

Be it remembered that hereunder to wit, on the 2^d day of October A.D. 1849 Gentl. Merwin and Reuben Head, appeared in open court before Orin H. Whitney County Judge of Oswego County, and made application to have the last will & testament of Samuel Martin late of Oswego town & county, deceased, proved, they being all and therein as witnesses thereof) And on such application the County Judge did accept by satisfactory evidence who were the widow, heirs and next of kin of said testator and their respective residences and some of them appearing to be minors having no general guardian within the state of New York a special guardian was appointed according to law to take care of the interest of the said minors, in the matter of proving said will, by an order entered for that purpose by said Judge. And said Judge did thereupon issue a citation in due form of law directed to the said widow, heirs and next of kin and special guardian by their respective names, stating their respective places of residence requiring them to appear in this Court before the said Judge at the Oswego Hotel in the City of Oswego on the 20th day of June then next and attend the probate of said will, and on the said 20th day of June satisfactory evidence by affidavit was produced and presented to said Judge of the service of the said citation in the mode prescribed by law and on that day no one appearing to oppose, such proceedings were thereupon had afterward, that the County Judge took the proof of the said will hereinafter set forth, upon this twentieth day of June one thousand eight hundred and fifty, and he adjudged the said will to be a valid will of real and personal estate and the proofs thereof to be sufficient which said will and proofs are as follows, that is to say: the last will and testament of Samuel Martin made the twenty seventh day of September in the year of one thousand eight hundred and forty eight, which is as follows:

In the name of God Amen I Samuel Martin of the town and County of Oswego and State of New York being of sound mind and memory, blessed be God for I am to make this my last will and testament and I bequeath to my beloved wife Sarah the use of all

that is to say that she the said Sarah Martin shall receive all the convenience and profits arising from the produce of my said farm consisting of the products of the soil and the cattle, sheep and all other stock that may be raised on said farm and the proceeds or avails arising from the sale of these to be applied to the bringing up, clothing and educating of my children, so far as shall be necessary, and if there should remain a balance in her hands the same to be let out upon interest for the sole benefit of my said family.

Second I bequeath to my two sons Samuel S. Martin and James H. Martin my whole farm upon which my family now reside to be equally divided between them after the death of my beloved wife, unless the infant that is hereafter to be born should be a son, then and in that case said son to share equal with the other two, the said Samuel S. and James H. in the farm or real estate.

I hereby further recommend, advise, order and direct that in case my eldest son Samuel S. should marry and wished to leave the homestead, that by consent of his mother he may erect a dwelling house on said farm at or near where the old house formerly stood, and I also direct that said Samuel S. with the consent of his mother may when he arrives at full age take charge of and work said farm either upon shares or otherwise so that the profits arising therefrom, shall be applied to the sole use and benefit of my said family.

I also further order and direct that at the expiration of one year after each of my three daughters shall marry they shall be entitled to and paid two hundred dollars each out of my funds or monies that may hereafter become due or arise from the sale of the produce of the said farm. The said sums to be properly paid as above to Mary Jane, Sarah Ann, and Sarah Elizabeth Martin and in case that the infant that is hereafter to be born should be a daughter, she also to be paid and receive two hundred dollars, as well as the others.

I further recommend and order that my eldest son Samuel S. shall immediately after he marries have a span of horses or team worth two hundred dollars. I also bequeath to my sons at the decease of their mother all my personal property to be divided equally among them.

And in conclusion I hereby appoint and by this my last will and testament