

SURROGATE'S COURT.

In the Matter of Proving the Last Will and Testament of

Richard Smith

DECEASED.

Orange County, ss.

Subscribed and sworn to before me by the undersigned, being 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 Richard Smith late of the Town of

Freeport in the County of Orange and State of New York

deceased. And these deponents do further say, that the said Richard Smith deceased, did, in the presence of each of these deponents, subscribe to the 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 9th day of December one thousand eight hundred and Sixty

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 the 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 deponents believe he was of sound mind, memory, and understanding, and not under any constraint, 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.