

SURROGATE'S COURT.

In the matter of Proving the Last Will and Testament OF

Daniel Jones deceased.

Cowego County, ss.

Archibald D. McIntyre and Robert S. Kelsey

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 of the city of Cowego in the County of Cowego and State of New York deceased. And these deponents do further say that the said Daniel Jones 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 ninth day of December one thousand eight hundred and eighty one. 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 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 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 4th day of June A. D. 1884, F. David Surrogate, Cowego County, ss.

It appearing upon the proofs duly taken in respect to the last Will and Testament of Daniel Jones late of the city of Cowego in the County of Cowego and the State of New York, deceased, that the said Will was duly executed, and that the said Daniel Jones at the time he 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 9th day of June A. D. 1884, F. David Surrogate.

LAST WILL AND TESTAMENT OF Daniel Jones deceased.

BE IT REMEMBERED, That heretofore, to wit, on the 18th day of February in the year of our Lord one thousand eight hundred and eighty four Frances A. Jones Executrix named in the LAST WILL AND TESTAMENT OF Daniel Jones late of the city of Cowego 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.

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 city of Cowego in the said County, on the 3rd day of April A. D. 1884 to attend the Probate of said Will.

And afterwards to wit: on the 5th day of June A. D. 1884 satisfactory evidence by affidavit, was produced and presented to said Surrogate, of the due service of said Citation in the mode proscribed 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 8th day of June 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, Mary Burt of the city and county of Cowego and State of New York, the widow of James Burt, 2nd, late of said city deceased, do hereby make, publish and declare, the following to be my last will and testament viz.

First I give and bequeath to my daughter, Margaret M. Burt as her absolute property, all of the personal property of every kind of which I shall die seized.

Second I hereby authorize the executrix of this my will, to sell & dispose of, on such terms, and at such prices as she may deem proper, all of the real estate of which I shall die seized and convey the same to the purchaser or purchasers and out of the proceeds thereof to pay all of my just debts; funeral expenses; for a lot in the Riverside Cemetery, in case I do not purchase one during my life time, and remove the remains of my late husband & children to it; and erect suitable tomb stones; and which funeral expenses, lot in the cemetery, removal and tomb stones shall not exceed in cost the sum of Four hundred (\$400) dollars.

Third The rest, residue and remainder of the proceeds of said real estate, after deducting the expenses and fees for executing the provisions of this my will, I give & bequeath three fourths (3/4) parts thereof, to my daughter Margaret M. Burt absolutely.

Fourth I hereby authorize and direct the executrix hereinafter named to pay one eighth (1/8) part of the said residue and remainder of the proceeds of said real estate to my son James F. Burt.

Fifth I hereby authorize and direct the executrix hereinafter named to pay the remainder one eighth (1/8) part of said residue to such of the children of my son Edwin Burt, as may be living at the time of my death to be divided between them in equal portions, share and share alike; but in case any of such grand children shall be minors at the time of my death, then said Margaret M. Burt shall hold their share or shares in trust, and said executrix is authorized and directed, to invest the same in good & productive securities, & pay over the income thereof to the father of my said grand children,

(Carried to page 645)