

At Surrogates Court held at the
town of Genesee in & for the
County of Livingston on the
thirteenth day of January
in the year of our Lord one
thousand Eight hundred
and forty before Benjamin
J. Angel, Surrogate

In the matter of the application
to prove, record and admit to
probate the last will and
Testament of

William Fitzhugh
late of the town of Groveland
in the County of Livingston -
deceased - which relates to both
real and personal estate.

On the day and at the place aforesaid Daniel
H. Fitzhugh and John J. Salman, Executors named
in the last Will and Testament of William
Fitzhugh late of said Town of Groveland,
deceased, appeared, presented the said Will and
prayed that the same be proved, recorded and
admitted to probate - and proved that the said
Testator William Fitzhugh died in the said
Town of Groveland and County of Livingston
on the 29th day of December 1839 - that he left
him surviving the following named heirs, to wit:
William H. Fitzhugh of Hagerstown, Washington
County, Maryland - Rebecca Ann, wife of
Frederick S. Backers of Rochester Monroe County,
New York -

Daniel H. Fitzhugh of Genesee, Livingston County,
New York - Samuel H. Fitzhugh of Mount
Morris in the same County & State Richard P.
Fitzhugh & Elizabeth P. Fitzhugh of Groveland
in the same County, James Fitzhugh of Hartford,
Ohio County and State of Kentucky - Nancy C. wife
of Gunt Smith of Peterburgh Madison County, New York -
Henry Fitzhugh of Oswego, Oswego County, New York -
Mary wife of John J. Salman of Rochester Monroe
County, New York - Isabella wife of Jonathan W. Swift
of Brooklyn Long Island - N. York - Daniel Carroll
Fitzhugh and Duncan Fitzhugh of Groveland
in the said County of Livingston & State of New York -
That all of said heirs are full age except the said
Daniel C. Fitzhugh and Duncan Fitzhugh who
are minors, and have no General Guardian -
and further that said Will relates to both

a citation ¹²¹

It is therefore ordered that a citation issue directed to the said heirs by name requiring them to appear before the said Surrogate at his office in the town of Genesee in said County on the ninth day of March next at ten o'clock in the forenoon to attend the proof of said Will and that the same be published for six weeks in the State Paper, served personally on all of said heirs residing in the State of New York, and directed to such as reside out of the State by mail six weeks before the return thereof. It is further ordered that Cadwall M. Wiley, Esq. of Genesee in the County of Livingston be and he hereby is appointed Special Guardian for the said Daniel C. Fitzhugh & Susan Fitzhugh for the sole purpose of appearing for them and taking care of their interests in these proceedings.

L. S.

Given under my hand and Seal of office at Genesee in said County the 13th day of January 1846.

Benjamin F. Angel
Surrogate

In the matter of proving recording and admitting to probate the last Will and Testament of William Fitzhugh late a resident of Groveland in the County of Livingston and State of New York, deceased.

at a Surrogate's Court held at the town of Genesee, in & for the County of Livingston on the ninth day of March 1846.

before Benjamin F. Angel
Surrogate

On the day and at the place aforesaid Daniel H. Fitzhugh and John S. Salaman appeared for the purpose of proving the last Will and Testament of William Fitzhugh late of Groveland in the County of Livingston deceased and offered the said Will for proof—Cadwall M. Wiley Special Guardian of Daniel C. Fitzhugh and Susan Fitzhugh also appeared—The said Executors produced admissions of due

Service of the Citation heretofore issued to the heirs of said deceased to attend the probate of said Will, from all the heirs of said deceased residing in the State of New York. The proper handwriting of the signatures thereto was duly proved and said admissions were duly filed in the Surrogate Office.

The said Executors produce the affidavit of the due publication of said Citation in the State Paper which is also filed - and also that said Citation was directed by mail to the heirs of said deceased residing out of this State, agreeably to the provisions of the Statute.

Whereupon the said Executors are authorized to proceed with the proof to establish said will, and the following witnesses were produced, sworn and examined and testified as follows -

Livingston County }
Surrogate Court }

In the matter of proving the Will
of
William Fitzhugh
late of Groveland in the County
of Livingston, deceased, as a
will of real and personal estate

County of Livingston: ss

Ag. Amos M. Wiley of the town of Genesee in the County of Livingston aforesaid being duly sworn doth depose and say, that he is a subscribing witness to the last Will and Testament of William Fitzhugh late of the town of Groveland in the County of Livingston aforesaid deceased, and this deponent further saith that the said William Fitzhugh the said testator did, in the presence of this deponent subscribe his name at the end of the instrument, and at the end of each page thereof which is now shown and exhibited to this deponent and which purports to be the last Will and Testament of the said William Fitzhugh and which bears date on the nineteenth day of December in the year of our Lord one thousand eight hundred and thirty nine and this deponent further saith that the said testator did at the same time of subscribing his name as aforesaid at the end of the said Will declare the said instrument so subscribed and now exhibited to be

his last Will and Testament; and this deponent and William M. Bond Jr. and Thomas P. Boyd did thereupon subscribe their names at the end of the said Will as attesting witnesses thereto, in the presence and at the request of the said testator and this deponent further saith that at the said time when the said testator subscribed his name to the said last Will as aforesaid and at the time of this deponents subscribing his name as an attesting witness thereto as aforesaid the said testator was of sound mind and memory, of full age to execute a Will, and was not under any restraint, and that the said Will now appears in all respects as when so executed, without any alteration whatever.

Ogden M. Willey

Subscribed and sworn this
9th day of March 1840
before me—

Benjamin F. Angel

Surrogate

County of Livingston; ss

William M. Bond Junior of the town of Genesee in the County of Livingston aforesaid being duly sworn doth, depose and say, that he is a subscribing witness to the last Will and Testament of William Fitzhugh late of the town of Groveland in the County of Livingston aforesaid deceased, and this deponent further saith that the said William Fitzhugh the said testator, did in the presence of this deponent, subscribe his name at the end of the instrument and at the end of each page thereof, which is now shown and exhibited to this deponent and which purports to be the last Will and Testament of the said William Fitzhugh and which bears date on the nineteenth day of December in the year of our Lord one thousand eight hundred and thirty nine—And this deponent further saith that the said testator did at the same time of subscribing his name as aforesaid at the end of the said Will declare the said instrument so subscribed and now exhibited to be his last Will and Testament; and this deponent and Ogden M. Willey and Thomas P. Boyd did thereupon subscribe their names at the end of the said Will as attesting witnesses thereto in the presence, and at the request of the said testator, and this deponent further saith that at the said time when the said testator subscribed his name to the last Will as aforesaid and at the time of this deponents subscribing his name as an attesting witness thereto as aforesaid,

the said testator was of sound mind and memory of full age to execute a will, and was not under any restraint; and that the said will now appears in all respects as when executed without any alteration whatsoever-

William M Bond Jun^r
Subscribed and sworn this
9th day of March 1840.
before me

Benj S. Angel
Surrogate of Livingston County

Livingston County: ss

Thomas P. Boyd of the town of Mount Morris in the County of Livingston being duly sworn, as a witness doth depose and say that he is a subscribing witness to the last Will and Testament of William Fitzhugh late of the town of Groveland in the County of Livingston deceased, and this deponent further saith that the said William Fitzhugh did in the presence of this witness subscribe his name at the end of the instrument which is now shown and exhibited to this deponent and which purports to be the last Will and Testament of the said William Fitzhugh and that said testator also subscribed his name at the end of each page of such last Will and Testament - That said Will bears date on the nineteenth day of December 1839 That at said time when the said testator so subscribed his name to said Will as aforesaid and at the time of this deponents subscribing it as a witness the said William Fitzhugh declared the said instrument to be his last Will and Testament, and this deponent and William M. Bond Junior and Oden M. Willey did thereupon subscribe the said Will as attesting witnesses thereto in the presence and at the request of said testator and in the presence of each other - That at said time the said testator was of sound mind and memory, of full age to execute a will and not under restraint and that said Will now appears in all respects as when executed -

T. P. Boyd

Subscribed & sworn in open court before me this 9th
day of March 1840

Benjamin S. Angel
Surrogate of Livingston County

The foregoing proofs and examinations were taken before me the Surrogate aforesaid on the 7th day of March 1840, at my office in the town of Genesee in the County of Livingston and the depositions of Cadmus H. Willey, William H. Bond and Thomas P. Boyd the subscribing witnesses to the said Will were by them respectively subscribed after having been first carefully read over to them; and I the Surrogate being satisfied upon the said proof before me taken as aforesaid that lawful service of notice of moving the said Will has been made on the heirs of the said William Fitzhugh the testator, deceased; that the said Will was duly executed; and that the said testator at the time of executing the same was in all respects competent to devise real estate and not under any restraints do therefore allow the said Will with the proofs and examinations to be recorded.

Given under my hand & seal of office
at Genesee in the County of Livingston this
Smith day of March A.D. 1840
Benjamin S. Angel
Surrogate

In the name of God, Amen;

I, William Fitzhugh of the County of Livingston in the State of New York being of sound and disposing mind and memory, do make, publish, and declare this my last Will and Testament as follows, viz;

I commend my soul to Almighty God in hope and confidence of a happy immortality through the merits of my Redeemer Jesus Christ =

As to the worldly estate where with it hath pleased God to bless me, I dispose of the same as follows; My real estate in the City of Rochester shall be divided into five parts as nearly equal in value as possible by appraisers to be appointed by my Executors hereinafter named = One fifth part thereof I give and devise unto my daughter Elizabeth P. Fitzhugh her heirs and assigns forever; One other fifth part thereof I give and devise unto my daughter Nancy C. Smith her heirs and assigns forever; One other fifth part thereof I give and devise unto my daughter Mary Salmon her heirs and assigns forever; One other fifth part thereof I give and devise unto my son Daniel H. Fitzhugh in trust for the use of my daughter Rebecca Jackson; and it is my will that my said Trustee after the division of the above mentioned real estate is made, take possession of the last mentioned

fifth part thereof and receive the rents and profits
 thereof, and apply the same to the use of my said
 daughter Rebecca, Annually during her life;
 Provided nevertheless that I hereby authorize
 my said Trustee if he shall deem it most con-
 ducive to the interests of my said daughter Rebecca
 and if she shall consent thereto to sell and convey
 in fee simple, the whole or any portion of the
 real estate hereby devised in trust for her use,
 and either pay the proceeds of such sale to my
 daughter Rebecca or invest the same in other
 lands, or in bonds and mortgages of real estate,
 or in some productive stocks, and in case the
 proceeds of such sale, or any part thereof shall
 be so invested my said Trustee shall apply the rents,
 issues and profits of such other lands, and the income,
 and interest that shall accrue upon such bonds and
 mortgages and stocks to the use of my said daugh-
 ter Rebecca annually during her life; and I hereby
 authorize and empower my said daughter at her death
 to dispose by will of the Real Estate hereby devised in
 trust for her use, or so much of W^m Fitzhugh's "trust" thereof as
 shall remain unsold by my said Trustee as afore-
 said and also of all such other lands as shall
 be purchased by my said Trustee with the proceeds
 of any sale of the real estate hereby devised in trust
 for her use, and also, of all the bonds, and
 mortgages and stocks in which any of such
 proceeds shall have been invested as aforesaid;
 But if my said daughter Rebecca shall die without
 disposing thereof by will then I direct that my
 said Trustee shall convey in fee simple the real estate
 hereby devised in trust for her use, or so much thereof
 as shall not have been sold as aforesaid, and all
 such lands as shall have been purchased with the
 proceeds of any sale of the same or any part thereof
 to such of the children of my said daughter Rebecca
 as shall be living at the time of her death, and to
 the descendants of such of them as shall have died,
 in equal proportions, that is to say, giving to
 such descendants such share only as their parent would
 have received if living, according to the laws of
 this State, regulating the descent of real estate to
 lineal descendants; And I also direct that my
 said Trustee shall assign and transfer to such
 children and descendants all the bonds and
 mortgages, and stocks before mentioned if any such
 shall have been taken to be divided among them
 in the same manner as the real estate and lands
 above mentioned; but in the event of my said

daughter Rebecca dying leaving her husband surviving her then I direct that the said real estate, lands, bonds, and mortgages, and stocks shall be conveyed, assigned and transferred by my said Trustee to such children and descendants subject to the payment to him, the surviving husband of my said daughter Rebecca annually during his life of the one equal third part of the rents, issues, profits and interest and income of the said real estate, lands, bonds, mortgages and stocks; and I expressly charge such property with such payment, such children and descendants to contribute thereto in proportion to their respective interests in said property; The remaining ^{two} ~~one~~ equal third part of my said real estate in the city of Rochester I give and devise unto the said Daniel H. Fitzhugh and my son in law John S. Salaman in trust for the use of my daughter Isabella Swift and I direct that my said Trustees shall take possession thereof and receive the rents issues and profits thereof and apply the same to the use of my said ^{"of Wm"} Fitzhugh! daughter Isabella annually during her life; and I hereby authorize my said Trustees if they shall deem it most conducive to the interests of my said daughter Isabella and if she shall consent thereto to sell and convey in fee simple the real estate hereby devised in trust for her use, or any portion thereof and invest the proceeds of the real estate so sold in other lands or in bonds and mortgages of real estate; or in some productive stocks, and apply the rents, issues and profits of such other lands and the interest and income of such bonds and mortgages and stocks to the use of my said daughter Isabella annually during her life; and I hereby authorize and empower my said daughter Isabella at her death to dispose by will of the real estate hereby devised in trust for her use or so much thereof as shall not have been sold by my said Trustees as aforesaid and also of the lands, bonds and mortgages and stocks in which the proceeds of the sale of any of the said last mentioned real estate shall have been invested as aforesaid but if she shall die without disposing thereof by will then the rents issues and profits of the last mentioned real estate and lands and the interest and income of the said last mentioned bonds and mortgages, and stocks shall, if the husband of the said Isabella shall survive her, be applied by my said Trustees annually during the life of her said husband to his use and to the use of such children of the said Isabella as shall be living at the time of her death and of the descendants of such of them as shall have died, in equal proportions that is to say such descendants to have the use of such share only as their

parent would have had if living, and the husband of the said Isabella to have the use of a share equal only to the share of one child; and upon the deaths of both the said Isabella and her husband I give devise and bequeath the said last mentioned real estate lands, bonds, and mortgages and stocks to the children of the said Isabella who shall be living at the time of her death and to the descendants of such of them as shall have died in equal proportions, that is to say, such descendants taking such share only as their parent would have received if living, and to their respective heirs, executors administrators and assigns forever. But if my said daughter Isabella shall die without issue then upon the deaths of the said Isabella and her husband I give devise and bequeath the said last mentioned "Wm Fitzhugh" real estate, lands, bonds and mortgages and stocks to her sisters who shall be living at the deaths of the said Isabella and her husband and to the descendants of such of her sisters as shall have died in equal proportions that is to say: such descendants to take such share only as their parent would have received if living and to their respective heirs executors administrators and assigns forever. The portions of my real estate in the City of Rochester as hereby devised shall be ascertained by lot between the parties to whom and for whose uses the same are devised. Having sold lot number two Hundred and six in the City of Rochester for the sum of four thousand dollars subject to an assessment for City repairs. This sum after deducting said assessment I give and bequeath as follows that is to say: One half thereof I give and bequeath to my daughter Elizabeth P. Fitzhugh and the other half to my daughter Isabella Swift for their own use respectively. I give and bequeath unto my daughter Elizabeth P. Fitzhugh one thousand dollars to be raised by equal contributions from the estate herein devised and bequeathed to and for the use of her sisters to be paid to the said Elizabeth P. Fitzhugh by my executors within one year after my decease and I hereby declare that the shares of my property hereby devised and bequeathed to and for the use of her sisters are given subject to such contribution and payment, whatever debts may be due to me at my decease for property sold in the City of Rochester I give and bequeath to my daughters to be equally divided among them that portion of the same which shall belong to my daughter Rebecca shall be paid to Daniel H. Fitzhugh as her trustee as aforesaid and by him applied to her use and that portion thereof which shall belong

390 to my daughter Isabella, shall be paid to the Trustees herein before named for her and by them invested for her use in bonds and mortgages of real estate or in some productive stocks and be subject to all the provisions of the devises herein before first made in trust for her use. - I give and bequeath unto the said Daniel H. Fitzhugh and John P. Salmons the sum of four thousand two hundred and eighty two dollars and sixty two cents being the balance now due on the bond of Daniel H. Fitzhugh held by me in trust that they or the survivor of them or his ^{or her} ~~or his~~ Fitzhugh" or their attorney by him or them thereunto appointed shall after my decease annually apply the interest of said sum to the maintenance and education of the family of my son James during his life, and after his death pay over the principal sum to his wife and children, or such of them as shall then surviving in equal proportions share and share alike the shares of such children to be paid as they shall severally attain the age of twenty one years, and the share of their mother to be paid when the first child who lives to the age of twenty one years shall attain that age, the interests of the shares of minors to be applied to their support respectively until they severally attain the age of twenty one years.

I give and bequeath unto my daughter Elizabeth P. Fitzhugh and my daughter in-law Maria Fitzhugh the mother of Daniel C. Fitzhugh and Duncan Fitzhugh who are the sons of my deceased son Robert all my household and kitchen furniture and my pleasure Carriage and Carriage horses to be equally divided between them, I also give to the said Elizabeth P. and Maria the use of what articles of plate belong to me (except my silver tea set and spoons which were purchased of Kirk in Baltimore) until my grandson the said Daniel C. Fitzhugh shall attain the age of twenty one years and when the said Daniel C. attaining the age of twenty one years, I direct my executors to give to him the said articles of plate or if he shall die in his minority then my executors shall give the same to his brother Duncan Fitzhugh or if he attaining the age of twenty one years and if both my said grandsons shall die before attaining the age of twenty one years then my said executors shall give the said articles of plate to my oldest grandson of the name of Fitzhugh whose first name is William, the silver tea set and spoons above mentioned I give and bequeath to my daughter Elizabeth P. Fitzhugh, I give and devise unto my executors hereinafter named

the farm on which I reside called "Hampton" and all my real estate in the State of Kentucky in trust for the purposes hereinafter mentioned to be carried into effect by my said Executors or the survivors of them that is to say, they shall hold the said "Hampton" Estate as a residence for my daughter in law Maria the widow of my son Robert F. Hughes and shall receive the rents issues and profits thereof and apply them to the support of my said daughter in law and the support and education of my grandsons Daniel C. and Susan F. Hughes and I hereby authorize my said executors to sell and convey the fee simple and real estate in Kentucky and invest the proceeds thereof in bonds and mortgages of real estate or in some productive stocks and also with the appropriation of my said daughter in law to sell and convey in fee simple the said "Hampton" Estate and invest the proceeds thereof in bonds and mortgages of real estate or in some productive stocks.

I also give and bequeath to my said executors in trust for the purposes herein before mentioned all my personal property of every description which is not herein before specifically bequeathed and which shall not be hereinafter specified and received, and I authorize my said executors to dispose of any articles of that said personal property which in their discretion it shall be wisdom to dispose of at opportunity and circumstances may offer or require at public or private sale; I direct that my said executors shall from the proceeds of the personal property in this article of my will above bequeathed to them pay my just debts.

I also direct that they shall pay unto my said daughter in law Maria annually during her life for her own use one third part (after the payment of such debts) of interest and income accruing upon the proceeds of the sales of the real and personal property devised to them by this article of my will and upon the said investments in bonds and mortgages, and stocks in this article mentioned provided nevertheless that my said executors may apply towards the maintenance of the said Maria and the maintenance and education of the said Daniel C. and Susan such portion of the said personal property as may be necessary or proper for those purposes without affecting the same as aforesaid. The other two thirds of the said interest and income shall be held by my said executors and be applied by them to the support and education of my said grandsons

Daniel C. Fitzhugh ("Mr. Fitzhugh") and Dunc an
 Fitzhugh, and in case there shall be any surplus
 after the provision made for their annual support
 and Education such surplus shall be invested in
 manner aforesaid so as to accumulate until my
 said grandsons shall arrive at the age of twenty
 one years; and I authorize my said executors if
 they see fit to invest the sum of six thousand dollars
 in public lands for the use of my said grand-
 sons. I also direct my said executors to pay over to
 each of my said grandsons as they shall severally
 attain the age of twenty one years the one third part
 of the principal money which they shall have re-
 ceived from the property devised and bequeathed to them
 in this article of my will together with any surplus,
 and the accumulation thereof under the direction for
 accumulation before given but if either of my said
 grandsons shall die before attaining the age of twenty
 one years without lawful issue they shall pay to the
 surviving brother on his attaining twenty one years
 of age the portion of his deceased brother if both my
 said grandsons die before attaining twenty one years of
 age and without lawful issue then my said executors
 shall pay to their mother (Maria Fitzhugh) the whole
 of the said income and interest annually during
 her life and at her death they shall pay the
 principal to such of my children as shall be then
 living and to the descendants of such of them
 as shall have died in equal proportions, that is to
 say such descendants to take such share only as
 their parent would have received if living and
 I also direct that in case my said grandsons or
 either of them shall die before attaining the age of
 twenty one years leaving lawful issue my said
 executors shall pay to such issue the share or shares
 of his or their parent or parents respectively.
 In the event of the death of my daughter in law
 Maria before the death of her said children the
 portion devised and bequeathed in trust for her
 use shall be applied by said executors to the use of
 my said grandchild Mary Daniel C. and Dunc an
 Fitzhugh and shall be subject to all the provisions
 and limitations here in before declared in
 regard to the portion of each of said grandsons;
 and if the said Hampton estate shall not be disposed
 of by my said executors before my said grandsons
 attain the age of twenty one years then my
 said executors shall convey the same to them
 "Mr. Fitzhugh" in fee simple in equal proportions on
 their attaining the age of twenty one years subject

supersthees for the payment to their mother during her life of the one equal third part of the annual rents, issues and profits thereof.

If either of my said grandsons shall die before attaining the age of twenty one years without lawful issue then the whole of the said "Hampton" estate shall be conveyed as aforesaid to his surviving brother on attaining the age of twenty one years subject to such payment as aforesaid. But if either of my said grandsons shall die before attaining the age of twenty one years leaving lawful issue then such issue shall have the share which the parent of such issue would have received on attaining the age of twenty one years and in case of the death of both of my said grandsons, before attaining the age of twenty one years and without lawful issue, and the said "Hampton" estate shall not have been disposed of by my said executors as before provided then I give and devise the remainder in fee simple in the said "Hampton" estate after the death of my said daughter in law Maria and my said sons to such of my children as shall be living at the death of my said daughter in law and both of my said sons and to the descendants of such of my children as shall have died in equal proportions that is to say; such descendants to take such share as their parent would have received if living having provided for my sons William, Daniel H. Samuel H. Richard and Henry. I have not made further provision for them in this my will. Rachel Fairbairn having by her will bequeathed legacies to certain of my children as will appear by reference thereto. I have in this my will given to the legacies what I consider an equivalent for the legacies personally bequeathed and should any of said legacies claim from my executors the value of his or her said legacy the same shall be deducted from the share of my estate given to such claimant. My executors are hereby authorized to and directed to make, execute, and deliver proper conveyances for any property of my said Fitzhugh which I may have sold and which shall be conveyed at my decease.

I desire that my Executors provide for the comfort of my old and faithful servant Gookley. I appoint my Son Daniel H. Fitzhugh of the County of Livingston and my son in law John S. Salaman of the County of Monroe Executors of this my last will and Testament; and I hereby revoke

399 and declare void all and every other wills and cod-
cils by me at any time heretofore made and declare
this instrument to be my last will and Testa-
ment.

In Witness whereof I have here unto set
my hand and seal, and have subscribed my
name, to each page of this instrument the same
consisting of eight pages and about one half
of a page this nineteenth day of December in
the year of our Lord one thousand eight hundred
and thirty nine.

Wm Fitzhugh. de. S.

The foregoing instrument
was at the state thereof
subscribing by William Fitzhugh
the testator who in our presence
subscribed his name thereto
and at the time of such
subscription he declared
said instrument to be his
last will and Testament
and we at his request and
in his presence and in the
presence of each other have
subscribed our names hereto
as witnesses

Corrections per Page the use written on an eras-
sure in the 18th line, and my in the margin in
the 19th line 2nd Page conveyed assigned written
on an erasure in the 24th line, and such property
with written on an erasure in the 29th line.
5th Page Support in the 11th line and and all my
real estate in the State of Kentucky written on
erasure. There are other small corrections in the
will.

Ogden M. Wilkey of Genesee
Livingston County N.Y.
Thomas P. Boyd Mt Morris
Livingston County N.Y.
William M. Bond Jan^r of Genesee
Livingston County N.Y.

State of New York

Livingston County. Surrogate's Court } ss

I Benjamin S. Angel Surrogate of the County of Livingston do hereby certify that in pursuance of the laws of the State of New York upon proofs and examinations taken before me the Surrogate aforesaid at my office in the town of Genesee in said County of Livingston on the ninth day of March in the year of our Lord one thousand eight hundred & forty, that the within will was duly executed as a Will of real and personal estate that the testator William Fitzhugh at the time of executing the same was in all respects competent to devise real estate and to make his Will and was not under any restraint. And I do further certify that the within Will and the proofs thereof are recorded in the Surrogate's Office of the County of Livingston in Book No. 2 of Wills on pages from 209 to 221 inclusive.

L.S.

Given under my hand and official seal at Genesee in the County of Livingston this ninth day of March in the year of Lord one thousand eight hundred and forty & of our Independence the sixty fourth year-

Benjamin S. Angel
Surrogate

State of New York } ss.
County of Livingston.

Surrogate's Court of said County

I, Walter S. Howard clerk to the Surrogate's Court of said County of Livingston, do hereby certify, that I have compared the foregoing copy of the last Will and Testament of William Fitzhugh deceased and of the probate thereof with the original Record thereof now remaining in said Court, and that the same is a correct transcript thereof from and of the whole of each original.

L.S.

In Testimony whereof, I have hereunto set my hand and affixed the seal of said Court at Genesee, this 20th day of August 1876.

W. S. Howard
clerk to the Surrogate's Court of
Livingston County.

State of New York, ³/₃ ss. Surrogate's court of said County
 County of Livingston. ³/₃ ss. I, Samuel S. Faulkner County Judge and
 Surrogate of the County of Livingston aforesaid, do hereby certify
 that the foregoing copy of the last Will and Testament of
 William Fitzhugh deceased and of the probate thereof is
 authenticated in due form according to the Laws of the
 State of New York.

L.S.

In Testimony Whereof, I have hereunto
 set my hand and affixed the seal of
 said Court at Geneva, this 28th day
 of August 1876.

S. S. Faulkner

County Judge and Surrogate

State of Kentucky, ³/₃ ss.
 County of Buckneridge, ³/₃ ss.

I, G. P. Jolly clerk of the Court, County
 for the County and State aforesaid, do certify that ~~the~~
 Jesse W. Kinchloe Att. for D. L. Fitzhugh offered for
 probate a copy of the Will of William Fitzhugh dec^d. of
 the State of New York, relating to both personal and real
 estate, and the same being duly authenticated, It is
 ordered to be recorded as the last Will and Testament
 of said William Fitzhugh deceased.

Given under my hand & seal
 this 18th day of September
 1876,

Gideon P. Jolly, Clerk
 Buckneridge County Court

At a Surrogate's Court held at the
town of Genesee in & for the
County of Livingston on the
thirteenth day of January
in the year of our Lord one
thousand eight hundred
and forty before Benjamin
J. Knoll Surrogate

In the matter of the application
to prove, record and admit to
probate the last will and testa-
ment of

William Fitzhugh
late of the town of Groveland
in the County of Livingston - de-
ceased - which relates to both
real and personal estate

On the day and at the place aforesaid Daniel H. Fitzhugh and
John T. Salmons, Executors named in the last Will and Testament
of William Fitzhugh late of said Town of Groveland, deceased,
appeared, presented the said Will and proved that the same be proved,
recorded and admitted to probate - and proved that the said
testator William Fitzhugh died in the said town of Groveland
and County of Livingston on the 29th day of December 1839 -
That he left him surviving the following named heirs, to wit:

William H. Fitzhugh of Hagerstown Washington County Maryland
Rebecca Ann wife of Frederick F. Bachus Rochester Monroe
County New York.

Daniel H. Fitzhugh of Genesee Livingston County New York.
Samuel H. Fitzhugh of Mount Morris in the same County & State.
Richard P. Fitzhugh & Elizabeth P. Fitzhugh of Groveland in the
same County.

James Fitzhugh of Hartford, Ohio County and State of Kentucky
Nancy C. wife of Gust Smith of Peterborough Madison
County New York -

Abner Fitzhugh of Oswego, Oswego County New York -
Mary wife of John T. Salmons of Rochester Monroe County New York
Isabella wife of Jonathan W. Swift of Brookline Long Island N. York
Daniel Carroll Fitzhugh and Duncan Fitzhugh of Groveland in
the said County of Livingston & State of New York.

That all of said heirs are of full age except the said Daniel C. Fitzhugh
and Duncan Fitzhugh who are minors and have no general guardian -
and further that said Will relates to both real and personal estate -

It is therefore ordered that a citation issue directed to the
said heirs by name requiring them to appear before the said Surrogate
at his office in the town of Genesee in said County on the first
day of March next at ten o'clock in the forenoon to attend the
proof of said Will and that the same be published for six
weeks in the State Paper, served personally on all of said

here residing in the State of New York and directed to such as reside out of the State by which six weeks before the return thereof it is further ordered that Ogden W. Wiley Esq. of New York in the County of Livingston be and he hereby is appointed Special Guardian for the said Daniel & Fitzhugh and Duncan Fitzhugh for the sole purpose of appearing for them and taking care of their interests in these proceedings.

L. S.

Given under my hand
and seal of office at
New York in said County
the 13th day of January
1840.
Benjamin F. Angel
Surrogate.

In the matter of proving, record-
ing and admitting to probate
the last Will and Testament
of
William Fitzhugh
late a resident of Groveland
and State of New York, deceased

At a Surrogate's Court held at
the town of New York, in & for
the County of Livingston on
the ninth day of March 1840.
before Benjamin F. Angel
Surrogate.

On the day and at the place aforesaid Daniel F. Fitzhugh and John N. Newman appeared for the purpose of proving the last Will and Testament of William Fitzhugh late of Groveland in the County of Livingston deceased and offered the said Will for proof -
Ogden W. Wiley Special Guardian of Daniel & Fitzhugh and Duncan Fitzhugh also appeared -

The said Executors produced admissions of due service of the citations heretofore issued to the heirs of said deceased to attend the probate of said Will, from all the heirs of said deceased residing in the State of New York. The proper handwriting of the signatures thereto was duly proved and said admissions were duly filed in the Surrogate's Office -

The said Executors produced the affidavit of the due publication of the said citations in the State Paper which is also filed - and also that said citations was directed by mail to the heirs of said deceased residing out of this State, agreeably to the provisions of the Statute -
Whereupon the said Executors are authorized to proceed with the proof to establish said will, and the following witnesses were produced, sworn and examined and testified as follows

Livingston County }
 Surrogate's Court }

In the matter of proving the Will of William Fitzhugh late of Groveland in the County of Livingston, deceased, as a Will of real and personal estate

County of Livingston: ss

Ogden M. Wiley of the town of Seneca in the County of Livingston aforesaid being duly sworn doth depose and say, that he is a subscribing witness to the last Will and Testament of William Fitzhugh late of the town of Groveland in the County of Livingston aforesaid deceased, and this deponent further saith that the said William Fitzhugh the said testator did in the presence of this deponent subscribe his name at the end of the instrument and at the end of each page thereof which is now shown and exhibited to this deponent and which purports to be the last Will and Testament of the said William Fitzhugh and which bears date on the nineteenth day of December in the year of our Lord one thousand eight hundred and thirty nine and this deponent further saith that the said testator did at the same time of subscribing his name as aforesaid at the end of the said Will declare the said instrument so subscribed and now exhibited to be his last Will and Testament; and this deponent and William M. Bond Jr. and Thomas P. Boyd did thereupon subscribe their names at the end of the said Will as attesting witnesses thereto in the presence and at the request of the said testator - and this deponent further saith that at the said time when the said testator subscribed his name to the said last Will as aforesaid to the said & and at the time of this deponent's subscribing his name as an attesting witness thereto as aforesaid the said testator was of sound mind and memory, of full age to execute a Will, and was not under any restraint; and that the said Will now appears in all respects as when so executed, without any alteration whatsoever

Ogden M. Wiley

Subscribed and sworn this
 9th day of March 1840
 before me -

Benjamin F. Angel
 Surrogate.

County of Livingston: ss

William M. Bond Junior of the town of Seneca in the County of Livingston aforesaid being duly sworn doth depose and say, that he is a subscribing witness to the last Will and Testament of William Fitzhugh late of the town of Groveland in the County of Livingston aforesaid deceased - and this deponent further saith that the said William Fitzhugh the said testator did in the presence of this deponent, subscribe his name at the

Subscribed & sworn in open
Court before me this 9th
day of March 1840.

Benjamin F. Angel
Surrogate of Livingston County

The foregoing proofs and examinations were taken before me
the surrogate aforesaid on the 9th day of March 1840, at my office
in the town of Genesee in the County of Livingston and the depositions
of Ogden M. Miller, William M. Bond + and and Thomas P. Boyd
the subscribing witnesses to the said Will were by them respectively
subscribed after having been first carefully read over to them: and
I the Surrogate being satisfied upon the said proofs before me taken as
aforesaid that careful service of notice of proving the said Will has
been made on the heirs of the said William Fitzhugh the testator,
deceased, that the said Will was duly executed: and that the
said testator at the time of executing the same was in all respects
competent to devise real estate and not under any restraint do
therefore allow the said Will with the proofs and examinations to be
recorded.

E. L. S. 

Given under my hand and seal of office
at Genesee in the County of Livingston this
Ninth day of March A.D. 1840
Benjamin F. Angel
Surrogate

In the Name of God, Amen;

I William Fitzhugh of the County of
Livingston in the State of New York being of sound and disposing
mind and memory, do make, publish, and declare this my last
Will and Testament as follows, viz:

I commend my soul to Almighty
God in hope and confidence of a happy immortality through the
merits of my Redeemer Jesus Christ.

As to the worldly estate wherewith it
hath pleased to bless me, I dispose of the same as follows:

My real estate in the City of Rochester shall be divided into five
parts as nearly equal in value as possible by appraisers to be appointed
by my Executors hereinafter named—

One fifth part thereof I give and devise unto my daughter
Elizabeth P. Fitzhugh her heirs and assigns forever: One other fifth
part thereof I give and devise unto my daughter Nancy K. Smith
her heirs and assigns forever: One other fifth part thereof I give
and devise unto my daughter Mary Palmer her heirs and assigns
forever:— One other fifth part thereof I give and devise unto my
son Daniel H. Fitzhugh interest for the use of my daughter Rebecca
Bachus: and it is my will that my said Trustees after the division
of the above mentioned real estate is made, take possession of the
last mentioned fifth part thereof and receive the rents and profits
thereof, and apply the same to the use of my said daughter Rebecca

annually during her life: Provided nevertheless that I hereby authorize my said Trustee if he shall deem it most conducive to the interests of my said daughter Rebecca and if she shall consent thereto to sell and convey in fee simple, the whole or any portion of the real estate hereby devised in trust for her use, and either pay the proceeds of such sale to my said daughter Rebecca or invest the same in other lands, or in bonds and mortgages of real estate, or in some productive stocks, and in case the proceeds of such sale, or any part thereof shall be so invested, my said Trustee shall apply the rents, issues and profits of such other lands, and the income, and interest that shall accrue upon such bonds and mortgages and stocks to the use of my said daughter Rebecca annually during her life; and I hereby authorize and empower my said daughter at her death to dispose by will of the Real Estate hereby devised in trust for her use, or so much of it as shall remain unsold by my said Trustee as aforesaid and also of all such other lands as shall be purchased by my said Trustee with the proceeds of any sale of the real estate hereby devised in trust for her use, and also, of all the bonds and mortgages and stocks in which any of such proceeds shall have been invested as aforesaid:

But if my said daughter Rebecca shall die without disposing thereof, I will then direct that my said Trustee shall convey in fee simple the real estate hereby devised in trust for her use, or so much thereof as shall not have been sold as aforesaid, and all such lands as shall have been purchased with the proceeds of any sale of the same or any part thereof to such of the children of my said daughter Rebecca as shall be living at the time of her death, and to the descendants of such of them as shall have died, in equal proportions, that is to say; giving to such descendants such share only as their parent would have received if living, according to the laws of this State, regulating the descent of real estate to lineal descendants; And I also direct that my said Trustees shall assign and transfer to such children and descendants all the bonds and mortgages, and stocks before mentioned if any such shall have been taken to be divided among them in the same manner as the real estate and lands above mentioned; but in the event of my said daughter Rebecca dying leaving her husband surviving her then I direct that the said real estate, lands, bonds and mortgages, and shall be conveyed, assigned and transferred by my said Trustee to such children and descendants subject to the payment to him, the surviving husband of my said daughter Rebecca annually during his life of the one equal third part of the rents, issues, profits and interest and income of the said real estate, lands, bonds, mortgages and stocks; and I expressly charge such property with such payment, such children and descendants to contribute thereto in proportion to their respective interests in said property; The remaining fifth part of my said real estate in the City of Rochester I give and devise unto the said Daniel H. Fitzhugh & my son in law John P. Palmer in trust for the use of my daughter Isabella Swift and I direct that my said Trustee shall take possession thereof and receive the rents issues and profits thereof and apply the same to the

use of my said "Mrs Fitzhugh's" daughter Isabella annually during her life: and I hereby authorize my said Trustees if they shall deem it most conducive to the interests of my said daughter Isabella and if she shall consent thereto to sell and convey in fee simple the real estate hereby devised in trust for her use, or any portion thereof and invest the proceeds of the real estate so sold in other lands or in bonds and mortgages of real estate: or in some productive stocks, and apply the rents issues and profits of such other lands and the interest and income of such bonds and mortgages and stocks to the use of my said daughter Isabella annually during her life: and I hereby authorize and empower my said daughter Isabella at her death to dispose by will of the real estate hereby devised in trust for her use or so much thereof as shall not have been sold by my said Trustees as aforesaid and also of the lands, bonds and mortgages and stocks in which the proceeds of the sale of any of the said last mentioned real estate shall have been invested as aforesaid but if she shall die without disposing thereof by Will then the rents issues and profits of the last mentioned real estate and lands and the interest and income of the said last mentioned bonds and mortgages, and stocks shall if the husband of the said Isabella shall survive her, be applied by my said Trustees annually during the life of her said husband to this use and to the use of such children of the said Isabella as shall be living at the time of her death and of the descendants of such of them as shall have died, in equal proportions that is to say such descendants to have the use of such share only as their parent would have had if living, and the husband of the said Isabella to have the use of a share equal only to the share of one child: and upon the death of both the said Isabella and her husband I give devise and bequeath the said last mentioned real estate lands, bonds, and mortgages and stocks to the children of the said Isabella who shall be living at the time of her death and to the descendants of such of them as shall have died in equal proportions, that is to say, such descendants taking such share only as their parent would have received if living, and to their respective heirs executors administrators and assigns forever But if my said daughter Isabella shall die without issue then upon the death of the said Isabella and her husband I give devise and bequeath the said last mentioned "Mrs Fitzhugh's" real estate, lands bonds and mortgages and stocks to her sisters who shall be living at the death of the said Isabella and her husband and to the descendants of such of her sisters as shall have died in equal proportions that is to say: such descendants to take such share only as their parent would have received if living and to their respective heirs executors administrators and assigns forever The portions of my real estate in the City of Rochester as hereby devised shall be ascertained by lot between the parties to whom and for whose use the same are devised Having sold lot number Two Hundred and six in the City of Rochester for the sum of Two thousand dollars subject to an assessment for City repairs this sum after deducting said assessment I give and bequeath as follows that is to say: One half thereof I give and bequeath

to my daughter Elizabeth P. Fitzhugh and the other half to my daughter Isabella Swift for their own use respectively. I give and bequeath unto my daughter Elizabeth P. Fitzhugh one thousand dollars to be raised by equal contributions from the estate herein devised and bequeathed to and for the use of her sisters to be paid to the said Elizabeth P. Fitzhugh by my executors within one year after my decease and I hereby declare that the shares of my property hereby devised and bequeathed to and for the use of her sisters are given subject to such contribution and payment, whatever debts may be due to me at my decease for property sold in the City of Rochester I give and bequeath to my daughters to be equally divided among them that portion of the same which shall belong to my daughter Rebecca shall be paid to Daniel H. Fitzhugh as her Trustee as aforesaid and be by him applied to her use and that portion thereof which shall belong to my daughter Isabella shall be paid to the Trustees herein before named for her and be by them invested for her use in bonds and mortgages of real estate or in some productive stocks and be subject to all the provisions of the devise herein before first made in trust for her use. - I give and bequeath unto the said Daniel H. Fitzhugh and John P. Palmer the sum of Four Thousand two hundred and eighty two dollars and sixty two cents being the balance now due on the bond of Daniel H. Fitzhugh held by me in trust that they or the survivor of them or his (John Fitzhugh) or their attorney by him or them thereunto appointed shall after my decease immediately apply the interest of said sum to the maintenance and education of the family of my son James during his life, and after his death pay over the principal sum to his wife and children, or such of them as shall then be living in equal proportions share and share alike the shares of such children to be paid as they severally attain the age of twenty one years - and the share of their mother to be paid when the first child who lives to the age of twenty one years shall attain that age - The interests of the shares of minors to be applied to their support respectively until they severally attain the age of twenty one years.

I give and bequeath unto my daughter Elizabeth P. Fitzhugh and my daughter in law Maria Fitzhugh the mother of Daniel H. Fitzhugh and Duncan Fitzhugh who are the sons of my deceased son Robert all my household and kitchen furniture and my pleasure carriage and carriage horses to be equally divided between them, I also give to the said Elizabeth P. and Maria the use of what articles of plate belong to me (except my silver tea set and spoons which were purchased of Wick in Baltimore) until my grandson the said Daniel H. Fitzhugh shall attain the age of twenty one years and upon the said Daniel H. attaining the age of twenty one years I direct my executors to give to him the said articles of plate or if he shall die in his minority then my executors shall give the same to his brother Duncan Fitzhugh upon his attaining the age of twenty one years and if both my said grandsons shall die before attaining the age of twenty one years then my said executors shall give the said articles of plate to my oldest grandson of the name of Fitzhugh whose first name is

William. The silver tea set and spoons above mentioned I give and bequeath to my daughter Elizabeth P. Fitchugh. I give and devise unto my executors hereinafter named the Farm on which I reside called "Hampton" and all my real estate in the state of Kentucky in trust for the purposes ^{hereinafter} mentioned to be carried into effect by my said executors or the survivor of them that is to say, they shall hold the said "Hampton" estate as a residence for my daughter in law Maria the widow of my son Robert Fitchugh and she shall receive the rents issues and profits thereof and apply them to the support of my said daughter in law and the support and education of my grandsons Daniel C and Duncan Fitchugh and I hereby authorize my said executors to sell and convey in fee simple my real estate in Kentucky and invest the proceeds thereof in bonds and mortgages of real estate, in some productive stocks and also with the approbation of my said daughter in law to sell and convey in fee simple the said "Hampton" estate and invest the proceeds thereof in bonds and mortgages of real estate or in some productive stocks.

I also give and bequeath to my said executors in trust for the purposes herein after mentioned all my personal property of every description which is not herein before specifically bequeathed and which shall not be hereinafter specified and excepted, and I authorize my said executors to dispose of any articles of the said personal property which in their discretion it shall be proper to dispose of at opportunity and circumstances may offer or require at public or private sale.

I direct that my said executors shall from the proceeds of the personal property in this article of my will above bequeathed to them pay my just debts.

I also direct that they shall pay unto my said daughter in law Maria annually during her life for her own use one third part after the payment of such debts) of the interest and income accruing upon the proceeds of the sales of the real and personal property devised to them by this article of my will and upon the said investments in bonds and mortgages, and stocks in this article mentioned provided nevertheless that my said executors may apply towards the maintenance of the said Maria and the maintenance and education of the said Daniel C and Duncan such portion of the said personal property as may be necessary or proper for those purposes without investing the same as aforesaid.

The other two thirds of the said interest and income shall be held by my said executors and be applied by them to the support and education of my said grandsons Daniel C Fitchugh (et Fitchugh) and Duncan Fitchugh and in case there shall be any surplus after the provision made for their annual support and education such surplus shall be invested in manner aforesaid so as to accumulate until my said grandsons shall arrive at the age of twenty one years: and I authorize my said executors if they see fit to invest the sum of six thousand dollars in public lands for the use of my said grandsons.

I also direct my said executors to pay over to each of my

said grandsons as they shall severally attain the age of twenty one year the One third part of the principal money which they shall have received from the property devised and bequeathed to them in this article of mine will together with any surplus, and the accumulate interest thereof under the direction for accumulation before given but if either of my said grandsons shall die before attaining the age of twenty one year without lawful issue they shall pass to the surviving brother on his attaining twenty one years of age the portion of his deceased brother if both my said grandsons die before attaining twenty one years of age and without lawful issue then my said Executors shall pay to their mother Maria Fitzhugh the whole of the said income and interest annually during her life and at her death they shall pay the principal to such of my children as shall be then living and to the descendants of such of them as shall have died in equal proportions, that is to say such descendants to take such share only as their parent would have received if living and I also direct that in case my said grandsons or either of them shall die before attaining the age of twenty one years leaving lawful issue my said executors shall pay to such issue the share or shares of his or their parent or parents respectively.

In the event of the death of my daughter in law Maria before the death of her said children the portions devised and bequeathed in trust for her use shall be applied by said executors to the use of my said grandchildren Daniel and Duncan Fitzhugh and shall be subject to all the provisions and limitations herein before declared in regard to the portions of each of said grandsons; and if the said Hampton estate shall not be disposed of by my said executors before my said grandsons attain the age of twenty one years then my said executors shall convey the same to them & "Wm Fitzhugh" in fee simple in equal proportions on their attaining the age of twenty one years subject nevertheless to the payment to their mother during her life of the one equal third part of the annual rents, issues and profits thereof.

If either of my said grandsons shall die before attaining the age of twenty one years without lawful issue then the whole of the said Hampton estate shall be conveyed as aforesaid to his surviving brother on his attaining the age of twenty one years subject to such payment as aforesaid but if either of my said grandsons shall die before attaining the age of twenty one years leaving lawful issue then such issue shall have the share which the parent of such issue would have received on attaining the age of twenty one years and in case of the death of both of my said grandsons before attaining the age of twenty one years and without lawful issue, and the said Hampton estate shall have not have been disposed of by my said executors as before provided then I give and devise the remainder in fee simple in the said Hampton estate after the death of my said daughter in law Maria and her said sons to such of my children as shall be living at the death of my said daughter in law and of both of her said sons and to the descendants of such of my children as shall have died in equal proportions that is to say:

such descendants to take such share as their parent would have received if living Having provided for my sons William, Daniel, Samuel, Richard and Henry.

I have not made further provisions for them in this my will. Rachael I'm heres having by her will bequeathed legacies to certain of my children as will appear by reference thereto.

I have in this my will given to the legatee what I consider an equivalent for the legacies severally bequeathed and should any of said legacies claim from my executors the value of his or her said legacy the same shall be deducted from the share of my estate given to such claimant, my Executors are hereby authorized and directed to make, execute and deliver proper conveyances for any property "Wm. Fitzhugh" which I may have sold and which shall be unconveyed at my decease.

I desire that my Executors provide for the comfort of my old and faithful servant Dokey.

I appoint my son Daniel H. Fitzhugh of the county of Livingston and my son in law John P. Talman of the county of Monroe Executors of this my last will and Testament; and I hereby revoke and declare void all and every other wills and codicils by me at any time hereto fore made and declare this instrument to be my last will and Testament.

In witness whereof I have herunto set my hand and seal, and have subscribed my name to each page of this instrument the same consisting of eight pages and about one half of a page this nineteenth day of December in the year of our Lord One thousand eight hundred and thirty nine
Wm. Fitzhugh. L. S.

The foregoing instrument was at the date thereof subscribed by William Fitzhugh the testator who in our presence subscribed his name thereto and at the time of such subscription he declared said instrument to be his last will and Testament and we at his request and in his presence and in the presence of each other have subscribed our names hereto as witnesses

Corrections 1st Page "the. use" written on an erasure in the 18th line, and "my" in the margin in the 19th line.

"conveyed, assigned written on an erasure in the 24th line, and
 "such property" with" written on an erasure in the 29th line.
 5th Page support in the 11th line and "and all my real estate
 in the state of Kentucky" written on erasure.

There are other small corrections
 in the will

Ogden H. Willis of Kenesee
 Livingston County N. Y.

Thomas P. Boyd & Co. Morris
 Livingston Co. N. Y.

William M. Bond Junr. of Kenesee
 Livingston County N. Y.

State of New York
 Livingston County, Surrogate's Court

I Benjamin F. Angel Surrogate of the County of
 Livingston do hereby certify that in pursuance of the laws of the State
 of New York & upon proofs and examinations taken before me the
 Surrogate aforesaid at my Office in the town of Kenesee in said
 County of Livingston on the ninth day of March in the year of our
 Lord one thousand eight hundred & forty. That the within will
 was duly executed as a Will of real and personal estate. That the
 testator William Fitzhugh at the time of executing the same was
 in all respects competent to devise real estate and to make his
 Will and was not under any restraint, and I do further certify
 that the within Will and the proofs thereof are recorded in the
 Surrogate's Office of the County of Livingston in Book No. 2 of
 Will on pages from 209 to 221 inclusive

L. S.

Given under my hand and official
 seal at Kenesee in the County of Living-
 ington this ninth day of March in
 the year of Lord one thousand eight
 hundred and forty & of our Independence the
 sixty fourth year.

Benjamin F. Angel
 Surrogate

State of New York } ss. Surrogate's Court of said County.
 County of Livingston

I, Walter P. Howard Clerk to the Surrogate's Court
 of said County of Livingston, do hereby certify, that I have compared
 the foregoing copy of the last Will and Testament of William Fitzhugh
 deceased and of the probate thereof with the Original Record thereof
 now remaining in said Court, and that the same is a
 correct transcript thereof and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand
 and affixed the seal of said Court at Kenesee, this 24th day of August 1874

W. P. Howard
 Clerk to the Surrogate's Court of Livingston County.

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State of New York ss. Surrogate Court of said County
County of Livingston

I Samuel D. Faulkner County Judge and Surrogate of the County of Livingston aforesaid, do hereby certify that the foregoing copy of the Last Will and Testament of William Fitzhugh deceased and of the probate thereof is authenticated in due form and according to the Laws of the State of New York.

Seal

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Kenesaw, this 28th day of August 1876.

S. D. Faulkner

County Judge and Surrogate

State of Kentucky ss.
County of Breckinridge

I, G. P. Jolly Clerk of the County Court for the County and State aforesaid do certify that Jesse H. Nicholson Atty. Gen. D. C. Fitzhugh offered for probate a copy of the Will of William Fitzhugh decd of the State of New York, relating to both personal and real estate, and the same being duly authenticated - It is ordered to be recorded as the Last Will and Testament of said William Fitzhugh deceased.

Seal

Given under my hand this 18th day of September 1876, & Seal

Gideon P. Jolly Clerk

Breckinridge County Court

State of Kentucky ss.
County of Breckinridge

March Term, Monday 18th 1878

I, G. P. Jolly Clerk of the County Court in and for the County and State aforesaid do certify that on this day D. C. Fitzhugh - Mariah Fitzhugh & Daniel H. Fitzhugh by their attorney Jesse H. Nicholson and G. D. Fitzhugh attorneys in fact for D. C. Fitzhugh came into Court and offered a copy of the will of William Fitzhugh decd for probate - It appearing that said testator was at the time of his death a nonresident of the State of Kentucky - & a resident of the State of New York - and that a principal part of the land devised by said will lies in the County of Breckinridge Kentucky - and that the will of said William Fitzhugh was duly probated and admitted to record in the Surrogate Court of Livingston County State of New York, and adjudged to be, by said Court duly executed as a will of real & personal estate -

If further appearing from the copy of said will now offered for probate - that said was proved to have been so executed - as to be a valid will of lands in this Commonwealth by the laws thereof - and said copy & authenticated being duly authenticated - It is now ordered that said copy be admitted to probate as the will of said William Fitzhugh decd in regard to both personal & real estate - and that the same be recorded as his will as such - whereupon the case together with this certificate has been duly and legally admitted to record in my office -

G. P. Jolly Clerk