

I John D. Sweet of the town of Saratoga in the County of Oswego and State of New York of the age of fifty seven years and being of sound mind and memory do make public and declare this my last will and testament in manner following, that is to say: First After all my lawful debts are paid I give and bequeath to my wife Nancy Sweet all of my real and personal estate of what nature or kind soever and to her heirs and assigns forever my real estate consisting of two acres of land on the West side of Lot Number 43 in the 18th Township of Saratoga Patent.

2^d The above bequest to my wife is devised to her on the condition that she pay or direct her heirs executors or administrators to pay to each of my following named children five dollars and Charles H. New H. Mary R. and Lewis Sweet. The above specified legacies to my four above named children is not designed by me to be payable until after the decease of my said wife Nancy Sweet.

Lastly I do hereby nominate and appoint my said wife Nancy sole executrix of this my last will and testament hereby revoking all former wills by me made.

In witness whereof I have hereunto set my hand and seal this ^{21st} day of October 1878

John D. Sweet

The above instrument consisting of one sheet was at the date thereof signed sealed and published and declared by the said John D. Sweet as and for his last will and testament in presence of us who at his request and in his presence and in the presence of each other have subscribed our names as witnesses thereto

Calvin E. Roe } Residing in Saratoga Oswego Co.
 Damon S. Whaley } Residing "

SURROGATE'S COURT.

In the Matter of Proving the Last Will and Testament of Burroughs Holmes DECEASED.

Oswego County, ss: Matthew Bradbury and Amos W. Skinner being first duly sworn, in open Court, upon their several oaths, each for himself, doth depose and say, that they are subscribing witnesses to the last Will and Testament of Burroughs Holmes

late of the town of Mexico in the County of Oswego, and State of New York, deceased. And these deponents do further say that the said Burroughs Holmes 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 21st day of Jan^y one thousand eight hundred and eighty eight. That the said deceased did at the time of subscribing the same 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 the 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 so 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.

Subscribed and sworn to before me, this 21 day of Feb, A. D. 1878

Nathan B. Smith Special Surrogate

Oswego County, ss: It appearing upon the proofs duly taken in respect to the Last Will and Testament of Burroughs Holmes late of the town of Mexico in the County of Oswego, and State of New York, deceased, that the said Will was duly executed, and that the said Burroughs Holmes 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 21st day of Feb 1878

Nathan B. Smith Surrogate.

LAST WILL AND TESTAMENT OF Burroughs Holmes DECEASED.

Be it Remembered, That heretofore, to wit, on the 21st day of Feb in the year of our Lord one thousand eight hundred and eighty eight, Burroughs Holmes, John Holmes Executors named in the LAST WILL AND TESTAMENT of Burroughs Holmes late of the town of Mexico 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 in compliance with the said application of Matthew Bradbury and Amos W. Skinner Special Surrogate that all parties, heirs & next of kin of said deceased, were warned the services of citation & demanded that witnesses be produced and that the Surrogate thereupon issue a Citation in due form of law, directed to the heirs at law and next of kin requiring them to appear before said Surrogate in the village of Mexico in said county, on the 21st day of Feb A. D. 1878 to attend the Probate of said Will.

And afterwards, to wit: on the 21st day of Feb A. D. 1878 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 afterwards, that the said Surrogate took the proofs of said Will hereinafter set forth, upon this 21st day of Feb A. D. 1878 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: