

I David Whyborn, of the Village of Cleveland, Town of Constantia, County of Oswego, and State of New York, being of sound and disposing mind, memory and understanding do make public and declare this to be my last Will and Testament.

My will is first that my funeral charges and just debts be paid. The residue of my estate and property I give devise and dispose thereof as follows. That is to say I give and bequeath unto my two sons David J. Whyborn and John Whyborn one thousand dollars (\$1000) to each son at the expiration of one year after my decease, which two legacies or sums of money, I will and direct to be paid to my two above mentioned children out of or with such portions of my property as my executors shall think proper or as best suits their convenience.

I further give devise and bequeath all the rest and residue of my estate, Real, personal and mixed - that is all the residue of my goods and chattels, lands and tenements, farming utensils and household furniture of every description and wherever located, and all my wearing apparel, and all bonds and mortgages, all money due or to become due on promissory notes or any other writings with all money found in my possession to my beloved wife Sarah Whyborn to have and to hold and finally belong to her and her heirs or assigns forever.

Lastly I do hereby constitute and appoint my beloved wife Sarah Whyborn executrix and David J. Whyborn and John Whyborn my two sons executors of this my last will and testament.

In witness whereof I have hereunto set my hand and seal this seventeenth (17th) day of February in the year of our Lord one thousand eight hundred and seventy three.

Signed, sealed, published and declared by the Testator as and for his last will and Testament in our presence who at his request in his presence and in the presence of each other have subscribed our names as witnesses thereto.

David Whyborn (D.D.)
C. Williams Cleveland Village Town of Constantia
Oswego Co. New York
J. Stevens Cleveland Village Town of Constantia
Oswego Co. New York

SURROGATE'S COURT

In the Matter of Proving the Last Will and Testament

David Hill DECEASED.

Oswego County, ss. C. B. Shelton & Oscar Clark both of the Town of Constantia Oswego County N.Y. being first duly sworn, in open Court, upon their several oaths, each for himself, do depose and say, that they are subscribing witnesses to the last Will and Testament of the late of the Town of Constantia in the County of Oswego, and State of New York, deceased.

And these deponents do further say that the said David Hill 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 4th day of February one thousand eight hundred and seventy three 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 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.

Subscribed and sworn to before me, this 4th day of February A. D. 1874. W. Skinner SURROGATE

Oswego County, ss. It appearing upon the proofs duly taken in respect to the Last Will and Testament of David Hill late of the Town of Constantia in the County of Oswego, and State of New York, deceased, that the said Will was duly executed, and that the said David Hill 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 of heretofore recorded, signed and certified by me pursuant to the provisions of the Revised Statutes, this 4th day of February 1874. W. Skinner Surrogate.

LAST WILL AND TESTAMENT OF

David Hill DECEASED.

It is remembered, That heretofore, to wit, on the 4th day of February in the year of our Lord one thousand eight hundred and seventy three Charles H. Hill Executrix named in the LAST WILL AND TESTAMENT of David Hill late of the Town of Constantia in 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, my all being of full age.

And said Surrogate did thereupon with a Citation in the 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 the village of Constantia in said County, on the 4th day of February to attend the Probate of said Will.

And afterwards to wit: on the 4th day of Feb. A. D. 1874 satisfactory evidence by affidavit, was produced and presented to said Surrogate, of the due execution of said Citation in the mode prescribed by law, and on that day an order 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 heretofore set forth, upon this 4th day of Feb. A. D. 1874 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: