I Horatio Beals of the town of Palermo County of Oswego of the age of sixty nine years and of sound mind & memory mindful of the uncertainty of human life do make publish & declare this to be my last Will and Testament in manner following (to wit) —

First — I give and bequeath to my affectionate wife Eliza A. one third of all my reals and personal estate that I may be possessed of at the time of my decease

2 — I give and bequeath to the Missionary Society of the Wesleyan Methodist connection of America the sum of five hundred dollars and authorize my executor to pay the same to the Treasurer to said society as soon as practicable after my decease

Third — After all my just debts and funeral expenses are fully paid & satisfied & suitable stones or monuments shall have been put up at the graves of myself & wife I will & bequeath that the remainder of all my real & personal estate of whatever nature or kind shall be equally divided between my five children whose names are as follows Mary now deceased formerly the wife of Henry T. Clark, Lucinda R. wife of James W. K. Loomis, Horatio C., Eveline C. wife of Henry Harding, Caroline A. wife of Harvey F. Wilcox. They are to share & share alike. I will that the share which would go to my daughter Mary E. Clark shall be equally divided between her three children to share & share alike (viz) Ellen wife of Charles Waldie Clayton B. Clark & Henry W. Clark

Provided that the last two named viz Henry & Clayton shall discontinue the use of intoxicating drinks otherwise I give the amount they would be entitled to is to go into the Sandgeneral distribution fund to the five children & if the two boys now mentioned discontinue the use of all intoxicating drinks for 2 years then their shares are to be paid to them otherwise it is to go as above directed the said two years to commence at my decease

Likewise I make constitute and appoint my said wife Eliza A. & my son Horatio C. Beals to be executors & executor of this my last will and Testament hereby revoking all former wills by me made

In witness whereof I have hereunto subscribed my name & affixed my seal the 5th day of November in the year of our Lord one thousand eight hundred and seventy seven.

Horatio Beals X

(See page 607)

SURROGATE'S COURT.

In the Matter of Proving the Last Will and Testament of

Philo Burnham DECEASED.

Oswego County, ss: Joshua Minor and A. W. Minor 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 Philo Burnham late of the City of Oswego in the county of Oswego, and State of New York, deceased, And these deponents do further say that the said Joshua Minor and said A. W. Minor and said A. W. Minor and N. B. Burgess 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 Codicil to the 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 seven ~~That the said deceased did at the time of subscribing his name to the said instrument as aforesaid,~~ declare the same to be h to 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; and said deponents swear that said N. B. Burgess is dead but deponents know his signature & know that his signature to the Will is in handwriting without a forgery & also signature of said Philo Burnham to the Codicil annexed said Will at date in manner mentioned in the Codicil above sworn to in his presence & in presence of said B. Burgess & that he was of sound mind and & memory as above sworn to. Taken

Subscribed and sworn to before me this March 7 day A. D 1878

Joshua Minor

A. W. Minor

F. W. Skinner SURROGATE.

Oswego County, ss.

It appearing upon the proofs duly taken in respect to the *Last Will and Testament* of Philo Burnham late of the City of Oswego in the County of Oswego, and State of New York, deceased, that the said Will was duly executed, and that the said Philo Burnham 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 7th day of March 1878

F. W. Skinner Surrogate.

LAST WILL AND TESTAMENT OF

Philo Burnham DECEASED.

Be it Remembered, That heretofore, to wit, on the 12th day of February in the year of our Lord one thousand eight hundred and 78. Philo H. Burnham one of the Executors named in the LAST WILL AND TESTAMENT of Philo Burnham late of the City of Oswego 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 his office in the ~~in the village~~ City of Oswego in said county, on the 7th day of March A. D. 1878 to attend the Probate of said Will

And afterwards, to wit: on the 7th day of March 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 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 7th day of March 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: