

John G. Wenter Will - Exemplification from New York

Wisconsin County Georgia Wills
1862-1875

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Be it remembered that heretofore to-wit on the Eighteenth day of January in the year one thousand eight hundred and Sixty Six James G. Wenter an Executor named in the last will and Testament of John G. Wenter late of said County of New York deceased, appeared in open Court before William J. Tucker Surrogate of the County of New York and made application to have the said last will and Testament which relates to both real and personal estate proven, and on such application the Surrogate did ascertain by satisfactory evidence who were the widows only heirs and next of kin of said deceased and their respective residences and said Surrogate did thereupon issue a Citation directed to said Widows and heirs and next of kin by their respective names stating their place of residence requiring them to appear before said Surrogate at his Office in the City of New York on the Thirtieth day of March then next to attend the probate of said will, and afterwards to-wit on the said Thirtieth day March satisfactory evidence by affidavit was adduced and presented to said Surrogate of the service of the said Citation in the mode prescribed by Law. It being ascertained on the said day or before any proceedings were taken upon the said will that one of the parties cited was a minor having no general guardian in the State of New York a Special Guardian was appointed in and form of Law to take care of his interest in the matter of proving said will by an order duly entered for that purpose by said Surrogate, and on that day opposition being made and afterwards withdrawn such proceedings were thereupon had afterwards said Surrogate took the proof of said will hereinafter set forth and upon the 9th day of July in the year one thousand eight hundred and Sixty Six he adjudged said will to be a valid will of Real and personal Estate and the proof thereof to be sufficient which said last will and Testament and proof are as follows. That is to say,

In the name of God Amen, I John G. Wenter of the City of New York being made in body best of sound and disposing mind, memory and understanding do make and declare this to be my last will and Testament hereby revoking all former and other will by me at any time heretofore made.

I direct all my just debts and funeral expenses to be paid out of my Estate by my Executor or Executors hereinafter named as soon after my decease as practicable.

To my son Joseph G. Wenter he having been heretofore largely benefited at sundry times by my estate and also having a sufficiency of this world's goods, I in justice to others of my children who have been less benefited by me give and bequeath only so much in respect of my claims against the Government hereinafter mentioned as will manifest my paternal affection for him. Namely,

Each

Section I

Section II

Rem
of Will
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 namely, the portraits in oil of myself and of my wife which
 shall be a mutual release and discharge for and from all and sundry
 claims and copartnership transactions which have taken place
 between us in America.

Item III All other of my Estate real and personal whatsoever the
 same may be and of whatsoever nature and kind which
 I may possess or be in any way entitled unto at the time
 of my decease (Except all my claims against the Government
 of the United States for property destroyed by the Union or
 Federal Army) I give devise and bequeath unto my sister
 Elizabeth Winter and my son James J Winter and my grand
 son John Gans Winter son of George Winter deceased, whenever he
 shall attain the age of twenty one years my Executors and
 Executors hereinafter named and to the survivors and survivor
 of them upon this special trust and confidence, ^{and among} ~~that~~ ^{that} is to say, that they my said Executors and Executors or the
 survivors of them do and shall at such time or times after
 my decease as they may think advantageous to my Estate sell
 and dispose of on such terms and conditions as they may
 think fit all of such real and personal Estate Except my
 Government Claims as aforesaid, and call in and receive
 all such debts, sums or sums of money as shall be
 due or owing unto me at the time of my death, and
 apply the proceeds thereof (and of the rents issues and profits
 of such Estate until sold or disposed of as aforesaid) as herein
 after mentioned that is to say, First to invest the same and keep
 invested upon good and substantial security a sum of money
 as principal sufficient to produce an annual income or interest
 of One thousand dollars and apply said interest or income
 half yearly in each and every year to the joint use of my wife
 Ann Winter and our son John Gans Winter for and during and
 until our said son shall arrive at the age of twenty one years
 and then to pay over unto my said wife one third part of said
 principal and the remaining two thirds to my said son, ⁱⁿ ~~case~~
 Case however my said son should die before attaining the age
 of twenty one year leaving his said mother surviving, then further
 in trust to pay over to his said mother the whole of the said
 interest and income for and during her natural life
 and upon such her decease the said principal shall revert
 to and form part of the net residue and remainder of my
 Estate, but in case his said mother shall die before her said son
 shall arrive at the age of twenty one years, leaving him surviving
 then the whole of the said interest or income to be paid to him
 until he shall arrive at the age of twenty one years and on
 his arriving at such age the whole of the said principal to be
 paid over to him freed and discharged from all trust. But
 in case of his surviving his said mother and dying before
 attaining the age of twenty one years then and in such case
 the whole of said principal shall revert to and form part
 of the net residue and remainder of my Estate.
Second to invest and keep invested in the like manner

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as is above prescribed a sum of money sufficient to produce an annual interest or income of three hundred dollars and whenever my son Robt E Winter shall be pronounced, by competent experts to have acquired sufficient knowledge of navigation for all practical purposes enabling him to take the second in command of a ship, then, and not until then to pay over to him the interest which shall have accrued or accumulated on said investment and the interest subsequently accruing half yearly thereafter for and during his natural life and from and after his decease to pay over the said principal sum to such child or children as he may have living at his decease and in default of any such child or children then the said principal sum shall revert to and form part of the rest residue and remainder of my estate. Third out of the rest residue and remainder of my estate then remaining in their hands I direct my said Executors and Executive and the Survivors and Survivor of them to pay over unto my son James E Winter the an equal undivided fifth part or share hereof freed and discharged from all trusts whatsoever and that in ascertaining such fifth part or any other fifth part directed to be ascertained in this my will the twenty thousand dollars hereinafter mentioned in the provisions for the widow and Children of Surg. W. Winter and the like sum in the provision for Lucinda M. Woolfolk and her Children and the ten thousand dollars in the provision for Rebecca M. Coleman and her Children shall constitute and be considered and taken as part of my said Estate or directed to be divided.

Fourth one other fifth part of the said rest residue and remainder of my Estate to invest and keep invested as principal in the manner hereinabove prescribed and apply the interest thereof to the support of the widow and Children of my deceased son Wm E Winter until the youngest shall attain the age of Twenty one years and then to divide and pay over the said principal as follows. One third part thereof to the said widow and the remaining two third parts thereof to and among such Children as may be then living, the Child or Children of my deceased Child to take the share their parent would have taken if living. Should the said widow not be living at the time the youngest Child should become of age then her one third part shall be divided among the Children in the same manner as their two third part are herein directed to be divided. But should all of said Children die before attaining the age of Twenty one years leaving the said widow then surviving, then the said widow shall receive her one third part thereof and the remaining two third parts shall revert to my said Estate. It is my will and I hereby direct that in Estimating and apportioning the fifth part in this my will mentioned the sum of Twenty thousand dollars which sum I consider that the said Geo E Winter and his family are indebted to me for property and assets received by them from me shall be taken as a

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a portion of said fifth part, Fifth One other fifth part of the said net residue & remainder of my Estate to invest and keep invested as principal in the manner herein above prescribed and apply the interest thereof to the support of my daughter Lucina at Woolfolk and her children until the youngest shall have attained the age of Twenty one years and then to divide and pay over the said principal as follows One third part thereof to my daughter as her sole and separate Estate, and the remaining two third parts thereof to and among such of her said children as may be then living. The child or child of any deceased child to take the share the parent would have taken if living. Should my said daughter not be living at the time the youngest child shall become of age then her one third part shall be divided among the children in the same manner as the two third parts are herein directed to be divided. But should all of said children die before attaining the age of Twenty one years then the whole of said principal to be paid over to my said daughter if then living as her sole and separate Estate, if not then living then the said principal to revert to my Estate, It is my will and I hereby direct that in Estimating and appraising the fifth part in this clause of my will mentioned the sum of Twenty thousand dollars in which sum I consider that the said Lucina is indebted to me for money received by her from me, and from Rock Island Paper Mills, shall be considered and taken as a portion of said fifth part.

Sixth One other fifth part of the said net residue and remainder of my Estate to invest and keep invested as principal in the manner hereinbefore prescribed and apply the interest and income thereof to the support of my daughter Johnnie M. Butte and her children if she shall have any at the time of my decease until the youngest shall attain the age of Twenty one years and then to divide and pay over the said principal as follows. One third part thereof to my said daughter as her sole and separate Estate and the remaining two third parts to and among such of her said children as may be then living. The child or children of any deceased child to take the share their parent would have taken if living. Should my said daughter not be living at the time the youngest child shall become of age then her one third part shall be divided among the children in the same manner as the two third parts thereof are herein directed to be divided, but should she have no children at my decease or having children all of them shall have died before attaining the age of Twenty one years then the whole of said principal to be paid over to my said daughter if then living as her sole and separate Estate, if not then living then the said principal to revert to my Estate.

Seventh One other fifth part of the said net residue and remainder of my Estate to invest and keep invested as principal in the manner herein above prescribed and apply the interest thereof to the support of my daughter

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Romana McAlman and her children shall attain the age of twenty one years and then to divide and pay over the said principal as follows, One third part thereof to my said daughter as her only and separate Estate and the remaining two thirds parts thereof to and among such of her said Children as may be then living, the Child or Children of any deceased Child taking the share this parent would have taken, if living, Should my said daughter not be living at the time the youngest Child shall become of age then her one third part shall be divided among the Children in the same manner as the two third parts are here in directed to be divided But should all of said Children die before attaining the age of twenty one years, then the whole said principal to be paid over to my said daughter, if then living as her only and separate Estate, if not then living then the said principal to revert to my Estate it is my will and I hereby direct that in estimating and appertaining the fifth part in this clause of my will mentioned the sum of Ten Thousand Dollars in which sum I consider that the said Romana is indebted to me in property and assets received by her from me including her indebtedness to the Rock Island Paper Mills shall be considered and taken as a portion of said fifth part.

Section IV

To the Claims against the Government of the United States for property destroyed by the Union or Federal Army or for any other Cause I give and bequeath the same unto my said Executors and Executrix and to the Survivors and Survivor of them upon this special trust and confidence, namely to, take and use all such means as they may deem requisite or necessary to obtain an allowance and collection of said Claims and the net proceeds thereof to divide into seven equal portions to be appropriated as follows, First one equal portion thereof to be paid to my son Joseph C. Hunter on condition that within three months after the probate of this my will and the granting of letters Testamentary to one or more of my Executors or my Executrix he shall execute under his hand and seal a full release and discharge of all demands against my Estate by reason of my Partnership Claims or Copartnership transactions which have taken place between us in America and in default of his so doing the said portion so directed to be paid to him shall not be paid over to him but shall be divided equally among and added to the remaining six portions of my said Claims. Second one other equal portion thereof to be held by my said Executors & Executrix and by the Survivors and Survivor of them in trust to invest and keep ^{the same} invested as principal in the same manner as is provided in respect to net residue and remainder of my Estate and to pay over the yearly interest or income thereon arising to my said son, J. Hunter for and during his natural life and

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and from and after his decease to such of his children as he then living until the youngest shall attain the age of twenty one years, and then to divide the said principal to and among such children as may be then living and the issue of such as may have died leaving issue such issue to take the share this parent would have taken if living. In case my said son should leave no child or children nor the issue of any child or children him surviving then the said principal shall go to and form part of the net residue and remainder of my estate.

Third One other Equal portion thereof to be held by my said Executors & Executrix and the survivors & survivor of them in Trust to invest and keep invested as principal in the same manner as is herein provided in respect to the net residue and remainder of my estate and to apply the interest and principal thereof for the benefit of the widow and children of my deceased son George W. Winter in the same manner in the same manner and upon the same trust as the one fifth part of the net residue and remainder of my estate is directed to be applied in relation to the said widow and children in this my will.

Fourth One other Equal portion thereof to be held by my said Executors and Executrix and the survivors and survivor of them in trust to invest and keep invested as principal in the same manner as is herein provided in respect to the net residue and remainder of my estate and to apply the interest and principal thereof for the benefit of my daughter Lucinda M. Wolfolk and her children in the same manner and upon the same trust as the one fifth part of the net residue and remainder of my estate is directed to be applied in relation to my said daughter and her children in this my will.

Fifth one other equal portion thereof to be held by my said Executors and Executrix and the survivors and survivor of them in trust to invest and keep invested as principal in the same manner as is herein provided in respect to the net residue and remainder of my estate and to apply the interest and principal thereof for the benefit of my daughter Maryoline M. Butt and her children if any in the same manner and upon the same trust as the one fifth part of the net residue and remainder of my estate is directed to be applied in relation to my said daughter and her children if any in this my will.

Sixth One other Equal portion thereof to be held by my said Executors and Executrix and the survivors and survivor of them in Trust to invest and keep invested as principal in the same manner as is herein provided in respect to the net residue and remainder of my estate and to apply the interest and principal thereof to the benefit of my daughter Rowena M. Coleman and her children in

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the same manner and upon the same trusts as the first part of the rest reserved and remainder of my estate is directed to be applied in relation to my said daughter Rebecca Coleman and children in this my will. Seventh the remaining one other equal portion thereof to be held by my said Executors and Executors and the survivors and survivor of them in trust to invest and such investment as principal in the same manner as the investment of the last preceding portion is directed to be made and to apply the interest and principal thereof to the benefit of my wife Ann Winter and son John G. Winter in the same manner and upon the same trusts as the other provisions for my said wife and son is directed to be applied in this ~~Section~~ ^{Section} of this my will.

Section V

I authorize and empower my said Executors and Executors and the survivors and survivor of them at their discretion to deposit the several funds in this my will directed to be invested, with such incorporated Trust Company or Trust Companies as they may elect with power to such Company or Companies to carry out the several trusts of this my will.

Section VI

I hereby nominate and appoint my sister Elizabeth Winter Executor and my son James F. Winter and my grand son Edward Winter when he shall attain the age of twenty one year Executors of this my last will. In witness whereof I the said John G. Winter have hereunto set my hand and seal at the City of New York, the Third day of December One Thousand Eight hundred & Sixty five.

John G. Winter (JS)

Signed sealed acknowledged published and declared by the above named testator as and for his last will and Testament in the presence of us who at his request and in his presence and in the presence of each other have hereunto subscribed our names as attesting witnesses. Thence sitting opposite to our names our several places of residence.

Geo. Shum Lockwood, 90 M'Donald St.
Chas. A. Mink, 202 West 23rd St.
Alfred Plumb, 1 Irving Place

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Surrogate's Court
County of New York.

In the matter of proving the last will & testament of
John G. Wintle Deceased.
as a will of Real & Personal Estate.

Examination of Witness, sworn and Examined in the above
Entitled matter

County of New York to wit: Archibald Lockwood, of the City of New
York being duly sworn as a witness in the above entitled matter
and examined on behalf of the applicant to prove said Will,
says: I was well acquainted with John G. Wintle now deceased.
I knew the above named deceased for twenty years and upwards
before his death. The subscription of the name of said deceased
to the instrument now shown to me and offered for probate as his
last will and testament and bearing date the third day of
December in the year one thousand eight hundred and Sixty
five was made by the decedent at the City of New York in the
presence of myself Chas. B. Mind and Archibald Gifford. I then
at the time of this such subscription the said decedent declared
the said instrument as subscribed by him to be his last will and
testament; and I thereupon signed my name as a witness at
the end of said instrument, at the request of said decedent, and in
his presence. The said decedent, at the time of executing said in-
strument, was upwards of the age of twenty one years, and of sound
mind memory and understanding and not under any restraint,
or in any respect incompetent to devise real estate. I also saw
Chas. B. Mind and Archibald Gifford. I then the other attesting
witnesses sign their names as witnesses at the end of said will
and know that they did so at the request of said decedent and
in his presence.

Sworn this 3^d day
of July 1866 before me

A. Lockwood

Edison J. Tucker
Surrogate.

County of New York to wit: Charles B. Mind of the City of
New York being duly sworn as a witness in the above
entitled matter and examined on behalf of the applicant
to prove said will, says: I was well acquainted with John
G. Wintle now deceased. I knew the above named de-
cedent for twenty years and upwards before his death. The
subscription of the name of said decedent to the instrument
now shown to me and offered for probate as his last will
and testament, and bearing date the third day of Decem-
ber in the year one thousand eight hundred and Sixty five was
made by the decedent at the City of New York in the
presence of myself Archibald Lockwood and A. Gifford.

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the other subscribing witness, At the time of the subscription the said decedent declared, the said instrument to be his last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent and in his presence. The said decedent at the time of executing said instrument was upwards of the age of twenty-one year and of sound mind memory and understanding and not under any restraint or in any respect incompetent to devise real estate. I also saw said John Dockwood and A. Gifford Plume the other attesting witnesses sign their names as witnesses at the end of said will and know that they did so at the request of said decedent and in his presence.

Given this 7th day
 of July 1866 before me

Chas. B. Minns

Edison J. Tucker
Surrogate.

A. Gifford Plume of New York being duly sworn as a witness in the above entitled matter and examined on behalf of the applicant to prove said will says I was well acquainted with John G. Winter now deceased. I knew the above named decedent for — before his death. The subscription of the name of said decedent to the instrument now shown to me and offered for probate as his last will and testament and bearing date the third day of December in the year one thousand eight hundred and fifty five was made by the decedent at the City of New York in the presence of myself John Dockwood and Charles B. Minns the other subscribing witnesses. At the time of his such subscription the said decedent declared the said instrument to be his last will and testament and I thereupon signed my name as a witness at the end of said instrument at the request of said decedent and in his presence. The said decedent at the time of so executing said instrument was upwards of the age of twenty-one year and of sound mind memory and understanding and not under any restraint or in any respect incompetent to devise real estate. I also saw said John Dockwood & Charles B. Minns the other attesting witnesses sign their names as witnesses at the end of said will, and know that they did so at the request of said decedent and in his presence.

Given this 4th day
 of July 1866 before me

Edison J. Tucker
Surrogate.

A. Gifford Plume

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The People of The State of New York.

By the Law of God Free and independently.
 To all whom these presents shall come or may concern
 Greeting

Know ye, That at the County of New York on the 9th day of July in the year of our Lord one thousand Eight hundred & Sixty Six before Gideon J. Tucker Esq. Surrogate of our said County the last will and Testament of John G. Winter deceased was proved and is now approved and allowed by us and the said John G. Winter being at or immediately previous to his death an inhabitant of the County of New York by means whereof the proving and registering said Will and the granting administration of all and singular the goods, Chattels and Credits of the said Testator and also the Auditing allowing and final discharging the account thereof being unto us the administration of all and singular the goods, Chattels and Credits of said deceased and any way coming his Will is granted unto James F. Winter of the City of New York an Executor in the said Will named he being first duly sworn faithfully and honestly to discharge the duties of such Executor.

In Testimony whereof We have caused the seal of office of our said Surrogate to be hereunto annexed

(L.S.) Witness Gideon J. Tucker Esq. Surrogate of our said County at the City of New York the 9th day of July 1866 the year of our Lord one thousand Eight hundred & Sixty Six and of our independence the fiftieth first
Gideon J. Tucker
Surrogate

State and County of New York }
 Surrogate's Office } ss

I Melbourn B. Ditten Clerk to the Surrogate Court of said County do hereby certify that I have compared the foregoing copy of the last will and Testament of John G. Winter deceased together with the probate thereof and of letters testamentary granted thereon to James F. Winter with the original Records thereof now remaining in this Office and have found the same to be a correct Transcript therefrom and of the whole of such original record. In Testimony whereof I have hereunto set my hand and affixed the seal of Office of said Surrogate the 26th day of August in the year of our Lord one thousand Eight hundred & Sixty Nine

Melbourn B. Ditten
Clerk
 to the Surrogate Court

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 Revenue
 Stamp
 Cancelled

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State and County of New York, }
Surrogate's Office } ss

I Gideon J Tucker Surrogate of said County and presiding
Magistrate of the Surrogate's Court, do hereby certify that
the foregoing exemplification of the last will and testament
of John G Winter deceased together with the probate thereof
and of letters Testamentary thereon to James F Winter is
authenticated in due form and by the proper officers
In testimony whereof I have hereunto set my hand
and affixed the seal of the Surrogate's Court this 26th
day of August in the year of our Lord one thousand
Eight hundred & Sixty nine

Gideon J Tucker
Surrogate

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Revenue
Emble