

SURROGATE'S COURT.

In the name of God amen  
 I, Philip Burnham of the City of Oswego, Oswego County and State of New York being of sound mind and memory and considering the uncertainty of this frail and transitory life do therefore make order publish and declare this to be my last will and testament that is to say:  
 First - After all my lawful debts are paid and discharged I give and bequeath to my wife Lydia Burnham the legal interest of three thousand dollars to be paid some annually from and after my decease during her life to be paid to her by my executors herein named and appointed by me. The first instalment payable thirty days after my decease. The said three thousand dollars to be held in trust by my executors for the payment of said interest to my wife I also give and devise to my said wife Lydia the use of the house and lot now occupied by us during her life time also all the furniture therein. This bequest to my said wife Lydia Burnham to be received and accepted by her in lieu of dower and right of dower.  
 After the decease of my said wife Lydia I give and bequeath the sum of two hundred dollars out of the said sum of three thousand dollars as held in trust by my executors to the person who when the sum is payable shall act as treasurer of the American Home Missionary Society formed in the City of New York on the year 1826 to be applied to the charitable uses and purposes of said society and under its direction. Also I give and bequeath to the American Bible Society formed in the City of New York in the year 1816 the sum of two hundred dollars to be applied to the charitable uses and purposes of said society. This last mentioned sum also to be paid out of said three thousand dollars as held in trust.  
 3<sup>d</sup> I give and bequeath to my son Charles H. Burnham his heirs or assigns all that part of my real <sup>and personal</sup> estate described as follows. Being fifty eight acres taken from the middle portion of Lot number 58 in the 18<sup>th</sup> Township of Seneca Patent Town of Seneca Oswego County N.Y. also about fifteen acres adjoining said 58 on the north on Lots 49 & 50 together with all the hereditaments and appurtenances thereto relating.  
 I also give and devise unto my said son Charles H. all of the personal property that may be owned by me at the time of my decease consisting of all kinds of crops tools carriages &c. This bequest to my son Charles H. is on the express condition that he comfortably supports Elizabeth Rice my first wife's sister during her natural life provided said Elizabeth shall remain unmarried and voluntarily live in said Charles H. family should said Elizabeth choose to live  
 (see page 606)

In the Matter of Proving the Last Will and Testament  
 Rhoda Hall late of DECEASED.  
 of the Town of Volney Oswego County, ss:  
 Stephen D. Baker of the Town of Seneca Oswego County and State of New York  
 Stephen Hill of the Town of Volney Oswego County State of New York being first duly sworn, in open Court, upon their several corporal oaths, each for himself, both depone and say, that they are subscribing witnesses to the last Will and Testament of the said Rhoda Hall late of the Town of Volney in the County of Oswego, and State of New York, deceased. And these deponents do further say that the said Rhoda Hall 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 eighteenth day of March one thousand eight hundred and eighty eight. That the said deceased did at the time of subscribing her name to the said instrument as aforesaid, declare the same to be her 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 her presence and in the presence of each other. That the said deceased, at the time of so subscribing her 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 her name to said instrument in the presence of the said deceased.

Subscribed and sworn to before me, this 20<sup>th</sup> day of February A. D. 1878  
 J. W. Skinner  
 SURROGATE  
 Oswego County, ss.  
 It appearing upon the proofs duly taken in respect to the Last Will and Testament of Rhoda Hall 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 Rhoda Hall 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 7<sup>th</sup> day of March 1878  
 J. W. Skinner  
 Surrogate.

LAST WILL AND TESTAMENT OF  
 Rhoda Hall DECEASED.  
 Be it Remembered, That heretofore, to wit, on the 15<sup>th</sup> day of January in the year of our Lord one thousand eight hundred and 78 Charles Hall the Executor named in the LAST WILL AND TESTAMENT of Rhoda Hall 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 Village of Oswego in said county, on the 7<sup>th</sup> day of February A. D. 1878 to attend the Probate of said Will.  
 And afterwards, to wit: on the 7<sup>th</sup> day of February 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 7<sup>th</sup> day of February 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: