

on any subject. — Q. Do you know the State or condition of her mind, at the time of the execution of her last Will, to wit, on or about the 3^d of August last. — Ans. I do not. — Q. How often have you seen deceased since 1832. — Ans. I can't say, I don't know, have seen her different times. — Q. Have you since that time seen her as often as five times. — Ans. Oh yes & oftener. I spent a few days at Mr. Towle's at Mount Vernon, when deceased then lived. — Q. Have you seen her ten times within that time. — Ans. I cannot tell. — Q. Can you say within what time Mr. Patterson that you speak of, has been the deceased. — Ans. I cannot say. — Q. Who requested you to become a witness in this case. — Ans. Mr. George Case. — Q. When did he call on you for that purpose. — Ans. I think as much as three ^{weeks} ago. — Q. How long did he remain. — Ans. He came on Sunday when I was at church and staid till after Breakfast the next morning. — Q. Did he have conversation with you on this subject. — Ans. Very little. — Q. What did he say in reference to this matter. — Ans. I understood he was going to have the Will broken, Mr. Case said he would want me and Mother for a witness in the matter. — Mr. Case afterwards said he did not know but he should drop the concern, as he did not care that his daughter should have a fortune independent of her father. — Q. When was this last communication made to you. — Ans. About ten or twelve days after the first interview, when Mr. Case called to say there was an adjournment in consequence of the Counsel of Mr. Towle's sickness. — Q. What else did Mr. Case say on this second occasion in relation to this subject. — Ans. Spoke of the Counsel being sick, and did not know but he would drop the concern, previous to the first interview he had not been there in three or four years. — Q. Did Mr. Towle call at your house after or before this last interview with Mr. Case. — Ans. He called after the second interview. — Q. Who introduced the subject of proving the Will of deceased, at the time when Mr. Towle called. — Ans. thinks the subject was introduced in conversation between Mr. Towle & my sister Mary. — Q. Did you hear their conversation. — Ans. No. — Q. Who then first introduced the subject of the Will in your hearing. — Ans. I tell you now I think it was introduced when I came in the room Mr. Force mentioned to me Mr. Towle wished to see Mother. I told him she was ill and he could not see her that evening, he said if he did he should not mention the subject to her.

meaning the Will, he did not wish to have anything to say about it, and that he had simply called at the request of Mr. Howells. — I stated to Mr. Towle that I did not think Mr. Case would do anything further about the Will, and that he Mr. Case did not know but that he would drop it, Mr. Case stated if there had been something more left to Mary Jane, he should not have troubled himself about it. — Q. Did you at the interview with Mr. Towle discover any thing in his conduct or speech that you considered improper or as tending to bias you or others in your testimony to be given in this case. — Ans. he did not do or say anything to bias me; he said he was satisfied Mr. Case could not do anything with the Will. — Q. How long has your family & Mr. Towle's family been acquainted. — Ans. twenty or thirty years. — Mr. Towle I have known eight or ten years.

Signed Catherine Force

Adjourned to 17th Nov^r instant, and then adj^d to the 30th of Nov^r instant at the hour of 10 o'clock. J. M. ^{at the same time, you, I think, have} ~~Examiner~~ then resumed.

Doct^r James H. Hart again called by Counsel for applicant — objected to by Geo. Case, Guardian &c. — Court ruled he testify. — Q. You have stated in substance on your last examination that you could not then recollect that the deceased had transacted, or directed the transaction of any business, will you state whether you now recollect of her transacting any, and if any what business. — Ans. I do recollect of her transacting business, she signed a Bond, I think about eight years ago in conjunction with myself, Mr. Case and Mr. Towle, in a sum to the amount of about Ten thousand dollars, the Bond was taken by the Surrogate of the City of New York, the Bond was given for a large amount. — Q. State the circumstances rendering it necessary to execute that Bond, and at whose request the ~~the~~ same was executed. — Ans. if I recollect right, John Wheel in his Will left ten thousand dollars to be appropriated for certain purposes, I joined in with these persons and signed the Bond with them for security for Mr. Towle in her administration of said funds, previous to her marriage with Mr. Towle, the Bond was executed by him witness at the request of Mr. Case. — Mr. Case acted as attorney for the parties on that occasion. — Q. do you know or have you been informed by Mr. Case who requested or induced the deceased to join in the execution of that Bond. — Ans. When Mr. Case requested me to sign the Bond, I told him that I would do so if the parties interested would join in with me, which they did accordingly, and I presume by

The solicitation of M^r-Case. — signed, James H. Hart.

