

SURROGATE'S COURT

In the matter of Proving the Last Will and Testament OF

Abigail Smith deceased.

Cowego County, ss.

John V. David and W. C. Sparrow, both of Phoenix N.Y. each 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

late of the village of Phoenix in the County of Cowego and State of New York deceased. And these deponents do further say, that the said Abigail Smith deceased, did in the presence of each of these deponents, subscribe her 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 sixth day of October one thousand eight hundred and eighty three. 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 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 deponent 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 12th day of Feb. A. D. 1884. Cowego County, ss. W. C. Sparrow Special Surrogate Acting Surrogate

It appearing upon the proofs duly taken in respect to the last Will and Testament of Abigail Smith late of the village of Phoenix in the County of Cowego and the State of New York, deceased, that the said Will was duly executed, and that the said Abigail Smith at the time she executed the same, was in all respects competent to devise real estate, and not under restraint, the last Will and Testament and the proofs and examinations are hereby recorded, signed and certified by me, pursuant to the provision of the Revised Statutes, this 12th day of February A. D. 1884. J. V. David Surrogate.

LAST WILL AND TESTAMENT OF Abigail Smith deceased.

BE IT REMEMBERED, That heretofore, to wit, on the 9th day of February in the year of our Lord one thousand eight hundred and eighty four, J. V. David and W. C. Sparrow Executors named in the LAST WILL AND TESTAMENT of Abigail Smith late of the village of Phoenix in the County of Cowego deceased, appeared in open Court, before the Surrogate of the County of Cowego 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. (The surrogate being one of the witnesses to said will, renounced jurisdiction in the matter of probate of said will, and the proofs were thereupon taken by Arvin W. Sparrow Surrogate, 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 in the village of Phoenix in the said County, on the 12th day of February A. D. 1884 to attend the Probate of said Will, and did thereupon ascertain by satisfactory proof that all the heirs and next of kin had waived the issue and service of citation upon them.)

And afterwards to wit: on the 12th day of February A. D. 1884 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 12th day of February A. D. 1884 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: I, Lydia M. Burnham of the city and county of Cowego and State of New York, constituting the uncertainty of this mortal life and being of sound mind and memory do make and publish and declare this my last will and testament to wit:

1st I give and bequeath to the Home-Missionary Society the sum of One hundred dollars.

2nd And to the American Bible Society the sum of Fifty dollars

3rd And to the Old Ladies home located in the city of Cowego the sum of fifty dollars.

4th And to my sister Mrs. Abeline Congdon the sum of two hundred dollars

5th And to my Brother Isaac Minor the sum of One hundred dollars

6th And to the children of my deceased Brother Rufus Minor the sum of One hundred dollars share and share alike

7th And to the children of my deceased Brother Joshua Minor the sum of One hundred dollars share and share alike

8th I give and bequeath to Edwin P. Minor the use of a house and lot situate on the east side of lot No 50 in the eighth Town-ship of Scritas Patent so long as he shall occupy the same as a household in support of a family. But whenever he shall cease to so occupy said premises then my executor hereinafter appointed shall after paying the said Edwin P. Minor for all needed improvements on said premises sell the same and the proceeds thereof to be equally divided between my Nephews & Nieces share and share alike.

9th And lastly the balance residue & remainder of my personal Estate to be loaned on good security and the Annual interest of the same to be paid to my sister Mrs. Abeline Congdon during her natural life and after her decease to be equally divided between my Nephews and Nieces.

And I hereby appoint Joshua Minor Sole Executor of this my last will and testament: hereby wishing all former wills by me made

In witness whereof I have hereunto set my hand and seal this 27th day of May in the year of our Lord One Thousand Eight hundred and eighty nine

Lydia M. Burnham &c.

The above instrument consisting of one page sheet was at the date thereof signed sealed and declared by the said Lydia M. Burnham as and for her last will and testament and in her presence and in the presence of each other we have subscribed our names as witnesses thereto

John C. Bradt } city of Cowego
R. F. Currie } city of Cowego

All erased and interlineations made before execution