into possession of the said farm as above
 provided I declare I make this will & testament my own free will &
 to be the result of the my last will & testament hereby making all former
 wills by me made in any manner or form I have subscribed my own
 name & affixed my seal the 16th day of January in the 7th year of our said
 1868.

Wm Lyell (L.S.)

The above written instrument was subscribed by the said William Lyell
 in my presence & acknowledged by him to be such of his own free will &
 his mind & the above instrument is subscribed to be his last will
 & testament in the request here signed our names as witnesses next
 written of which we were our respective places of residence at all
 the time of the said testator in presence of each other
 James M. Townsend, William Conway & Wm
 William J. Townsend

SURROGATE'S COURT.

In the matter of Proving the Last Will and Testament
 or

John Sarby deceased.

Albany County, ss.

William H. Eggleston and Joseph McAlley
 being first duly sworn, in Open Court, upon their several corporate

oaths, each for himself, doth depose and say, that they are subscribing witnesses to the
 last Will and Testament of the said John Sarby late of the town of Palermo in the County of Albany and State of New York
 deceased. And these deponents do further say, that the said John Sarby 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 20 day of July one thousand eight
 hundred and seventy 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 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 these deponents saw the other sign his name to said
 instrument in the presence of the said deceased,
 William H. Eggleston
 Joseph McAlley

Subscribed and sworn to before me, this
20 day of July A. D. 1873

J. M. Skinner Surrogate
 Albany County, ss.

It appearing upon the proofs duly taken in respect to the Last Will and Testament
 of John Sarby late of the town of Palermo in the County of Albany
 and State of New York deceased, that the said Will was duly executed, and that the said John Sarby
 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 provision of the Revised Statutes, this 20 day of July A. D. 1873

J. M. Skinner Surrogate.

LAST WILL AND TESTAMENT OF

John Sarby Deceased.

BE IT REMEMBERED, That heretofore to wit, on the 20 day of July in the year of our
 Lord one thousand eight hundred and 73 Elyah M. H. Lyell Executor named
 in the LAST WILL AND TESTAMENT of John Sarby
 late of the town of Palermo 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 that the heirs at law were not present at the time
he proved the same, and that the heirs at law were not present at the time
he proved the same, and that the heirs at law were not present at the time
 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
 in the village of Albany in said County, on the 20 day of July A. D. 1873
 to attend the Probate of said Will.

And afterwards to wit, on the 20 day of July A. D. 1873 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 so that day no one
 appearing to oppose the Probate of said 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
 day of July A. D. 1873 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: