

rogate office in the Village of Richmond, on the eighteenth day of August, One thousand, eight hundred and thirty eight. — Present. Richard Crocheron, Surrogate.

In the matter of Proving the Will of Peter Winant late of Westfield, Richmond County, deceased.

This being the day assigned for the proof of the said Will, Mark Winant the acting executor and the Applicant for the said Will appeared, Samuel Winant also an executor and one of the next of kin of the said deceased appeared. — The said Mark Winant returned the Citation to the Widow, heirs & next of kin of the said deceased heretofore issued by the said Surrogate, and made oath of its due service by delivering to each a copy thereof at least eight days previous to the day of return,

Which Citation and oath of service is as follows.

The People of the State of New York To Catherine Winant, Widow, Abraham M Winant, James Johnson & Susan his wife, Peter Winant, Samuel Winant and Catherine Ann Winant, heirs & next of kin of Peter Winant late of Westfield in the County of Richmond, deceased. — All residing in the said County of Richmond, except Samuel whose residence is in the City of New York. — Send Greeting. — Whereas Mark Winant of Westfield, Richmond County has lately applied to our Surrogate of the County of Richmond to have a certain instrument in writing, bearing date the 15th day of June 1838, purporting to dispose of both Real & Personal estate, duly proved as the last Will & Testament of Peter Winant late of Westfield, Richmond County. — Therefore you and each of you are cited & required, personally to be and appear before our said Surrogate, at his office in the Village of Richmond on the eighteenth day of August instant at three o'clock in the afternoon of that day, then and there to attend to the Probate of the said last Will and Testament.

In Witness Whereof the Surrogate of our said County has hereunto affixed his Seal of office the sixth day of August, one thousand, eight hundred & thirty eight. Rich^d Crocheron. Surrogate

Richmond County, ss. Mark Winant of the Town of Westfield, being sworn, deposes that he delivered copies of the

Within Citation to the Widow and the heirs in the said Citation named, on or previous to the eleventh day of August instant Mark Winant. — Sworn the 18th day of August 1838. Before me Rich^d Crocheron. Surrogate

Whereupon the said Court being satisfied of the legality of the proceedings, and from the proof made in the premises, that Citation to the Widow, heirs & next of kin of the said deceased has been duly served as required by law, and the Statutes of the State of New York made and provided concerning Wills and the proof of them Whereupon leave was given the said Mark Winant the acting executor aforesaid to proceed in the proof of the said Will. — When the proof was as follows.

State of New York. Richmond County, ss

In the matter of proving the Will of Peter Winant, late of Westfield, deceased. — Israel Oakley, William M Winant & Abraham Nuten, of the said County of Richmond, being sworn, depose that they did see the said sign and seal the instrument now shown them, purporting to be the last Will and Testament of the said deceased, bearing date the fifteenth day of June in the year of our Lord, One thousand eight hundred and thirty eight, that they did hear the said deceased — publish and declare the said instrument as and for his last Will & Testament, that at the time thereof the said deceased was of sound disposing mind & memory and not under any restraint to the best of the knowledge and belief of these deponents and that they the said deponents each and severally subscribed their names to the said Will as witnesses at the request and in the presence of the said Testator and in the presence of each other. — Israel Oakley William M Winant, Abmⁿ Nuten. — Sworn the 18th day of August 1838. Before me. — Rich^d Crocheron. Surrogate

And thereupon it appearing to the said Court — That the said Will of the said Peter Winant deceased, was duly executed according to law, and that the said Testator at the time of making such execution was of sound mind and not under any restraint. —

The said ^{Will} is therefore allowed and adjudged to be valid as a Will of Real and personal estate, and ordered to be recorded, together with the proof thereof, which said proof is herein before recorded & contained, and that the said Will ^{is} ordered to be recorded, is as follows.

In the name of God. Amen, I Peter Winant of the Town of Westfield, County of Richmond and State of New York, being of sound mind and memory, blessed be God for the same do make and publish this my last Will and Testament in manner and form following. — First. I give unto my beloved wife Catherine all my estate both Real and Personal during her widowhood. — Secondly. I will all my estate both Real and Personal to all my children to be divided among them by my executors, after the death of their mother, names as follows, Abraham M. Susan Johnson, Peter, Mark and Catherine share to them their heirs and assigns forever, except otherwise herein ordered or directed. — Thirdly. I give unto my son Peter, the lot that his house now stands on, the same being on the lower end of my Farm that I now occupy, the same beginning at the north corner of a small bridge, thence on a straight line to the south side of a small gate in the line of John Woglans, thence along said Woglans line to the lower corner of his Woglans Garden, thence up the center of a brook as it now runs to the place of beginning, the same containing one fourth of an acre better the same more or less by the Deeds paying unto my executors twenty dollars after the death of his mother, then the same to be his, his heirs and assigns forever. — Fourthly, all monies lands or tenements that may become due my daughter Susan from my estate is to be put out by my executors after the death of my wife, and the use thereof paid to her Susan and after her death the principal to belong to her heirs. — Fifthly. I will unto my daughter Catherine Ann, one Bedstead, feather Bed, Bolster, Pillows and bedding sufficient for the coldest weather and one hundred dollars to be paid to her by my executors after the death of her mother over and above the other heirs. — Sixthly. I order my executors to dispose of my estate as soon as conveniently after the death of my widow. — Seventhly and lastly, I nominate constitute and appoint my two sons, Samuel & Mark Winant executors to this my last Will & Testament. — Made subscribed and sealed by me this fifteenth day of June, one thousand eight hundred and thirty eight.

Peter Winant

in the presence of us subscribing witnesses. Israel Oakley
Abraham Auten. William M. Winant

State of New York. Richmond County. ss.

We it remember, that a Surrogate Court held at the Surrogate office in the Village of Richmond in said County, the eighteenth day of August, in the year of our Lord, one thousand eight hundred and thirty eight. — before Richard Crockeron, Surrogate of the said County, the last Will & Testament of Peter Winant late of the said County deceased, (of which the foregoing is a copy) was admitted to probate after citation to the widow, heirs & next of kin to the said deceased, duly issued, served, returned & filed according to law. — Whereupon at the place and on the day aforesaid Israel Oakley, William M. Winant and Abraham Auten the subscribing Witnesses to the said Will of the said deceased being duly sworn by the said Surrogate, testified that they did see the said deceased, sign and seal the said instrument, that they heard him publish and declare the same as and for his last Will & Testament, that at the time thereof the said deceased was of sound disposing mind and not under any restraint, to the best of their knowledge and belief, and that they subscribed the said Will as witnesses at the request and in the presence of the said Testator. — Whereupon the said Surrogate upon the proof aforesaid being satisfied of the genuineness and validity of the said Will, do order that the said Will be admitted to probate, and that letters Testamentary thereon be granted to the executors in the said Will named, upon their taking and subscribing the oath of office prescribed by law.

Richard Crockeron Surrogate

We it also remember, that on the said eighteenth day of August, in the year of our Lord, one thousand eight hundred and thirty eight, personally appeared before me Samuel Winant and Mark Winant — the executors named in the said Will of the said Peter Winant, deceased and were duly sworn to the faithful performance and execution thereof, by taking the usual oath in such cases prescribed.

Richard Crockeron Surrogate

Prova Will of George Grossey, late of Northfield, and State of New York. Richmond County. ss.

We it rememberance, that a Surrogate's Court held in and for the County of Richmond at the Surrogate's Office in the said County, on the twentieth day of August, in the year of our Lord, one thousand eight hundred & thirty eight.

Present, - Richd Crocheron, Surrogate.

In the matter of the Will of George Grossey, late of Northfield, Richmond County & State of New York, decd.

Jane Grossey, widow of the said deceased, appeared in said Court, and presented and instrument in writing purporting to be the last Will & Testament of George Grossey, late of Northfield, Richmond County, deceased; also presented her Petition, setting forth, - that the said George Grossey departed this life at his residence in the said Town of Northfield on or about the second day of August instant, he having made and published the instrument produced as and for his last Will & Testament; That the said Will relates both to Real & Personal estate. - that the said deceased left him surviving & widow, to wit, her petitioner, and heirs and next of kin his four infant children, to wit, Mary Jane Grossey, Ruth Ann Grossey, John Henry Grossey & Abigail Grossey all minors; that in and by the said Will the said petitioner is appointed the sole executrix, and is desirous the said Will should be admitted to proof, receive and probate and requests the aid of the Surrogate in the premises. - On which Petition an Order was made and entered by the said Surrogate that William Decker of the said Town of Northfield be appointed the Guardian of said Minors, to appear for and take care of their interests on the proceedings to be had on the said Petition. - And a further Order entered, that Citation be issued by the said Surrogate, requiring the said heirs & next of kin to be and appear at the office of the said Surrogate, the twenty seventh day of August next, three o'clock in the afternoon to attend to the proof & probate of the said Will.

We it also rememberance, that a Surrogate's Court, held in and for the County of Richmond, at the office of the said Surrogate the twenty seventh day of August, one thousand eight hundred and thirty eight. Present. Richd Crocheron, Surrogate.

In the matter of the proof of the last Will and Testament of George Grossey late of Northfield, Richmond County, deceased.

This being the day assigned for the proof of the said Will, Jane Grossey the executrix named therein and the Applicant for its proof appeared. - The Appointment of Guardian of the minors heirs, and the Consent to become Guardian, entered thereon, duly subscribed; And the Citation to heirs and next of kin, with the Acknowledgement of its due service entered thereon and duly subscribed, having been duly returned to this Court, and are as follows.

The People of the State of New York.

To William Decker of the Town of Northfield in the County of Richmond. Greeting. - Whereas Jane Grossey executrix named in the last Will & Testament of George Grossey late of the said Town of Northfield in the County of Richmond deceased, as is alleged intends to make Application to Richd Crocheron, Surrogate of the said County of Richmond, to have the said Will proved before the said Surrogate, and received pursuant to the revised Statutes of the State of New York, the laws since made and provided concerning Wills, the proof of them. - And whereas it has been made satisfactorily to appear that Mary Jane Grossey, Ruth Ann Grossey, John Henry Grossey & Abigail Grossey heirs of the said George Grossey, deceased, are minors, I therefore the said Surrogate aforesaid, pursuant to the power in me vested by the said Statute, in pursuance of the Order of my Court before made and entered, do hereby appoint you the said William Decker Guardian for the said Minors to take care of their interest in the premises.

Given under my hand and seal of Office of the said Surrogate, at the Surrogate's Office in said County the twentieth day of August, one thousand eight hundred & thirty eight.

Richd Crocheron, Surrogate.

State of New York, Richmond County. ss. - I the undersigned do hereby Consent to become the Guardian of Mary Jane Grossey, Ruth Ann Grossey, John Henry Grossey & Abigail Grossey, Minors and heirs of George Grossey late of Northfield Richmond County, deceased, for the sole purpose of appearing for and taking care of their interest, on the Application for the proof of an instrument in writing purporting to be the last Will & Testament of the said deceased, before the Surrogate of the County of Richmond the twenty seventh day of August next.

Witness my hand August 26th 1838

William Decker

The People of the State of New York. — To Mary Jane Cropsy, Ruth Ann Cropsy, John Henry Cropsy, Abigail Cropsy, Minors, heirs of George Cropsy late of the Town of Northfield in the County of Richmond, deceased by their Guardian William Secker of the Town & County aforesaid. Send greeting. — Whereas Jane Cropsy of Northfield Richmond County, has lately applied to our Surrogate of the County of Richmond to have a certain instrument in writing bearing date the 23^d day of July 1838, purporting to dispose of both Real & Personal Estate, duly proved as the last Will & Testament of George Cropsy late of Northfield deceased, therefore you and each of you are cited and required, personally to be and appear before our said Surrogate at his office in the Village in Richmond on the twenty seventh day of August next at 3 O'clock in the afternoon of that day, then and there to attend to the Probate of the said last Will and Testament. — In Witness Whereof the Surrogate of our said County has herewith affixed his seal of office the twentieth day of August, one thousand, eight hundred and thirty eight.

Rich^d Cropsy Surrogate
State of New York, Richmond County, ss. — I the undersigned Special Guardian of Mary Jane, Ruth Ann, John Henry & Abigail Cropsy, Minors heirs of George Cropsy late deceased, do hereby acknowledge due service of the within citation for the proof of the Will of the said deceased, before the Surrogate of the said County, on the twenty seventh of August instant. — Dated August 20th 1838. William Secker

Whereupon the said Court being satisfied from the proper produce of the legality of the proceedings, that the heirs and next of kin of the said deceased have been duly cited, to appear and attend the proof of the said Will as required by law; — It was ordered on filing the said Appointment & Consent to become Guardian, the Citation to heirs and next of kin of the said deceased and the acknowledgment of its due service, that the said Jane Cropsy the executrix aforesaid have leave to proceed to prove the said Will

State of New York, Richmond County, ss.
In the matter of proving the last Will and Testament of George Cropsy, late of Northfield, deceased.

William Nichols, and William Secker of the Town of Northfield in the County of Richmond, being sworn deponeth

that they did see the said deceased, sign and seal the instrument now shown them, purporting to be the last Will and Testament of the said deceased, bearing date the twenty third day of July, in the year of our Lord, one thousand, eight hundred and thirty eight that they heard the said deceased publish and declare the said instrument as and for his last Will and Testament, that at the time thereof the said deceased was of sound disposing mind and not under any restraint to the best of their knowledge and belief. — Another deponents further saith that they together with Silvanus Secker the other subscribing Witness to the said Will, subscribed their names to the said Will as witnesses at the request and in the presence of the said Testator and in the presence of each other. William Secker — William Nichols. — Sworn the 27th day of August 1838. Before me Richard Cropsy Surrogate.

And thereupon it appearing from the proof aforesaid that the said Will of the said George Cropsy deceased, was duly executed according to law, and that the said Testator at the time of making such execution was of sound mind and not under any restraint. — the said Will is therefore allowed and adjudged to be valid as a Will of Real and Personal Estate, and ordered to be recorded together with the proof thereof, which said proof is herein before recorded and contained, & that the said Will so ordered to be recorded, is as follows.

In the name of God Amen. The twenty third day of July, one thousand eight hundred & thirty eight. — I George Cropsy of Northfield in the County of Richmond and State of New York, being sick in body but of perfect and sound mind and memory, thanks be given unto God for the same, therefore calling unto mind the mortality of my body, and knowing it is appointed for all men once to die. — Do make and ordain this my last Will & Testament. — That is to say, principally and first of all I give and recommend my soul to the hands of God that gave it, and as for my body, I recommend to the earth to be buried in a Christian like and decent manner at the discretion of my executrix herein after named, nothing doubting but at the general resurrection, I shall receive it again by the mighty power of God. — And as touching such worldly estate wherewith it hath pleased God, to bless me with in this life, I give, devise and

dispose of the same in the following manner and form
 In witness. — It is my will that my dear and beloved
 wife Jane Crosey shall have and possess all my estate
 both fast and moveable property, during her natural life or
 widowhood, after her death the above property shall be sold
 and equally divided amongst my four children, viz.
 Mary Jane Crosey, Ruth Ann Crosey, John Henry Crosey,
 Abigail Crosey. — I do constitute, name and appoint
 my beloved wife Jane Crosey, Executrix solely, to this my
 last Will and Testament. I do hereby ratify and confirm
 this and no other to be my last Will and Testament.

In witness whereof, I have hereunto set my hand and
 seal the day and year first above written.

Signed, sealed, published, pronounced and declared
 by the said George Crosey as his last Will and Testament in
 the presence of us subscribers.

William Nichols
 Silvanus ^{his} Lecker
 William Lecker

George Crosey

State of New York, Richmond County, ss.

Be it remembered that a Surrogate's Court held at the
 Surrogate Office in the said County, the twenty seventh
 day of August, in the year of our Lord, one thousand and
 eight hundred and thirty eight, before Rich^d Crockeron
 Surrogate of the said County, the last Will & Testament of
 George Crosey, late of the said County deceased, (of which
 the foregoing is a copy) was admitted to probate after
 citation to the heirs and next of kin of the said deceased.
 duly issued, served, returned and filed according
 to law. — Whereupon at the place and on the day afore
 said William Nichols and William Lecker two of the
 subscribing witnesses to the said Will, after having been
 duly sworn by the said Surrogate testified, that they
 did see the said deceased sign and seal the said instru-
 ment, that they heard him publish and declare the same
 as and for his last Will and Testament, that at the
 time thereof the said deceased was of sound disposing
 mind, and under no restraint, to the best of their knowledge
 and belief, and that they subscribed the said Will as
 witnesses at the request and in the presence of the said

Testator. — Whereupon I the said Surrogate upon the proof aforesaid
 being satisfied of the genuineness and validity of the said Will, do
 order that the said Will be admitted to probate and that letters
 Testamentary thereon be granted to Jane Crosey the executrix in
 the said Will named, upon her taking and subscribing the
 oath of office prescribed by law. Rich^d Crockeron, Surrogate

Be it also remembered that on the said twenty seventh day
 of August, — personally appeared before me Jane Crosey the
 executrix named in the Will of the said George Crosey and
 were duly sworn to the faithful performance and execution
 thereof by taking the usual oath in such cases prescribed

Rich^d Crockeron, Surrogate

Record Will of Thomas Brown, ^{mariner} deceased.
 State of New York, Richmond County, ss.

Be it remembered that a Surrogate's Court, held in and for
 the County of Richmond, at the Surrogate's office in the said
 County on the twenty second day of August, in the year of our
 Lord one thousand, eight hundred and thirty eight.

Present. — Rich^d Crockeron, Surrogate.

In the matter of the last Will & Testament of Thomas Brown
 late of the said County of Richmond, mariner, deceased.
 John Birbee of the City and County of Albany appear-
 ed in said Court and presented an instrument in writ-
 ting purporting to be the last Will & Testament of Thomas
 Brown formerly of New York, — and presented his Petition
 setting forth, — that the said Thomas Brown departed this life
 the tenth day of July last, at the Seamus Retreat in the said
 County of Richmond having previously duly made and ex-
 ecuted his last Will and Testament, in which he devised
 and bequeathed both Real & Personal estate. — that the said de-
 ceased left no widow, — that he left him surviving next of kin and
 heirs at law, viz. Corotey Brown & Ellen Brown residing
 in the City of Albany, and Maria Williams, widow, residing
 in the City of New York. — that in and by the said Will, said Peti-
 tioner is appointed the sole executor thereof, and is desirous the
 said Will be admitted to probate and probate and re-
 quests the aid of the Surrogate in the premises. — on which Peti-
 tion an Order was made and entered, that citation issue to

The next of kin and heirs at law of the said deceased, requiring them to be and appear at the office of the said Surrogate on the twenty fifth day of September next, 12 o'clock at noon to attend to the proof and Probate of the said Will.

Be it also remembered that a Surrogate's court, held in and for the County of Richmond at the Surrogate's office in said County the twenty fifth day of September, One Thousand eight hundred & thirty eight. — Present. Rich^d Brockenon Surrogate.

In the matter of proving the last Will and Testament of Thomas Brown late deceased.

John Bisbee the executor named in said Will appeared in said Court and duly returned the citation to him and next of kin, and made affidavit and sworn to this day, of making due service by delivering each of said heirs & next of kin a copy thereof. — On filing the said citation & affidavit of service — the said court was satisfied that the next of kin and heirs at law of the said deceased, have been duly cited & required to attend the Probate of the said Will as required by law. — Leave was given the said acting executor to prove the said Will. — Said Will being produced. Proof as follows: — In the matter of the Will of Thomas Brown, deceased. — State of New York, Richmond County, ss.

R. Hathaway & Jas R Boarsman of Staten Island being sworn depone that they did see the said Thomas Brown deceased, sign and seal the instrument now shown them purporting to be the last Will and Testament of the said deceased, bearing date the twenty second day of September, in the Year of Our Lord, One Thousand eight hundred & thirty six, that they heard the said deceased publish and declare the said instrument as and for his last Will and Testament, that at the time thereof the said deceased was of sound disposing mind and not under any restraint to the best of the knowledge and belief of these deponents, and that they the said deponents, subscribed their names to the said Will as witnesses, at the request and in the presence of the said testator and in the presence of each other. — R Hathaway, Jas R Boarsman. — Sworn the 25th day of September. — 1838 before me. Rich^d Brockenon, Surrogate.

And thereupon it appearing from the proof aforesaid that the said Will of the said Thomas Brown deceased was duly executed according to law, and that the

said Testator at the time of making such execution was of sound disposing mind and not under any restraint. — The said Will is therefore admitted and adjudged to be valid as a Will of Real & Personal estate, and ordered to be recorded, together with the proof thereof, which said proof is herein before recorded and confirmed, and that the said Will so ordered to be recorded is as follows.

In the name of God. Amen. I Thomas Brown of the City of New York, Merchant, Son of Thomas and Matilda Brown, formerly of Albany, being of sound mind, memory and understanding, do make and publish this my last Will and Testament. — Inprimis, I do order and direct my executors hereinafter named, as soon as convenient after my decease, to pay all my just debts and funeral and testamentary charges, out of my property, estate and effects. — Item. I do hereby give and devise unto John Bisbee of the City of New York, Lithographer, husband of my late wife Mary, Matilda Bisbee, deceased, all my estate real and personal, whereof I have power to dispose, or that might be hereafter coming to me from any unsettled claims, or accounts; To hold the same unto and to the use of him the said John Bisbee, upon trust, — that he the said trustee, do and shall, as soon as convenient, may be after my death, sell and absolutely dispose of the same in such manner, as to him shall seem expedient; and to receive and disburse the same accordingly. — And I will and declare that the receipt of my said trustee for the money for which the same shall be respectively sold, shall be a sufficient discharge to the purchaser of the said real and personal estate or any part thereof. — And my will further is that the monies which shall arise from the sale of said Real estate, — shall be deemed to be part of my personal estate, and that the rents and profits of the same untill sold, shall be deemed a part of the annual income of my personal estate. — And my will further is, that my said trustee do and shall invest the monies arising from the sale of said real and personal estate, and the rents and profits of the said real estate untill sold, in the purchase of such stocks, funds, real estate or other property as he shall deem most advisable, and again vary, alter and

transport such stock, funds, real estate, or other property, in such manner and as often as it shall seem expedient, and that the annual income of all such trust investments, and the rents and profits thereof, shall be again invested in the purchase of stock, funds, real estate or other property, and again varied, altered and transported in like manner, so that the said investments may constantly accumulate in the hands of my said trustee, until all children of my said wife by the said John Birbee arrive at the age of twenty one year, at which period it is my Will that the said John Birbee shall sell all the said investments, so to be held in trust as aforesaid, and the same whether stock funds, or real estate, or other property, turn into money and divide the said money equally share and share alike between the said children of my said wife, by the said John Birbee her husband as aforesaid. — Lastly, I do hereby nominate, constitute and appoint the said John Birbee the sole executor of this my last Will and Testament. — In witness whereof I have hereunto set my hand and seal this twenty second day of September, in the Year of our Lord, one thousand eight hundred and twenty six. Thomas Brown

Signed, sealed, published and declared by the said Thomas Brown the 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 subscribed our names as witnesses thereto. — R. Hathaway }
Jas R Boardman } Staten Island

State of New York. Richmond County. ss.
Be it remembered that a Surrogate Court held in and for the County of Richmond at the Surrogate office in the said County, the twenty fifth day of September in the year of our Lord, one thousand eight hundred and thirty eight, before Richard Crockeron, Surrogate of the said County the last Will and Testament of Thomas Brown, late of the said County, deceased, (of which the foregoing is a copy) was admitted to probate, after citation to the heirs and next of kin of the said deceased, duly issued, served and returned and filed according to law. — Whereupon at the place and on the day aforesaid R. Hathaway & Jas R Boardman

the subscribing witnesses to the said Will, after having been duly sworn by the said Surrogate, testified that they did see the said deceased sign and seal the said instrument, that they heard him read and declare the said instrument as and for his last Will and Testament, that at the time thereof the said deceased was of sound disposing mind and not under restraint to the best of their knowledge and belief and that they subscribed the said Will as witnesses at the request and in the presence of the said testator. — Whereupon the said Surrogate upon the proof aforesaid being satisfied of the genuineness and validity of the said Will, do order that the said Will be admitted to probate and that letters testamentary thereon be granted to John Birbee the executor in the said Will named, upon taking and subscribing the oath of office prescribed by law. Rich^d Crockeron Surrogate

Be it also remembered that on the said twenty fifth day of September, personally appeared before me John Birbee the executor named in the said Will of the said Thomas Brown, deceased, and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed. Rich^d Crockeron Surrogate

Record. Will of William Lake late deceased
State of New York. Richmond County. ss.
Be it remembered, that a Surrogate Court, held in and for the County of Richmond, at the Surrogate office in the Village of Richmond, on the eighth day of November in the year of our Lord, one thousand eight hundred and thirty eight. — Present. Rich^d Crockeron Surrogate
In the Matter of the last Will and Testament of William Lake late of the said County. deceased
that William Lake late of Southfield in the said County of Richmond, departed this life on or about the day of last leaving a last Will and Testament, — that the said Will relates both to Real and personal estate. — That the said deceased left no Widow. — that he left him surviving, heirs and next of kin viz. Sarah Wood wife of Rich^d Wood his sister,

And your Petitioner, Daniel Lake, John Lake, brother-in-law of Cornelius Egbert, and Mary Anne Wife of Wm. Egbert his nephew and heirs, all residents of the said County of Richmond except your Petitioner and Daniel Lake, who are at this time in the said County. — And your Petitioner further shows, that in and by the said Will, he is duly appointed one of the executors thereof, and that he is doing the said Will be admitted to proof, record & Probate and requests the aid of the surrogate in the premises. — On the reading and filing of said Petition propounding the said Will for Proof an order was made and entered that a citation go to the heirs and next of kin of the said deceased, in pursuance of said petition, returnable the sixteenth day of November ten o'clock in the forenoon.

Be it also remembered that a Surrogate's Court held in and for the County of Richmond, the 16th day of November 1838. Present, Rich. Crocheron Surrogate.

In the matter of Proving the last Will and Testament of William Lake late of said County deceased. Joseph Lake an executor in the said Will, and the Applicant for the Proof thereof appeared. John Lake, Sarah Wood, Corn. Egbert & Cath. his wife and Wm. Egbert, next of kin of the said deceased also appeared. — The said Joseph Lake made return of the citation to the heirs and next of kin, and made oath of its due service by delivering each of said heirs and next of kin a copy thereof. — Whereupon it appearing to the said Court that the heirs and next of kin of the said deceased, have been cited as required by law. — Upon filing the said citation and oath of service leave was given the said Acting Executor to prove the said Will. — Said Will being shown Rich. B. Conner and Robert Leguine of the said County of Richmond being sworn, depose and swear, that they did see the said William Lake, deceased, sign and seal the instrument now shown them purporting to be the last Will & Testament of the said deceased bearing date the twenty eighth day of April in the year of our Lord, one thousand, eight hundred & thirty three, that they heard the said deceased publish and acknowledge the said instrument as and for his last Will & Testament. — That at the time thereof the said deceased was of sound disposing mind and memory and not under any restraint, to the best of their knowledge and belief. And these elements further depose, that they together with John Guyon the

other subscribing witness to the said Will, subscribed their names thereto as witnesses, at the request and in the presence of the said Testator, and in the presence of each other. — And these elements also further depose, that the said John Guyon the witness aforesaid, is now deceased, having departed this life some years since. — Signed Richard Conner. Robert Leguine. — Sworn the 16th day of November 1838. Before me: Rich. Crocheron. Surrogate

And thereupon it appearing to the said Surrogate, upon the proof aforesaid, that the said Will of the said William Lake was duly executed according to law, and that the said Testator at the time of making such execution was of sound disposing mind and not under restraint. — The said Will is therefore allowed and adjudged to be valid as a Will of Real and personal estate, and ordered to be recorded, together with the proof thereof, which said proof is herein before recorded and contained, and that the said Will so ordered to be recorded, is as follows.

In the Name of God, Amen. I William Lake of the Town of Southfield, in the County of Richmond and State of New York. — tho! enjoying the perfect use and exercise of my mental faculties, as a sound mind memory and understanding, yet being apprehensive from my diseased state of body and alarming symptoms of the disorder with which I am afflicted that my dissolution is fast approaching, and being moreover deeply impressed with the necessity and importance of the injunction to set our house in order before we die, do in the most solemn manner, and in strict conformity with my present desire direct and order that the subsequent clauses be considered, regarded and observed as my last Will and Testament. — Precious to the disposal of my worldly property it behoves me to invoke the divine Benediction, and to surrender into the hands of Almighty God, my Immortal Spirit, whenever in the course of his all-wise and all-erring Providence he shall be pleased to summon it hence, beseeching his gracious acceptance thereof only for the righteous use of the blessed Redeemer. — My Body I request may be committed to the earth, in a decent and christian like manner as my executor hereafter named shall be pleased to direct. — In witness it is my Will and do hereby order and direct that my executor or the survivors or survivors of

them shall immediately after my decease proceed to call in and collect all the monies that shall there be found due to me from every person and persons whomsoever on Bond, note or Book debt, or otherwise howsoever; and without delay to settle and pay of all my funeral and Testamentary charges and all other just claims and demands, in, upon, or against my estate.

Item. - It is my Will and do hereby order and direct that my nephew Joseph Lake, son of my brother Bornt Lake, deceased, shall have my house and land for the space of seven years after my decease, he to keep the same in good repair during said term, after the expiration of seven years after my decease, my executor is hereby empowered to sell my Real estate at private sale or Public Vendue, as they shall judge best for my heirs. - Item. I give and bequeath to the said Joseph Lake two thirds of the nett proceeds of such sale as aforesaid, or to his heirs in case of his death.

Item. - I give and bequeath unto my niece both now wife of Cornelius Egbert the sum of two hundred Dollars. - Item. I give and bequeath unto my niece Mary Ann, wife of William Egbert the sum of one hundred Dollars. - Item. - I give and bequeath to my nephew John Lake, son of Bornt Lake deceased the sum of one hundred dollars. - Item. - I give and bequeath to my nephew William Lake son of Bornt Lake, deceased, the sum of fifty dollars. -

Item. - I give and bequeath to my nephew Daniel Lake, son of Bornt Lake, deceased the sum of twenty five Dollars - And the residue (if any) after the legal charges, my funeral and Testamentary charges - and all other just debts and expenses being first paid shall be equally divided among my aforesaid legatees, share and share alike.

Lastly. - I do hereby nominate, constitute, authorize and appoint my friends, namely, John Guyon and Samuel Barton of the town of Southfield, aforesaid - and my said nephew Joseph Lake and John Lake to be the executors of this my last Will and Testament - hereby revoking, disannulling and disallowing all Wills and Testaments by me at any time heretofore

made, ratifying, allowing and confirming this only to be my last Will and Testament. - In testimony whereof, I have hereunto set my hand and seal the twenty eighth day of April, in the year of our Lord, one thousand, eight hundred and thirty three.

William Lake

Signed, sealed, published, pronounced and delivered by the said William Lake as and for his last Will and Testament, in the presence of us, who have signed our names as witnesses thereto at the request and in the presence of the said Testator, also in the presence of each other.

John Guyon, of the Town of Southfield, Yeoman
Robert Leguire, Town of Southfield, Carpenter
Richard Courner, of the town of Easttown, Yeoman

State of New York, Richmond County, W:
Be it remembered, that a Last Will and Testament made in and for the County of Richmond at the Surrogate Office in the said County, the sixteenth day of November, in the year of our Lord one thousand, eight hundred, and thirty eight, before Richard Courner, a Surrogate of the said County, the last Will and Testament of William Lake late of the said County, deceased (of which the preceding is a copy) was admitted to Probate after Citation to the heirs and next of kin of the said deceased, duly taken, heard, returned and filed according to law. - Whereupon at the place and on the day aforesaid Richard Courner and Robert Leguire two of the subscribing Witnesses to the said Will after having been duly sworn by the said Surrogate, testified that they did see the said deceased sign and seal the said instrument that they heard him publish and declare the same as and for his last Will and Testament, that at the time thereof the said deceased was of sound disposing mind and not under any restraint to the best of their knowledge and belief, and that they subscribed the said Will as Witnesses at the request and in the presence of the said Testator. (John Guyon the other subscribing Witness being now deceased) Whereupon, I the Surrogate upon the proof aforesaid, being satisfied of the genuineness and Validity of the said Will do order that the said Will be admitted to Probate and that Letters Testamentary thereon be granted to the

Executors in the said Will named upon their taking, and subscribing the oath of office prescribed by law.

Rich^d Crocheron, Surrogate.

Be it also remembered that on the said sixteenth day of November, one thousand eight hundred and thirty-eight, personally appeared before me Josiah Acke and John Acke two of the executors in the said Will named and were duly sworn to the faithful performance and execution of the said Will, by taking the usual oath in such cases prescribed.

Rich^d Crocheron, Surrogate.

Revera. Will of Abraham Simonson, Senr. late of Castletown in the County of Richmond, deceased.

State of New York: Richmond County. ss.

Be it remembered that a Surrogate Court held in and for the County of Richmond, at the Surrogate office in the said County the twenty third day of November, in the year of our Lord, one thousand eight hundred and thirty eight

Present. — Richard Crocheron, Surrogate.

In the Matter of Proving the last Will & Testament of Abraham Simonson late of Castletown Richmond County. ss.

Abraham Simonson Junr. of the Town & County aforesaid appeared in Court and produced an instrument in writing purporting to be the last Will and Testament of Abraham Simonson, Senr., of Castletown in the County of Richmond and State of New York. — Also presented his Petition setting forth, that the said Abmⁿ Simonson, departed this life at his residence in the said town of Castletown on the day of May last, having previously duly made and executed his last Will and Testament, in which he bequeathed personal estate only, and in which he nominated and appointed the said petitioner as one of the executors thereof. — That the said deceased left him surviving a Widow, viz. Margaret Simonson, and next of kin, viz. the said Petitioner and Daniel Simonson, Mary, wife of Martin Smack and Catherine wife of John Baker, all residing in the Town and County aforesaid, and the said Petitioner being desirous that the said last Will and Testament should be duly proved, and that letters Testamentary should

be granted thereon in pursuance of the Statute in such cases made and provided. — Your Petitioner prays that a citation may issue out of and under the seal of the Court, requiring the said Widow and next of kin of said deceased personally to be and appear at a time and place therein mentioned and attend the Probate of said Will.

On the reading and filing the said Petition, pronouncing the will of said deceased, an Order was made and entered, that a Citation issue to the Widow and next of kin of said deceased, in pursuance of said Petition, returnable the seventeenth day of December next, at ten o'clock in the forenoon.

Be it also remembered that a Surrogate Court held in and for the County of Richmond the twenty seventh day of December in the year, one thousand eight hundred and thirty eight

Present. Richard Crocheron, Surrogate

In the Matter of Proving the Will of Abraham Simonson Senr. late of Castletown, Richmond County, ss.

Abraham Simonson Junr. and Daniel Simonson, the executors in the said Will named, appeared in Court this day, to which day the aforesaid Matter of Proof was adjourned. — The said Abraham Simonson Junr. and Daniel Simonson, being duly sworn to the due service thereof; and the Widow, heirs and next of kin, except Daniel who acknowledged due service thereof. — Which Citation, oath of service and assumption of office, are as follows.

The People of the State of New York

To Margaret Simonson, Widow, Daniel Simonson, Mary — Wife of Martin Smack, Catherine wife of John Baker, next of kin of Abraham Simonson late of Castletown in the County of Richmond and said Widow and next of kin all residents of said County — Send greeting. — Whereas Abraham Simonson Junr., of Richmond County has lately applied to our Surrogate of Richmond County, to have a certain instrument in writing, bearing date the fourteenth day of April 1838, purporting to dispose of Personal estate only, duly proved as the last Will and Testament of Abraham Simonson late of Castletown Richmond County. — Therefore you and each of you are cited and required personally to be and appear before our said Surrogate at his office in the Village of Richmond, on the seventeenth day of December next, at 10 o'clock in the forenoon of that day, then and there to attend to the probate of the said last Will and Testament. In witness whereof, the Surrogate of our said County, has hereunto affixed his seal of office the twenty third day of November in the year 1838.

Rich^d Crocheron, Surrogate

Richmond County, Is. Abraham Simonson Junr. of Cattleton in the County of Richmond, being duly sworn as to the truth of the above and the annexed Citation on the within named Margaret Simonson, Mary Smack and Catherine Baker on the eighth day of December instant, before me, duly showing to them the said original Citation and giving to each of them a copy thereof, - Signed. - Abraham Simonson Sworn the 27th day of Decr. 1838. Before me. Richd Crockeron, Surrogate.

I admit due service of the within Citation Decr. 17th 1838 Daniel Simonson

Whereupon the said Court being satisfied with the proof made in the matter, that the widow and next of kin of the said Abraham Simonson Junr deceased, have been duly cited to appear and attend the Probate of the said Will of the said deceased as required by law. It was ordered on filing the said Citation, oath and admission of service, that the said executor have leave to prove the said Will.

State of New York, Richmond County, Is.

In the matter of proving the last Will and Testament of Abraham Simonson, late of Cattleton in the County of Richmond deceased.

Henry B. Metcalf and John S. Kettler, of said County being sworn, deposed and said, that they did see the said deceased sign and seal the instrument now shown them purporting to be the last Will and Testament of the said deceased - bearing date the fourth day of April, in the year of our Lord, one thousand, eight hundred and thirty eight, that they heard the said deceased publish and declare the said instrument to and for his last Will and Testament; that at the time thereof the said deceased was of sound disposing mind, memory and not under any restraint to the best of their knowledge and belief of these deponents. - And there deponents further said, that they subscribed the said Will as witnesses, at the request and in the presence of the said Testator and in the presence of each other, Signed. Henry B. Metcalf. John S. Kettler. - Sworn the 27th day of Decr. 1838. Before me. Richd Crockeron. Surrogate.

And thereupon it appearing to the said Surrogate, that upon the proof aforesaid, that the said Will of the said Abraham Simonson, Junr. was duly executed according to law, and that the said Testator, at the time of making such execution was of sound disposing mind, and not under restraint

The said Will is therefore allowed and adjudged to be valid and a Will of personal estate, and ordered to be recorded together with the proof thereof, - which said proof is herein before recorded and contained. - And that the said Will be ordered to be recorded, is as follows.

In the Name of God, Amen. I, Abraham Simonson, Senior of Cattleton in the County of Richmond and State of New York do make and declare my last Will and Testament as follows. - namely, in the first place I will order and direct my executor herein after named out of the proceeds of my estate to pay all my just debts and funeral expenses.

Item. - I give, devise and bequeath to my wife, Margaret Simonson the sum of One thousand dollars. - I further give, devise and bequeath to my said wife all my household furniture. - I further will, order and direct my executor hereinafter named to invest the sum of One thousand Dollars at interest and I give and bequeath to my said wife - in addition to the before mentioned bequests the annual interest to be received, from said sum of One thousand Dollars, to be paid to her by my said executor during her natural life, and the said sum of One thousand dollars to be divided equally between my four children after her decease, namely. to my sons Abraham and Daniel and my daughter Mary the wife of Martin Smack, & Catherine the wife of John Baker. - All the rest, residue and remainder of my property and estate, I give, devise and bequeath to my said four children and to them and their heirs forever, share and share alike. - I do hereby make, constitute and appoint my two sons Abraham Simonson and Daniel Simonson executors, and my wife Margaret Simonson executrix of this my last Will and Testament, hereby revoking all former and other Wills by me heretofore made.

In Witness Whereof, I have hereunto set my hand & affixed my seal this fourth day of April, in the year - one thousand, eight hundred and thirty eight

Abraham Simonson

Signed, Sealed, published and declared by the said Testator Abraham Simonson, Senior, to be his last Will and Testament in presence of us, who in his

presence and at his request have hereunto subscribed our names as witnesses hereto.

Henry B. Metcalf. Richmond County.
John S. Hettler. Richmond County.

State of New York. Richmond County, ss.

Be it remembered, that a Surrogate Court, held in and for the County of Richmond, at the Surrogate Office in said County the twenty seventh day of December, in the year of our Lord one thousand, eight hundred and thirty eight, before Richard Crocker, Surrogate of the said County the last Will and Testament of Abraham Simonson Senior, late of the said County deceased, (of which the foregoing is a copy) was admitted to Probate after citation to the widow and next of kin of the said deceased, duly issued, served, returned and filed according to law. — Whereupon at the place and on the day aforesaid Henry B. Metcalf, John S. Hettler, the subscribing witnesses to the said Will after having been duly sworn by the said Surrogate, testified that they did see the said deceased sign and seal the said instrument; that they heard him publish and declare the same as and for his last Will and Testament; that at the time thereof the said deceased was of sound disposing mind and not under any restraint to the best of their knowledge and belief; — and that they did subscribe the said Will as witnesses at the request and in the presence of the said Testator. — Whereupon I the Surrogate, upon the proof aforesaid being satisfied of the genuineness and validity of the said Will, do order that the said Will be admitted to Probate, and that Letters Testamentary thereon be granted to the executor in the said Will named, upon their taking and subscribing the oath of office prescribed by law.

Rich^d Crocker. Surrogate

To the Surrogate of the County of Richmond
In the matter of the last Will and Testament of
Abraham Simonson, Senior, late of Easttown, Richmond County, deceased.

I Margaret Simonson an

executrix appointed in the Will of the said Abraham Simonson deceased. — Do hereby renounce all my right and claim to the execution of the said Will. — Dated Dec. 27. 1838. Margaret Simonson
Witness Present
John Crocker

Be it also remembered, that on the said twenty seventh day of December, one thousand, eight hundred and thirty eight, personally appeared before me Abraham Simonson Junior and Daniel Simonson, executors in the said Will of the said Abraham Simonson, Senior, deceased, named, and were duly sworn to the faithful performance and execution thereof, by taking the usual oath in such cases prescribed.

Rich^d Crocker. Surrogate

Record. Will of John Downes, of Northfield and
State of New York. Richmond County, ss.

Be it remembered that a Surrogate Court held in and for the County of Richmond, at the Surrogate Office in the said County, the twentieth day of December, in the year of our Lord one thousand, eight hundred and thirty eight, before Richard Crocker, Surrogate

In the matter of proving the last Will and Testament of John Downes, late of Northfield, Richmond County, and John Downes, late of the said County, deceased, appeared in said Court, and presented her petition, setting forth, That on or about the nineteenth day of December last past, the said John Downes departed this life at his residence in the said town of Northfield, leaving a last Will & Testament that the said Will relate both to Real and Personal estate. — That the said deceased left him surviving, a widow, to wit: Mary Downes, an heiress and next of kin viz. Hopkinson Downes, Charles Downes, Mary Downes, Henry Downes, Sarah Downes and Maria Downes, of which said heirs the three last named are minors, under the age of twenty one years, who the said heirs and next of kin all reside in the said County of Richmond. And the said Petitioner further set forth, that Elbert Anderson and James S. Bailey the executors appointed in the said Will are deceased, and that your Petitioner is the widow of the said dec^d, and a legatee in the said

Will named Anne is desirous The said Will should be admitted to Proof, record and Probate and requests the aid of the Surrogate in the premises. — The matters set forth in the said Petition being verified by the oath of the Petitioner, on the filing of the said Petition and oath, an Order was made and entered as follows: — It is ordered that a Citation issue to the heirs and next of kin of the said deceased, in pursuance of said Petition, returnable the twenty eighth day of December instant at one o'clock in the afternoon. — The following Order was also entered: — On reading and filing the Petition of Ann Downes, propounding the Will of the said deceased, — It appears that Henry Downes, Sarah Downes & Sirena Downes, heirs of the said deceased are minors. — Whereupon it is ordered that Walter Betts, Esq., of the Village of Richmond in said County, be appointed Guardian of the said minors, to appear for and take care of their interests in the premises.

Be it also remembered, that a Surrogate's Court held in and for the County of Richmond, at Port Richmond Hotel, in the Town of Northfield, in said County, the fourth day of January, in the year of our Lord, one thousand eight hundred and thirty nine. — Present. Rich^d Crockeron, Surrogate.

In the matter of proving the last Will & Testament of John Downes, late of Northfield, Richmond County, Henry Downes, appeared for Ann Downes, the Applicant for the Probate of said Will, in Court this day, to which day and place the aforesaid matter of Proof was adjourned. — The said Henry having previously returned the citation heretofore issued by the said Surrogate, to the heirs and next of kin of the said deceased requiring them to attend the Probate of said Will, and made oath of the due service of said Citation on the said heirs and next of kin. — And the letters appointing Guardian of the minor heirs, having been previously also returned, with the consent to become Guardian enclosed thereon. — Which Citation, Oath of service Appointment of Guardian & Consent to become Guardian are as follows.

The People of the State of New York
To Algeron Sidney Downes, Ann Downes, Mary Downes, Henry Downes, Sarah Downes & Sirena Downes, (The three last named by their Guardian W. Betts Esq.) heirs and next of kin, of John Downes, late of the County of Richmond

deceased. — All of said heirs & next of kin, residing in the said County. And greeting Whereas Ann Downes of Richmond County, has lately applied to our Surrogate of the County of Richmond, to have a certain instrument in Writing bearing date the 28 day of November 1835, purporting to dispose of both real and personal estate, fully proved as the last Will and Testament of John Downes late of said County. — Therefore you and each of you are cited and required, personally to be and appear before our said Surrogate, at his Office in the Village of Richmond on the 28th day of December inst, at one o'clock in the afternoon of that day, then and there to attend to the probate of the said last Will and Testament.

In Witness whereof, the Surrogate of the said County has herewith affixed his seal of office, the fourteenth day of December, one thousand eight hundred and thirty eight. — Rich^d Crockeron, Surrogate.

Dec. 28. 1838. Return day extended to the 4th day of January next 12 o'clock at noon at the Richmond House, Port Richmond. — Rich^d Crockeron, Surrogate.

Richmond County, ss. Henry Downes, of said County, being sworn, deposes, that he served the within Citation on Algeron Sidney Downes, Ann Downes & Mary Downes. — And on Sarah and Sirena Downes by their Guardian Walter Betts Esq. — On or before the 20th December inst. by delivering to each of them a copy thereof. — Signed. Henry Downes. — Sworn the 28th Dec. 1838. Before me. Rich^d Crockeron, Surrogate.

The People of the State of New York.

To Walter Betts, Esq., of the Town of Northfield, in the County of Richmond. Greeting. — Whereas Ann Downes, widow and legatee named in the last Will & Testament of John Downes, late of the Town of Northfield, in the County of Richmond deceased, as is alleged intends to make application to Rich^d Crockeron, Surrogate of our County of Richmond, to have the said Will proved before the said Surrogate and recorded pursuant to the Statutes of the State of New York, made and provided, concerning Wills and the proof of them. — And whereas it has been made satisfactorily to appear that Henry Downes, Sarah Downes and Sirena Downes, heirs of the said John Downes are minors. I therefore the Surrogate aforesaid pursuant to the power in me vested by the said revised Statutes, in pursuance of the Order of my Court before made and entered, do hereby appoint you the said Walter Betts, Guardian for the said minors, to take care of their interests in the premises. — Given under the hand and seal of office, of the said Surrogate, at his office in the Village of Richmond in said County, the fourteenth day of December. 1838. — Rich^d Crockeron, Surrogate.

In the matter of proving the last Will and Testament of John Downes, late of Northfielda, Richmond County, deceased.

I the undersigned do hereby consent to become Guardian of Henry Downes, Sarah Downes and Sierra Downes, minors. Heirs of the said John Downes, for the sole purpose of appearing for and taking care of the Interests of the said minors. On the Application of said Downes, for the Proof of the Will of the said deceased, before the Surrogate of the said County. - Dated Dec 14, 1838. Signed Walter Betts.

Whereupon the said Court being satisfied of the legality of the proceedings, and that the heirs and next of kind of the said deceased, have been cited to appear and attend the Probate of the said Will as required by law. It was ordered on filing the said Citation, oath of Service, Appointment of Guardian and Consent to become Guardian, that the applicant for probate, have leave to prove the said Will.

State of New York, Richmond County. In the matter of proving the last Will & Testament of John Downes, late of said County, deceased.

James Hazlet, of the City of New York, Merchant, being sworn, deposes and saith - That he was intimately acquainted with John Downes, the Testator in his life time, and acquainted with his hand writing and frequently saw him write. That the signature John Downes to the instrument now shown him, purporting to be the last Will & Testament of John Downes, bearing date the twenty eighth day of November, in the year of our Lord, one thousand eight hundred and fifteen, - appears to the said Witness to be in his hand writing, and that the said signature was made by the said John Downes in his own hand writing he verily believes, and of which the said Witness has no doubt.

Signed, Jas. Hazlet. - Sworn the 4th of January 1839. Before me. Rich^d Crockeron, Surrogate.

Morton Eastburn, of the City of New York, Minister of the Gospel, being sworn, deposes and saith, That - James Eastburn, one of the Witnesses to the instrument now shown, purporting to be the last Will & Testament of John Downes, bearing date the twenty eighth day of November, in the year of our Lord, one thousand eight hundred and fifteen, was his late Father, who is now deceased, that he was well acquainted with the hand writing of his

late Father, that the signature James Eastburn to the said instrument he verily believes was made by him and in his own hand writing. - And this deponent further deposes, that he is acquainted with John Bristee also one of the subscribing Witnesses to the said instrument, and acquainted with his hand writing. - And that he verily believes the said instrument was drawn by the said John Bristee, and that the signature John Bristee to the said instrument was made by him and in his own hand writing, of which he has no doubt. - Signed - Morton Eastburn. - Sworn the 4th day of January 1839. Before me. Rich^d Crockeron, Surrogate.

In the matter of proving the Will of John Downes, dec^d?

Ann Downes, Widow of the said deceased - - - being sworn, doth depose, that of the subscribing Witnesses to the Will of the said John Downes, as he is informed and verily believes Jas^o Hollowell Jun^r, and James Eastburn are now deceased having died some years since. - And that John Bristee is out of the State of New York, and resides in the State of Rhode Island, if living. Signed Ann Downes

And thereupon it appearing to the said Surrogate, upon due deliberation, on the proof aforesaid, that the said Will has been sufficiently and satisfactorily proved as a Will of Personal estate, and is allowed and adjudged valid as respects the Personal estate of the said deceased. - And do order that the said Will together with the proof thereof be recorded, which said proof herein before recorded and contained, and that the said Will so ordered to be recorded, is as follows:

I John Downes being of sound mind and memory do make and publish this my last Will and Testament in manner and form following, that is to say. - I do first order and appoint, that all debts due from me at the time of my decease shall be paid out of my estate with all convenient speed. - And I do further order and appoint that all the debts outstanding and due to my estate shall be collected with all convenient speed. - And it is my further Will that the vest and residue of my estate Real and Personal, after the payment of my debts be divided into three equal parts, and I do give and bequeath two equal third parts thereof to my children living at the time of my decease equally to be divided between them share and share alike on their respectively attaining the age of twenty one year and to their heirs

executors and Administrators. — And I do give and be-
queath unto my beloved wife Ann the rents, issues and
profits of the remaining one third part thereof in lieu of
Dower and of all other claims that she may have upon
my said estate, to be paid to her by my Executors herein
after named yearly during the term of her natural life
and after her decease, I give and bequeath the said remain-
ing third part, to such of my said children as shall be
living at the time of my decease their heirs, executors and
administrators, equally to be divided between them
there and there alike. — And I do hereby appoint El-
est Anderson, of the City of New York, Merchant and James
S. Bailey of the same City, Merchant, Executors of this my
last Will and Testament, hereby revoking all former Wills
by me made. — The Witnesses Whereof I have hereunto
set my hand and seal the twenty eighth day of November
in the year of our Lord, One thousand, eight hundred
and fifteen.

John Downes

Signed, sealed, published and declared by the above
named John Downes, to be his last Will and Testament
in the presence of us, who have hereunto subscribed our
names as Witnesses in the presence of the Testator.

John Bristea. — Jas. Hallowell Just. — James Eastburn

State of New York, Richmond County, ss.

Be it remembered, that a Surrogate Court, held in &
for the County of Richmond, at Port Richmond Hotel in the
town of Westfield in the said County, the fourth day of January
in the year of our Lord, One thousand, eight hundred, and
thirty eight, before Richard Crockeron, Surrogate of the
said County, the last Will and Testament of John Downes
late of the said County, deceased, (of which the preceding is a copy)
was admitted to Probate, after Citation to the heirs and next of
kin of the said deceased, duly issued, served, returned and
filed according to law. — Whereupon at the place and on the
day aforesaid, the following witnesses were duly sworn by the
said Surrogate, and testified as follows. — James Hedges of the City
of New York, Merchant, being duly sworn testified — That he was
timely acquainted with John Downes the Testator in his life
time, and acquainted with his hand writing, and frequently

saw him write, — that the signature John Downes to the instrument now
shown him, purporting to be the last Will and Testament of John Downes,
bearing date the twenty eighth day of November, in the year of our Lord
one thousand eight hundred and fifteen, appears to him the said Witness
to be in his hand writing. — And that the said signature was made by the
said John Downes in his own hand writing he verily believes, and of
which the said Witness has no doubt. — Nexton Eastburn of the City of
New York, Minister of the Gospel, being sworn testified, That James East-
burn, one of the witnesses to the instrument now shown him, were
the Father of said Witness, and is now deceased, that he was well acquaint-
ed with the hand writing of his said Father. — That the signature James
Eastburn to the said instrument, he verily believes was made by him
and in his own hand writing. — And said Witness further testified,
that he is acquainted with John Bristea, also one of the subscribing
Witnesses to the said instrument, and acquainted with his hand
writing, and that he verily believes the said instrument was
drawn by the said John Bristea — and that the signature
John Bristea to the said instrument was made by him
and in his own hand writing, of which he has no doubt.
(Satisfactory proof on oath was made, that two of the subscrib-
ing Witnesses to the said Will (Jas. Hallowell Just. & James East-
burn) are deceased, and John Bristea the other, is out of the
State of New York, and resides in the State of Rhode Island
if living.) — Whereupon it appearing to the said Surrogate
upon the Proof aforesaid, that the said instrument has been
sufficiently and satisfactorily proved as a Will of personal
estate. — Do Order that the said Will be admitted to Probate
and that Administration with the Will annexed be grant-
ed to Ann Downes, widow & legatee in said Will named (The ex-
ecutors appointed in said Will being both deceased) on
her — Complying with the Statute in such case made and
provided.

Rich^d Crockeron, Surrogate

Be it also remembered, that on the twelfth day of Febru-
ary in the year one thousand eight hundred and thirty nine
personally appeared before me Ann Downes, Administratrix
with the Will of said John Downes, deceased annexed, and were
duly sworn to the faithful discharge of her duties as such ad-
ministratrix, by taking the usual oath in such cases pro-
scribed.

Rich^d Crockeron, Surrogate

Record, Will of Abraham Post, Senr., late of North
field, Richmond County, deceased.

State of New York, Richmond County, S.S.

Be it remembered that a Surrogate's Court held in & for
the County of Richmond, at the Surrogate's Office in the said
County the twenty third day of May, one thousand eight
hundred & thirty eight.

Present — Richard Crocheron, Surrogate

In the matter of proving the last Will and Testament
of Abraham Post, Senr., late of Northfield, Richmond County, decd.

On reading and filing the Petition of Gabriel Martin
and Garret Post, propounding the Will of said de-
ced, the Surrogate made and entered, that a citation
issue to the heirs at law and next of kin of the said de-
ced, in pursuance of said Petition, returnable the
second day of May next, at the hour of one o'clock, P.M.

On which said second day of May, the said Gabriel
Martin & Garret Post the applicants for the proof of said
Will, and the executor therein named, appeared. Said
Garret returned the citation to the heirs and next of kin &
said executor with it, and service, — whereupon the said
Surrogate was satisfied that citation had been served on
the heirs and next of kin as required by law, when leave
was given the said acting executor to produce in the
proof of the said Will, — B. B. Phelps Esq. appeared as
Doctor in Council for Abraham Post Senr. — one of the heirs &
next of kin of the said decd. — and gave notice of the inten-
tion to contest the proof of the said Will on the part of said
Abraham. — On the ground that the said deceased bequeathed
the necessary freedom of action, nor the competency to
make a valid Will. When on the motion of the appli-
cants for the proof of said Will the matter was adjourned
to the tenth of May instant. — When the said Parties again
appeared, and J. Wallis Esq. appeared as Doctor & Counsel
for the applicants, The examination of witnesses was then
commenced, and continued on the 28th day of May then
next to which day the matter had been adjourned.
The Testimony and Proof of the witnesses as follows.

In the matter of Proving the last Will & Testament of Abraham
Post, late of Northfield, Richmond County, deceased.

P. O. Porke, sworn, and interrogated by the Court, says — Saw Ab-
raham Post deceased, sign and execute the Will now shown him, bearing
date the twelfth day of December, one thousand eight hundred & thirty
seven, that he published and declared the said instrument to be his
last Will and Testament, — considered him at the time of executing the
said instrument of sound mind & memory, — at the time of said execu-
tion he was perfectly free of all restraint to the best of his knowledge, that
he witnessed, wrote the name of Abraham Post to the said Will at his request,
and that he signed the said Will as witness at the request and
in the presence of the said Testator, and in the presence of Peter & Mart-
ling and Garret M. Bodine the other subscribing witnesses
Signed — P. O. Porke

Peter L. Martling, sworn. — Interrogated by the Court — Saw
Abraham Post, deceased, sign & seal the instrument now shown
him purporting to be the last Will & Testament of said Post, bear-
ing date the twelfth day of December, one thousand eight hun-
dred & thirty seven, that he published and declared the said
instrument to be his last Will & Testament, at the time of said
execution he appeared to be of sound mind & memory, that
he considered him so. — At the time of said execution he ap-
peared to be ~~of sound mind~~ free and under no restraint,
that he subscribed the said Will as a witness at the request
and in the presence of the said Testator, and in the presence of
P. O. Porke & Garret M. Bodine the other subscribing witnesses
Signed — P. L. Martling

Garret M. Bodine, sworn. — Interrogated by the Court. — Saw
Abraham Post the Testator, make his mark to the instrument
now shown him, purporting to be the last Will & Testament
of said Testator bearing date the twelfth day of December
one thousand eight hundred & thirty seven, that he heard
him publish and declare the said instrument to be his last
Will & Testament, at the time of the execution he was of sound
mind & memory as far as he could judge, — as far as the said
witness could discern the said Testator was under no restraint at the
time of the execution of said Will, — that he subscribed the said
Will as a witness at the request and in the presence of the said Testator
and in the presence of P. O. Porke and Peter & Martling the other subscrib-
ing witnesses to said Will
Signed — Garret M. Bodine

J. Wallis, Counsel for Executors moved the Court for Probate. On the Grounds of the Will be sufficiently proved. - R. B. Chap. Counsel for & Port one of the heirs, objects to Probate & claims the right to cross question the witnesses and bring other Testimony against the Validity of said Will, - Motion not allowed by the Court.

Gabriel M. Bodine, cross examined. - At the time of his Will making the said Will he resided in Castleton, said Will was executed at the house of the Testator, - Witness was called upon to go to said house. - Gabriel Martino one of the Executors named in said Will requested him to go, - Witness went in Company with said Martino & in his Conveyance, M^r. Martling the Witness went also in said Conveyance; M^r. Porke also went with said Conveyance, from said Porke's residence. Witness is married to said Martino by Marriage. - M^r. Martling is the Brother in law of M^r. Martino. - Question, What part of the day did you arrive at M^r. Porke's house. Ans., can't state what particular time, was in the evening, thinks it was in the fore part of the evening when he left home. - Q. - What is the distance from Martling's, where you got in the Conveyance to P. O. Porke's, Ans., does not know what is the distance, - does not know that he was present when the main Body of the Will was made that something was added in his presence; - That he does not know the Testator was very deaf. The conversation with M^r. Porke was not loud. - Q. do you know the Will was read to M^r. Porke. Ans., Witness, heard M^r. Porke read the Will to M^r. Porke, does not know that he read it right, he did not as he recollects read the Will very loud, was read in an ordinary tone of voice. - Q. - At what time of night was the Will executed, was it 12 O'clock. - Ans. does not know, had no conversation with M^r. Porke, does not know that M^r. Martino had dined, does not recollect there was any Spiritous liquors in the house. does not know whether any Spiritous liquors was taken by said Company at P. O. Porke's. - Q. What way did the Testator read the said Will. - Ans., saw him place some part of his hand on the Seal of said Will, and heard him make some declaration but does not recollect the words, his impression was that he declared it to be his Will. - Q. - Was M^r. Porke always in the room at the time of making said Will. - Ans. saw females in the room which Witness supposes belonged to the house, said females, was ^{present} in the room, when said Will was executed, was not previously acquainted with M^r. Porke.

Does not know he ever saw him before that night, does not recollect who asked him to subscribe the Will as a witness, thinks it was M^r. Porke's request.

P. O. Martling recross & cross examined. - Was a little apprehensive that evening when he left home, - M^r. Martino asked him if he would take a small ride that evening, did not tell him where he was going, suspected where he was going after he stopped to P. O. Porke's, heard not the conversation to P. O. Porke's, took Porke in and went out to M^r. Porke's house, does not know where the Will was prepared except the last clause, that was done in M^r. Porke's house, does not recollect the substance of said clause, the whole Will was read in his presence. - he heard it read in this room, & thinks it was the same as then read. - M^r. Porke asked the Testator if he was willing this Witness, should subscribe the said Will as a witness, he answered yes, he knew M^r. Porke ever since he, Witness was a boy, - does not know that he had seen him in two years, previous to the execution of said Will. - Q. Was he very hard of hearing. - Ans. thinks not from the conversation that evening, which was in the ordinary tone of voice. - That on the Testator making his Cross, he put his hand on the Seal, does not recollect that he acknowledged it to be his hand and Seal. - But that he acknowledged it to be his last Will & Testament. - Spiritous liquors were in the room, some was drunk, does not recollect that G. M. Bodine, the Witness was present, does not recollect how late at night when they went away, he slept a good night after he got home before morning. - Saw one of Testator's daughters in the house when they got there. - She came in the room when they were drinking Tea. - does not know that M^r. Porke was absent an hour or more.

On the part of the Applicants. - Witnesses, did not drink so much Spiritous liquors as to affect them. - drank Tea after the Will was executed. - The liquor was drunk after the Will was executed. - M^r. Bodine is a perfectly sober man. - That M^r. Porke is a sober respectable man to the best of his knowledge. - (The Opposing party admits that M^r. Bodine & M^r. Martling, two of the Witnesses are sober temperate men) - Witness took some liquor at Porke's house, does not know that Porke drank any.

John J. Han Pelt, sworn for the Opposing party. - Was acquainted with Horcham Port the Testator upwards of thirty years.

Am. thinks he did, he appeared to know him and know his family. — Q. What amount of money, did you first offer the Testator for his Farm. — Am. thinks they asked at first two or three thousand dollars, don't know that we made any offer at first. — Made various offers same time afterwards, more and more each time untill \$500. Hollis was offered, thinks the negotiations were chiefly with the children. — Am. thinks some were with the Testator. — Q. Did you ever apply to Garret Post to consult with the Testator what he would sell the Farm for, or authorize Garret Post to make any offer to the Testator for the Farm. — Am. had conversations with Garret Post and with all the brothers respecting the Farm, and perhaps has advised Garret Post to persuade the Testator to sell the Farm and accept his offer. — Q. Did you ever examine any of the documents relative to the title of this Farm. — Am. don't recollect. — Q. Did you give it as your opinion, Testator could not dispose of the Farm by will because it was entailed without the heirs joining in the sale, or anything to that purport. — Am. did not examine documents relative to title to his recollection. — Within three weeks Abraham Post the opposing party met Witness and spoke of the injustice his Father had done him in relation to the will. — enquired of him the difficulty, — said he ~~understood~~ his father had made a will & left him but one hundred dollars, or cut him short. — That A. Post asked Witness, if his Grandfather's will entailed his property, would his Father's will be valid. — Witness told him he thought it would not. — Q. is it often the case for persons here of hearing to be made at one time that at other times. — Am. I think it is generally the case.

Signed E. Clark

Direct examination resumed. — Q. How long have you been acquainted with M. Parke the Witness in this case. — Am. thinks seven or eight years. — Q. is he a temperate or intemperate man. — Objected to by counsel for applicants as irrelevant, unless confined to the time when the will was made to the Testator by said Parke, and executed by the Testator. — Am. I have occasionally seen Parke under the influence of liquor; could not say that he was in the habit of practicing drunkenness. — Signed E. Clark. — Cross examination resumed. — Q. have you seen M. Parke when he was sober. — Am. Yes he has; he is sober now

Q. have you frequently seen him sober. — Am. Yes. — Q. did you see him on the 12th day of December 1837. — Am. Can't say whether he did or not. — Q. Did you see him in liquor ten days before or after the 12th day of December 1837. — Am. don't recollect, saw him in the month of December 1837, he may have seen him a number of times but don't recollect it. — Signed E. Clark

Adjourned to the 28th of May inst. — When the matter was resumed. — Patrick D. Parke cross examined. — The will was executed on or about the 12th of December last. — the greater part of the will was written at Witness house at the request of Testator. — Testator told Witness, that he wanted an alteration of his will, that he had not the will with him but that Gabriel Martino would furnish it, it was two months, less or more, within three months previous to the execution of the will, that Witness was spoken to by Testator about making the alteration, Witness thinks he saw Testator at Witness house, or at the house of Testator, believes however it was at Witness house. — There was no person with the Testator when he spoke to Witness about making the alteration in his will, when he spoke to Witness as a person he told him he wanted an alteration as to one clause, as to his daughter particularly, & Witness last day whether he took any notes or memoranda of the alteration to be made. — Witness wrote the first will, it was executed in presence of Witness, Moses Johnson Esq. & another person not recollecting, and he thinks Gabriel Martino was also present; The first will was executed in the year 1835, at the house of Gabriel Martino. — Thinks the first will is at home among Witness papers. — It is there. — Witness had the first will with him at a former meeting. — When Testator spoke to Witness about the alteration of his will as respecting his daughter, he spoke of other alterations to be made, the former will was left with Witness about three months before the execution of the last will & has been in his possession ever since, It was left by Gabriel Martino; In his second will he left out the bequest to his daughter Sarah of a building lot which he had given her in his first will; as he thought it might be detrimental to the sale of his property, Testator wished an alteration as respects his son, but did not explain what that alteration was to be; Witness did not make any memorandum of the alterations to be made; Witness can't tell whether any person was with G. Martino when he brought the first will to be altered, Witness has not seen the Testator as he recollects at any time after the first will was left with him by G. Martino.

untill the evening when the second Will was executed, Gabriel Martino took the second Will the same night it was executed & kept it in his possession as he believes — Witness fixes the date of the last Will on 12th of December last, from having seen it on the table at the last meeting before Burroughs. — The last Will so signed by Testator between 8 & 9 o'clock P.M. probably sooner, after the execution of the Will parties were Tea at the house of the Testator. — Witness does not recollect having said since the execution of the last Will, that it was executed more than a year ago, the Witness was spoken to by Mr. Post about having made a Will for Testator — and Witness might have said on that occasion, that it might have been made a year ago. Mr. Adams was present at the time, Witness does not recollect having said to any one that the Will was made or executed in the afternoon. — Q. do you recollect that he said to any one since the decease of Testator that when being asked who were the subscribing Witnesses to his last Will they were his near neighbours. — Ans. he does not recollect but might have said so. — Q. do you recollect to have seen either of the Witnesses subpoenaed on this occasion to think to it & swear that they were innocent. — Ans. no. — The question was objected to as indefinite, but overruled. — Q. did you know at the time of the first meeting in this cause, that Sarah Post sometime called Sally Post was attending as a witness. — Ans. only from hearing Mr. Post say when she was coming in Town that was the girl. — Q. after Sarah Post arrived in the Village, did you have a conversation with her under the shade, & respecting the subject of this trial. — Ans. Witness had a conversation with Sarah Post, but can't say where it was. Whether under the shade or in the house, in those conversations Witness does not recollect whether or no the informed Witness, that she was subpoenaed as a witness. — Q. do you recollect having been up there a few days previous to our first meeting & in company with Garret Post & the two Sisters & did you then and there learn that Sarah was subpoenaed as a witness. — Ans. Witness has been up there lately, but does not recollect seeing the two Sisters if he has had any information on the subject it must have been from Garret Post, but does not recollect receiving any. — Q. did you on the day of the first meeting at the house of Mr. Hamilton call Sarah Post alone in a private room

and have a conversation with her. Didst overrule. — Direct Exam? Q. did you write the Will in conformity with the instruction you received from the Testator. — Ans. Yes. — Q. did you read that Will to the Testator as it was written. — Ans. I did. — Q. did you read it in a loud voice so that he could hear and understand it. — Ans. I did and he appeared to understand it. — Q. was you satisfied in your own mind from what passed at the time that Testator understood the Will when you read it to him. — (But objected to & is overruled). — Ans. I am satisfied from a circumstance which took place at the time, for I read it to him more than once, & before finishing it, I asked Testator if it was all right, he answered No, for that he wanted to leave to Sarah some articles which should not be subject to the division of the household articles. — Witness added a clause to the Will according to Testator's direction and then read over the Will to Testator & he said he was satisfied. Witness dated the Will as of the time it was executed, before its execution by the Testator. — The Will was written at the house of Witness, from the commencement to the twentieth line from the top, to the words Abraham & the after Part at the house of the Testator, according to the best of Witness's recollection.

— Signed — P. O. P. O. P. O.

And thereupon it appearing to the said Court, that the said Will of the said Abraham Post, deceased, was duly executed according to law — And that the said Testator who executed the same, was at the time of making such execution of sound mind and memory and not under any restraint. — It is therefore ordered by the said Court on due deliberation, that the said Will of the said deceased, together with the proof thereof be recorded, which said proof is herein before recorded and contained, and that the said Will so ordered to be recorded, is as follows.

In the Name of God. Amen, I Abraham Post. Senior, of the Town of Northfield, County of Dutchess and State of New York (Yeoman) being weak of Body but of sound mind and memory, blessed be God. — I do make and Ordain this to be my last Will & Testament, in manner and form following, Revoking all former and other Wills made by me.

First, I resign my soul to God, and my Body to the earth after my decease, to be decently interred in a Christian like manner, alongside of my deceased wife, — the care and

management of which I leave to my Executors, Gabriel Martino (my nephew) and Garret Post (my son) Then I give and bequeath unto my two daughters, Marianne and Sarah all my beds, bedding, bedsteads and linen of every description, all the carpets, carpets, and floor is and that which they shall make, also one looking glass, one cupboard, one mahogany table (which was their Mother's) also one brass Kettle, one copper tea Kettle, two windows chairs and twelve paring chairs, to be divided equally between them, by themselves, if they can agree, if not my executors above named to divide them into two lots as equal as they can according to their value, and then assign to each of my daughters above named their share by lot, that there be no contention or dispute between them after my death. — Next I give and bequeath unto my son Abraham Post the sum of one hundred Dollars, as his share of my estate both Real & personal; — and unto my Grand son Abraham, son of my son Matthew, I give and bequeath the sum of Fifty Dollars (for my names sake) — And then my will is that at a proper and reasonable time after my decease my executors above named, shall and may sell the residue of my Real and personal estate at public Vendue — the land may be sold together, or in lots as they may think best, and they are hereby fully authorized and empowered to give good and lawful deeds or deed for the same. — my two daughters above named to have the use of the house and here of the place, without any hindrance until the same be sold. — And lastly my will is that the money arising from said sales, after my just debts and funeral expenses are paid, be divided into four equal parts, and paid one part to my son Garret, one part to my son Matthew, one part to my daughter Marianne and the other part to my daughter Sarah, my executors first deducting their fees, and all other lawful charges. And also I give and bequeath unto my daughter Sarah, all the cattle that shall be on the place at my decease, for her care and attendance on me, also the table, looking glass and the Cupboard, together with the brass and Tea Kettle before mentioned, I give to her.

signed, sealed, published and declared in the presence of us who hereunto subscribe our names as Witnesses in presence of the Testator, the twelfth day of December, A. D. one thousand, eight hundred and thirty seven.

Abraham Post, Testator

P. O. Parke, of Dutchess
Peter A. Mottling, of Dutchess
Garret A. Rodine, of Dutchess

State of New York, Richmond County, ss.
Be it remembered that a Surrogate Court held in & for the County of Richmond, at the Surrogate office in said County, the twenty eighth day of May in the year of our Lord, one thousand, eight hundred and thirty eight, before Richard Crockeron, Surrogate of the said County, the last Will & Testament of Abraham Post, late of the said County deceased, (of which the foregoing is a copy) was admitted to Probate after citation to the heirs at law and next of kin of the said deceased, duly issued, served, returned and filed according to law. — Whereupon at the place and on the day aforesaid P. O. Parke, Peter A. Mottling & Garret A. Rodine the subscribing witnesses to the said Will, after having been duly sworn by the said Surrogate, testified that they did see the said deceased, sign & seal the said instrument, that they heard him publish and declare the same as and for his last Will & Testament, that at the time thereof the said deceased was of sound mind & memory, and not under any restraint to the best of their knowledge and belief. — And that they subscribed the said Will as witnesses at the request & in the presence of the said Testator — (John J. Van Relt & John C. Clark were also sworn & testified in the matter) — Whereupon the said Surrogate upon the proof aforesaid, being satisfied of the genuineness and validity of the said Will, do Order that the said Will be admitted to Probate, and that Letters Testamentary thereon be granted to Garret Post, one of the executors in the said Will named. (Gabriel Martino the other executor named in said Will having duly renounced the same) upon his taking and subscribing the oath of office prescribed by law.

Rich^d Crockeron, Surrogate

Be it also remembered that on the said 28th of May 1838. personally appeared before me Garret Post, and was duly sworn to the office of executor of the will of said A. Post, but by taking the usual oath in such cases prescribed Rich^d Crockeron, Surrogate

To the Surrogate of the County of Richmond
I Gabriel Martino, named one of the Executors in the
last Will and Testament of Abraham Post, late of the
Town of Northfield, in the County of Richmond. Ann-
ced, do hereby renounce all my right and claim
to act as executor of said Will.

Dated May 28, 1838. Gabriel Martino
Witness Present. John T. Merriman
Nicholas Bush Juror

The above is a true record from the original on file in
my office, and which was executed & witnessed in my
presence the date it bears.

With 2 Exc. & over the Surrogate

Record of the last Will and Testament of
Mary Abbel Howell, deceased.
State of New York: Richmond County, N.Y.

Be it remembered that a Surrogate's Court held
at the County of Richmond at the Surrogate's
office in said County, the sixth day of September, in
the year of our Lord, one thousand, eight hundred and
thirty eight.

Present. — Richard Crockeron, Surrogate
In the Matter of Proving the last Will &
Testament of Mary Abbel Howell, decd.

On reading and filing the Petition of Jeremiah Towle
proposing the Will of the said deceased, an Order was
made and entered, that Citation issue to the next of kin of
the said deceased, in pursuance of said Petition, return-
able the fifteenth day of September instant, at the hour of
eight o'clock in the morning.

On which said fifteenth day of September the said Je-
remiah Towle appeared with his Doctor & Counsel for the
Hart who made return of the Citation to the next of kin, on
oath of the decd service thereof on the persons therein nam-
ed. — The said Towle set forth, that the said Mary Abbel How-
ell left her surviving as next of kin, a niece, Mary Jane Case, a
minor, a daughter of her late sister Isabella, who resides
with her Father, George Case, Esq. in Westchester County in
this State, and asked leave to amend his Petition & bring

her in, allowed by the Court, and an Order made and enter-
ed that the said George Case be appointed Guardian ad litem of
the said Mary Jane Case to take care of her interests in the premises, on
his consenting in writing to become such Guardian, and that the
cause be adjourned to the sixth day of October then next, 11 o'clock
A.M. And that a copy of said Order be served on the said Case.

On which said sixth day of October the said J. Towle the
Applicant for the Proof of the Will of the said deceased appeared
with J. C. Hart, Esq. his Doctor & Counsel and the subscribing Wit-
nesses to the said Will; George Case Esq., also appeared, as Guar-
dian of Mary Jane Case & minor one of the next of kin of the said
deceased, he having previously consented and been duly appoint-
ed such Guardian. — Whereupon the said Court being satis-
fied that all the next of kin of the said deceased have been
brought in and cited as required by law, leave was
given the said Applicant to proceed in the proof of the said
Will. — The examination of witnesses was then commen-
ced and continued from time to time to the thirtieth of Novem-
ber then next when the Testimony closed, and on hearing
the arguments of the respective Counsel, (George Case in oppo-
sition to the Proof of J. C. Hart, for the Proof) the Cause was sub-
mitted to the Court. — Proof as follows

State of New York }
Richmond County } J.

In the Matter of Proving the Will of Mary
Abbel Howell, late of Richmond County, and
Jas. C. Hart & James H. Hart of the City of New York, being
sworn deposed that they did see the said deceased, sign
and seal the instrument now shown them purporting to
be the last Will and Testament of the said deceased bearing
date the third day of August in the year of our Lord, one
thousand eight hundred and thirty eight. — that they heard
the said deceased publish and declare the said Instrument to
be her last Will and Testament, that at the time thereof the
said deceased was of sound disposing mind and memory &
not under any restraint, to the best of the knowledge & belief
of these deponents, and that they the said deponents subscribed
their names to the said Will as witnesses at the request and
in the presence of the said Testatrix and in the presence of
each other. — Signed J. C. Hart, — James H. Hart

Sworn and subscribed the 6th of October 1838 before me
 Rise P. Crockeren, Surrogate.
 Further examination of James H. Hart, by the Guardians of
 Mary Jane Case. — Question, — Where was this Will exe-
 cuted. — Ans. In this County at Mr. Towle's House. — Q. Who re-
 quested you to become a Witness. — Ans. Mr. Towle. — Q. What
 persons were present at the time. — Ans. Mr. & Mrs. Towle and
 the Mother of the deceased. — Q. How long have you known the
 deceased. — Ans. Has known deceased a great many years
 has heard that Doct. Barrow was her Physician previous to the
 time. — Q. Is Doct. Barrow a highly respectable Physician. —
 Ans. he is considered a respectable Physician. — Q. What ha-
 bit of body was the deceased in during the time Witness at-
 tended her as a Physician. — Ans. A feeble state of health. — Q. Was
 this a permanent condition of her health. — Ans. she has been
 in a feeble state of health for many years. — Q. Describe her
 general condition. — Ans. She was in a great measure helpless,
 she was in a great measure help^{less} afflicted with a nervous com-
 plaint, the helplessness arose from a Rheumatic affection. —
 Q. Of what nature was her mental capacity during the time you
 knew deceased. — Ans. Considered it sound. — Q. Do you know
 or believe she had any education. — Ans. As not knew, when she
 executed the Will, she signed it with a cross, do not know it a-
 rose from a defect in her education or from her infirmity. — Q.
 Why do you consider she was of sound mind. — Ans. I consider
 her of sound mind from the frequent interviews I have had
 with her, my judgment is formed on that. — Q. What passed be-
 tween you and the deceased on these occasions, or the nature of it.
 Ans. The nature of the conversation was on medicine and mis-
 cellaneous subjects. — Q. As you say on these occasions de-
 ceased as a person of sound judgment and ordinary un-
 derstanding. — Ans. I thought so. — Q. Was her mind, or did
 her mind partake of the feebleness of her body or not. — Ans. I am
 unable to say, as the deceased has always been in a feeble state
 of health since I knew her, and therefore am not prepared to
 make comparison as to the relative state of her mind. — Q.
 Was the nature of the complaint of the deceased such as to af-
 fect her mind permanently if at all. — Ans. I am unable to
 say about that. — Q. Who had the management of her affairs.
 Ans. Jeremiah Towle I believe, she lived in his house &

with him and his family for several years. — Q. Where and in what
 places. — Ans. first in the City of New York & latterly in the County of
 Richmond. — Q. From the nature of her condition, was she or was she
 not subject to the control of the persons immediately around her. — Ans.
 she was not controlled to my knowledge by the persons around her. —
 Q. Will you answer or not, whether from her helplessness of body and fee-
 bleness of mind, that she was liable or subject to the control and influ-
 ence of the persons about her. — Ans. she was not subjected to the uncon-
 trolled influence of any person to my knowledge, and no more liable to improper
 influence than any person situated amongst their friends.

Signed James H. Hart

Case adjourned to the 3rd of November next. — When the exam-
 ination of Jas H. Hart was resumed, on the part of Mary Jane Case —
 Q. What does Witness understand by sound mind applied to the de-
 ceased. — Ans. that she was capable of transacting and directing to be
 transacted ordinary business. — Q. Have you known her to transact
 or direct to transact any ordinary business. — Ans. I do not re-
 collect at present, but judge of her capacity from my long acquaint-
 ance with her. — Q. How often as you believe you have seen de-
 ceased within the last year. — Ans. About five or six times. — Q. Was you
 called to attend her as a Physician there times. — Ans. I was not. —
 Q. Was you at any time called there to examine her as to the state of
 her mind. — Ans. I was not. — Q. Did Mr. Towle at any time di-
 rect your attention to the state of her mind. — Ans. he did not. —
 Q. Did you attend her as a Physician in her last sickness. — Ans. I
 saw her in her last sickness. — Q. Was you called to see her in her
 last sickness as a Physician. — Ans. Not specially, but every time
 I believe without exception when I visited the house, I saw and
 prescribed for deceased. — Q. Are you the intimate friend of Mr.
 Towle. — Ans. I am and have been so for many years. — Q. Are
 you Masonic brethren and belong to the same lodge. — Q. Object
 sent by Towle Counsel and objection allowed by the Court.

Signed James H. Hart

Examination ^{of James Hart} continued on the part of J. Towle, the applic-
 cant for proof. — Quest. You have stated that Mr. Towle
 requested you to become a Witness to the Will of de^d. State
 when and where he so requested you. — Ans. A short time
 before the Will was executed, in the City of New York the re-
 quest was made. — Q. Who requested you to become a wit-
 ness to the Will at the time of its execution. — Ans. the de-
 ceased. — Q. State what transpired at the time of the

execution of the will in the presence of the deceased, - *Ans.* Joseph C. Hart my brother, and myself, after arriving at Mr. Towle's, went in the room of the deceased, after the ordinary salutations, Jos. C. Hart, said to the deceased, that he had prepared her will, and asked her if he should read it to her, she replied in the affirmative and Mr. Hart read her will. Mr. Hart then asked her if it suited her, she said that it did, he then asked her who should witness it, she replied she wished him and myself to do so. - Which we accordingly did. - Q. had you any conversation with her at that interview, and if so state what it was, - *Ans.* After the execution of the will, I remained in the room, & conversed with her on several subjects, - she had previously some years ago, made a will principally in favour of her brother John, and perceiving the alteration she had made in her will, giving the bulk of her property to others, I asked her the reason. - She replied that since that will was executed her brother John had become intemperate, and she thought it was best to give it as she had done, - she said she thought if John got the money he would soon spend it. - Q. in stating who were present at the time of the execution of the will, do you mean to say, the persons you have spoken of as being present were immediately about the bed side of the deceased, or passing to and fro about the house. - *Ans.* There was none of the family immediately about the bed side of the deceased, but the members of the family were passing to and fro from one part of the house to the other, but for most part of the time was in the room, except Mr. Towle who came in the room and went out frequently, - door was open, he was passing and repassing. - Q. did you attend this family, or any members thereof professionally previous to the marriage of Mr. Towle to Jane his wife. - *Ans.* I did. - Q. state whom you attended and at whose instance. - *Ans.* I attended Mr. Towle's mother, attended also Mr. Towle and her sister Mr. Case, and at the instance of Mr. Case. - Q. from your knowledge of, and acquaintance with the deceased, have you any doubts of her soundness of mind and capacity to make a will. - *Ans.* I have not. - Q. do you know or have you heard of any undue influence being exercised over the mind of the deceased, at any time

in the preparation, or execution of her will. - *Ans.* I do not know of any, neither do I believe there was, neither have I heard of any.

Signed James H. Hart

By the Guardian of Mary Jane Case. - *Quest.* had you any particular motive in remaining to converse with deceased after the will was executed. - *Ans.* I had not. - I have many Nephews & Nieces and deceased have children of Mr. Towle. - *Ans.* four. - Q. what age was deceased. - *Ans.* do not know exactly, but suppose about thirty.

Signed James H. Hart

Joseph C. Hart, was examined by Geo. Case, Guardian &c. - *Quest.* who gave you directions to draw the will in question. - *Ans.* there had been a previous will executed several years before by the deceased. - I was a witness to that will, but do not know by whom it was drawn, - in relation to the present will, Mr. Towle called at my office in the City of New York, and stated the deceased wished me to draw another ^{will} as her attorney, by which her brother John and her Mother should both have an income during their respective lives, in the previous will, the sum of ten thousand dollars was given absolutely to her brother John, and I think no annuity to her Mother, - and the reason for changing the bequest of ten thousand dollars, as given by Mr. Towle, was that John had become irregular in his habits, and if he should get possession of that or any other sum, he would dissipate, and that it would probably be of no essential service to him - and also that the Mother of the deceased, was but slenderly provided for under the will of John's Mother deceased. - The will was accordingly drawn by me under the suggestions of Mr. Towle, but I used my own discretion as the attorney of and in arranging the manner in which the fund for the support of John and his Mother should be secured, - trusting when I should see deceased in person that it would meet her views, and if not I could make the alteration, on the spot at the time of the execution. - The will so drawn up by me was taken down to her residence on Staten Island, and previous to reading it to her, I had conversation with her as to her design in the alteration of the former will. - She stated in substance what Mr. Towle had stated to me. - I then read the will over to her distinctly and she approved of the same, and executed it in due form as originally drawn by me, with the exception of filling in of Executor's name and date. *Signed J. C. Hart*

Adjuvined to Will 13th instant 18. I declare *J. H. Hart*

November 13, 1838, The examination of Witness, Veranda
 as residing at No. 10, South Street, New York, in the presence of
 Catherine Force, Wife of Christian Force, Decem. on the
 Part of George Case, Guardian &c. — Witness lives at 179,
 east Broadway, New York. — Q. Did you know Mary A.
 Beal Howell the deceased, — Ans. Witness has known and
 the greater part of her life time. — Q. What was her con-
 dition of body. — Ans. She was an invalid ever since I first
 knew her. — Q. Was she helpless and for how long time
 Ans. Witness can't say how long but for a number of years
 for the last few years have known but little about her. —
 Q. What have you heard Mr. or Mrs. Towle or any of the
 family say about her condition within the last four
 years, or since she recovered to Staten Island — about
 her to be counsel for applicant. — Ans. Always heard she was
 pretty much in the same condition, if any difference, more fe-
 ble the last I heard from her. — Q. As you know or did whether the
 deceased had any school education or any knowledge of let-
 ters. — Ans. She had no knowledge of letters, deceased was dismiss-
 ed from school, she could not learn. — Q. Have you in the
 past frequently seen deceased, previous to the last four years
 Ans. Witness has been. — Q. In what manner was deceased
 treated by her family in respect of being a moral agent,
 or as a person capable of acting and judging for herself. — Ans. Wit-
 ness never knew her to act for herself, not when I knew her, and
 not think her capable of acting for herself, she was infirm, and
 of course could not be expected to act for herself. — Q. Do you
 think she had sufficient judgment to act for herself in business
 affairs. — Ans. I never thought her a sensible person. — I was
 sometimes and considered in her family in respect to mind
 as being like a child. — Objected to by counsel for Applicant
 as a leading question — Put in another shape. — Was de-
 ceased treated and considered in her family, in respect to mind
 according to her age; or as being a person of childish habits
 & thoughts. — Still objected to as leading. — Quest. put in an-
 other form. — Q. How was deceased treated & considered by
 her family in respect to her mental capacity. — Ans. She was al-
 ways treated well by her family and considered like a child.
 Q. Have you in any instance been requested by any member
 of her family, to notice her as a person of childish disposition. —
 Ans. her mother spoke of her as being childish, was afraid she
 would always be a child. — Q. Within what time have you

heard the mother of deceased use such language. — Ans. Within ten or twelve
 years. — Q. How was deceased considered by others, than her family, who knew
 her, in respect to her mental capacity. — Ans. Deceased was considered the
 same as a child, by those I have heard speak of her. — I have you heard several
 persons speak of her. — Ans. I have. — Q. Name the persons whom you have
 heard speak of her. — Ans. my family, which consists of my husband, three
 sisters and myself and I have heard others, Mr. Patterson has spoke of her, Mr. Pat-
 terson lives in New Jersey, Witness does not know how long since Mr. Patterson
 has been deceased. — Q. Is your mother an aged and infirm woman. — Ans.
 she is aged and infirm and could not come here to testify, she has always
 known and from the time of her infancy. — Q. Has Mr. Towle called on you
 in reference to the proving of this Will within the last few days. — Ans. Mr.
 Towle called at our house a week from this day. — Q. What did Mr. Towle
 say to you respecting the proving of deceased's will. — Ans. Mr. Towle called
 at the house last Tuesday, I had some company, he did not call me
 out, he had the company go out night & went out, I saw him talking
 to Mr. Force in the back room, he mentioned the Will of deceased was
 to be proved and would be contested by Mr. Case, I told him I thought
 not from what Mr. Case said, Mr. Towle then said that Doctor Hart was
 satisfied as to the fitness of her mind. — I understood Mr. Towle to say
 that Doctor Croft & Stevenson and lawyer Croft would state the same
 thing. — Q. What did Mr. Towle say about showing you their
 testimony, or the testimony of any of them. — Ans. he said he
 would bring up a copy of what they had stated. — Q. In what
 time previous had Mr. Towle been to your house. — Ans. can't
 say, don't think he had been there within a year before.

Cross exam. on the part of Applicant for Proof. — Q. You have
 stated that the deceased was an invalid ever since you first
 knew her, do you know what was her complaint. — Ans. I don't
 know they have always told me and that she was born with
 it. — Q. How did that disease affect her bodily. — Ans. she shook
 and trembled, her limbs swelled she lost the use of them. — Q.
 how long before her death had you seen her. — Ans. can't say ex-
 actly, have not seen her in three years and not more than once
 or twice in four years. — Q. When you speak of deceased being
 childish, do you not mean that it arose from pettishness and pet-
 ulance in consequence of pain. — Ans. I think in part, I do
 not think she had as much sense as the rest of her family.
 Witness thinks her disease affected her mind, don't think de-
 ceased was a sensible person, did never hear her converse