

SURROGATE'S COURT

In the Matter of Proving the Last Will and Testament

David Whyborn DECEASED.

Oswego County, ss: D. Williams and Franklin Starks

being first duly sworn, in open Court, upon their several corporal oaths, each for himself, doth depose and say, that they are subscribing witnesses to the

last Will and Testament of David Whyborn late of the town of Onondaga in the County of Oswego, and State of New York, deceased. And these deponents do further say that the said David Whyborn 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 17th day of February one thousand eight hundred and Eighty Eight 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 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 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

Franklin Starks D. Williams

Subscribed and sworn to before me, this

19 day of Mar, A.D. 1878

J. M. Skinner SURROGATE

Oswego County, ss:

It appearing upon the proofs duly taken in respect to the Last Will and Testament of David Whyborn late of the town of Onondaga in the County of Oswego, and State of New York, deceased, that the said Will was duly executed, and that the said David Whyborn 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 19 day of March, 1878

J. M. Skinner Surrogate.

LAST WILL AND TESTAMENT OF

David Whyborn DECEASED.

Be it Remembered, That heretofore, to wit, on the 16th day of Feb. in the year of our Lord one thousand eight hundred and 78, D. L. Whyborn, John Whyborn & Sarah Whyborn, Executors named in the LAST WILL AND TESTAMENT of David Whyborn late of the town of Onondaga 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 that there being no heirs or next of kin of said deceased except the above named applicants

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 in said County, on the day of A. D. 1878 to attend the Probate of said Will

And afterwards, to-wit, on the 19 day of March A. D. 1878 satisfactory evidence by affidavit, was produced and presented to said Surrogate, of the facts and circumstances as above 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 19th 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:

In the name of God amen

I Rhoda Hall of the town of Volney in the County of Oswego and State of New York, being of sound mind and memory, and considering the uncertainty of this frail and transitory life do therefore make ordain 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 sons John Hall, Thomas Hall and Amasa Hall, the sum of one dollar each

Secondly - I give and bequeath to my other children, to wit Penelope Dubois Laura Hall Stephen Hall Aaron Hall Sally Winnow and Charles Hall the residue or remainder of all my effects both real and personal at my decease to be equally divided among the last said heirs mentioned, above excepting Aaron Hall who has had in the year eighteen hundred and sixty five the sum of fifty dollars which sum to be taken from his portion of the said estate

Likewise, I make, constitute and appoint my son Charles Hall with power to lease or sell at public or private sale whatever may be left at my decease, to be Executor of this my last Will and Testament hereby revoking all former wills by me made.

In witness whereof I have hereunto subscribed and affixed my seal the eleventh day of March in the year of our Lord one thousand eight hundred and seventy eight Rhoda Hall (LS)

The above written instrument was subscribed by the said Rhoda Hall in our presence and acknowledged by her to each of us; and she at the same time declared the above instrument to be subscribed to be her last Will and Testament and we at her request have signed our names as witnesses hereto in her presence and in the presence of each other and written opposite our names our respective places of residence

Julius L. Baker { Scribe Oswego Co. N.Y.
Stephen Hill { Volney Oswego Co. N.Y.