

(C. 11)

Know all men by these presents, that

I Homer Beales of the Town of Palermo, in the County of Oswego, and State of New York, being in full health, but of sound and disposing mind and memory, do make and publish this my last will and testament in manner following, that is to say:

Item I hereby direct my Executors hereinafter named to pay all my debts.

Item I hereby direct my Executors hereinafter named to cause to be procured and placed upon my burial lot at or near Jennings Corners in the Town of Palermo a family monument, with the proper inscriptions thereon for those of my family already buried there, and also a suitable fence to enclose the same, exercising their care and judgement with regard to the same, but the total expense of the whole not to exceed five hundred dollars.

Item all the rest and residue of my estate both real and personal, whatsoever and where soever of what nature kind and quality soever the same may be, not here before disposed of (together with my funeral expenses), I give and bequeath to my wife Almira B. to my son Henry M. and to my Daughters Alice, Harriet and Maria to be divided between them so that each may share and share alike, saving however as already paid to the said Henry M. twenty (20) Dollars, to the said Alice sixty one (61) Dollars and to my wife Almira B. three hundred Dollars. The bequests herein made to be used and expended by them forever.

Item this bequest herein made to my wife Almira B. is made and intended by me to be made in lieu of and instead of her Right of Dower.

Item I hereby empower, and give authority to my Executors to sell any portion, or all, of my real or personal estate as may be necessary to fulfil the conditions of this instrument.

And I do hereby constitute and appoint as Executors of this my last will and testament my Son Henry M. Beales and my son in Law Sylvester Steens.

And lastly my express will and meaning is and I do hereby order and appoint, that if any difference, dispute, question or controversy shall arise or happen concerning any gift, bequest, matter or thing in this my will given and bequeathed that such suits or suits, in Law or equity or otherwise shall be brought, commenced or prosecuted for and concerning the same, but the same shall be referred

(Carried to Page 613.)

SURROGATE'S COURT.

In the matter of Proving the Last Will and Testament of

Abigail K. Shepard deceased.

Oswego County, ss.

Wm. H. Pouchon and Anna P. Burt of Oswego City, N.Y. being first duly sworn in open Court, upon their several corporate oaths, each for himself, doth depose and say, that they are subscribing witnesses to the

last Will and Testament of Abigail K. Shepard 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 Abigail K. Shepard 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 7th day of January one thousand eight hundred and seventy. 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 her name to said instrument in the presence of the said deceased.

Subscribed and sworn to before me, this 3rd day of April A. D. 1884. F. David Surrogate, Oswego County, ss.

It appearing upon the proofs duly taken in respect to the last Will and Testament of Abigail K. Shepard late of the city of Oswego in the County of Oswego and the State of New York, deceased, that the said Will was duly executed, and that the said Abigail K. Shepard 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 4th day of April A. D. 1884. F. David Surrogate.

LAST WILL AND TESTAMENT OF

Abigail K. Shepard deceased.

BE IT REMEMBERED, That heretofore, to wit, on the 4th day of March in the year of our Lord one thousand eight hundred and eighty four, Oscar C. Shepard Executor named in the LAST WILL AND TESTAMENT OF Abigail K. Shepard 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 Court House in the village of Oswego in the said County, on the 25th day of March A. D. 1884 to attend the Probate of said Will.

And afterwards to wit: on the 3rd day of April 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 3rd day of April 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: