

and examined before O. H. Whitney County Judge of Osage County, date before said O. H. Whitney County Judge. This deponent was well acquainted with George Males late of the town of Scriba in the county of Osage now deceased, that this deponent was present as a witness and did see the said George Males subscribe at the end thereof, the instrument now produced and shown to this deponent purporting to be the last will and testament of the said deceased bearing date the seventh day of May in the year of our Lord one thousand eight hundred and forty nine. That the said testator at the same time declared the instrument so subscribed by him to be his last will and testament, that thereupon this deponent and William H. Males, subscribed their names at the end thereof as witnesses thereto at the request of the testator in his presence and that the said testator at the time of executing and publishing the said last will and testament was a citizen of the United States of full age, and of sound mind and memory not under restraint and was in all respects competent to make a last will and testament.

Sworn this 6th day of Dec. 1849, before me
 Robert Simpson
 O. H. Whitney County Judge &c

Osage Surrogate Court
 In the matter of proving the last will and testament of George Males deceased

Osage County, William H. Males of the town of Scriba in the county of Osage, being duly sworn and examined before O. H. Whitney County Judge of Osage County, doth depose and say that he this deponent was well acquainted with George Males late of the town of Scriba in the county of Osage now deceased. That this deponent was present as a witness and did see the said George Males subscribe at the end thereof, the instrument now produced and shown to this deponent purporting to be the last will and testament of the said deceased bearing date the seventh day of May in the year of our Lord one thousand eight hundred and forty nine.

That the said testator at the same time declared the instrument so subscribed by him to be his last will and testament. That thereupon this deponent and Robert Simpson subscribed their names at the end thereof as witnesses thereto at the request of the testator in his presence; and that the said testator at the time of executing and publishing the said last will and testament, was a citizen of the United States of full age, and of sound mind and memory not under restraint and was in all respects competent to make a last will and testament.

Sworn this 6th day of Dec. 1849 before me
 W. H. Males

O. H. Whitney County Judge &c

Osage County, Record the preceding last will and testament of George Males deceased, as a will of real and personal estate, together with the proofs taken in the Osage County Surrogate Court, relating to the said last will and testament, which record is hereby signed and certified by me pursuant to the provisions of the Revised Statutes, this sixth day of December in the year one thousand eight hundred and forty nine.

O. H. Whitney County Judge &c

It is remembered that heretofore to wit on the 16th day of November A.D. 1849 Lucinda Austin sole executor named in the last will and testament of Joseph Austin late of Pipersville in the county of Osage, deceased appeared in open court before O. H. Whitney County Judge of Osage County and made application to have the said last will and testament which relates to both real and personal estate duly proved, and on such application the said County Judge did ascertain by satisfactory evidence who were the heirs and next of the said testator. And said Judge did thereupon issue a citation in due