88^m J^r of the City of New York
 J^r Craft, Counsellor at law, — sworn on the Part of
 for Tawle the Applicant. — Ques^t., Was you acquainted
 with the deceased in her life time, and if so how long. —
 Ans^r., I was acquainted with her in her life time. — I first
 knew her at school, that was probably in the year 1816 or 17,
 it was after the last War, — she was then at school with
 M^r-Hath^r-Hart. — I recollect of seeing her there in a
 class with those apparently of her own age, — we were at
 that school about a year together, — witness left the school
 and left the deceased there. — I lost sight of her then
 till about the year 1829, at which time she was residing
 in North Moore Street, my acquaintance continued thence
 during the 29, 30, 31 & 32, during which years I saw her
 very frequently, part of the time almost daily, — also through
 the years 1833, 34 & 35, during which last three years, I saw
 her not so frequently as she then resided a greater distance
 from my abode; to wit, at Mount Vernon, between four &
 five miles from the City Hall. — Q. — During any part of
 this period were you employed by her professionally, and
 if so state in what cases. — Ans^r in 1830, she employed me
 to draw a will for her, she gave me instructions herself,
 when the will was drawn agreeably to her instructions she
 executed it, I was a witness to the said will, and was also sworn
 by my Brother and Sister Hart, — in the following year
 1831, I drew for her a Power of Attorney under her instructions
 which she executed within two or three days after it was
 drawn, and witness attested it as witness, — in the year
 1832, I drew for her another Will, revoking the former,
 went to her house with it, so drawn as she directed it. —
 but she being at the time somewhat indisposed, it
 was not then executed by her, and it was left with
 some member of the family. — The power of attorney
 referred to was drawn for M^r-Towle. — Q. Were you or
 not, during the years to which you referred intimate with
 deceased and the various members of the family. — Ans^r While
 at school the acquaintance was such as among school fellows
 and enables me to remember her distinctly, ^{and remember her name in the school, more distinctly} than her and her
 sisters from the year 1829 to 32 inclusive I was intimately
 acquainted with deceased and members of her family, frequently —

conversed with and all of them, — I have been at the Dinner^{table} with
 deceased and the other members of the family several times. — Q. dur-
 ing these several times, did the deceased help herself at table or was
 she helped by others. — Ans^r To the best of my recollection she helped
 herself as the others did at the table, I recollect nothing to the contrary. —
 Q. in what manner was she treated by the other members of the family,
 I mean as to her mental capacity. — Ans^r she was always treated as a
 rational and responsible being, with kindness and affection. — Q. state
 your own opinion as derived from your intercourse with her, as res-
 pects her being a moral agent, or as capable or incapable of acting
 and judging for herself. — Ans^r In my opinion she was fully capa-
 ble of acting and judging for herself, otherwise I should not have
 drawn the papers for her referred to. — Q. have you at any
 time thought or believed her to be of unsound mind or memory
 or in any respect incapable of disposing of her property by will.
 Ans^r I have not. — Q. When you conversed with her respect-
 ing the drawing the first Will, did deceased state to you who
 had suggested the propriety of her making a will. — Ans^r in
 that conversation it was stated that M^r-Case had suggested
 the propriety of her making a will, my impression is deceased
 so stated. — Q. In all your intercourse with the family
 and with deceased, have you ever discovered that any im-
 proper influences were used to induce her to dispose of
 her property by will or otherwise by any of the mem-
 bers of the family. — Ans^r I have not.

signed W^m J^r Craft

Exam^d by Geo. Case, Guardian &c.

Q. How did you renew acquaintance with deceased in
 1829. — Ans^r Through M^r-Towle, before M^r-Towle's marriage.
 Q. Who first spoke to you in reference of drawing his first Will.
 Ans^r my impression is M^r-Towle met me in the street, or in
 my office, and mentioned to me that Mary the deceased went
 to see me, to draw a will for her. — Q. Was this also before
 M^r-Towle's marriage. — Ans^r It was. — Q. do you recollect what
 were the bequests of the first Will. — Ans^r I cannot answer
 distinctly. — Q. In the conversation you stated to have had
 with deceased, about drawing her will, do you recollect
 whether she said any thing, and what respecting the making
 a provision for her brother. — Ans^r She did speak of making a
 provision for her brother. — Q. What did she say on that subject.
 Objected to by Counsel for Applicant. — Ans^r She desired me

I think, to draw a bequest in his favor of Ten thousand Dollars absolutely. — Q. Who requested you to draw the second will, mentioned in your direct examination. — Ans. She did I think. — Q. Where was it. — Ans. At her residence in Dominick Street. — Q. Was this provision for her Brother or Contained in second will. — Objected to by Counsel for Applicant. — Ans. It was. — Q. Have you in any of your interviews with deceased, heard her converse on any and what ordinary matters. — Ans. I have conversed with her repeatedly on different subjects, such as the occurrences of the day, her health and such matters. — Q. What was the primary tenor of her conversation. — Ans. The tenor varied with the subject as a matter of course, it was such as would usually be met with in conversation with ladies of her age, who mingled not much with the world, or its turmoils, — her bodily infirmities interfered, in her mingling much with the world. — Q. Do you consider she was a person of sound mind and ordinary discretion. — Ans. I think she was, I think her perception was clear and her judgment good. — Q. Do you know or believe that the deceased mind sympathized with the weakness of her body. — Ans. I can't say that I know that it did, or did not. — Q. What do you understand by the language of sound mind as used by you in your deposition. — Ans. A mind that can see clearly and judge accurately. — Q. Do you believe that the deceased being of the bodily health ^{which} you know her to be of, and without education in letters, had a mind that could perceive clearly and judge accurately. — Objected to by Counsel for Applicant. — Ans. What I know of her bodily infirmities and mental cultivation, I believe she was capable of perceiving clearly and judging accurately, and that the sympathy between the mind and body in her case, thro, it may in some measure have detracted from the strength and energy of her mind, did not detract from its clearness, accuracy or activity. — Q. Did she on any occasion state to you what was the amount of her property. — Ans. I do not recollect that she did. — Q. Do you know or believe the second will was executed by her. — Ans. I have no doubt but it was, I was not present at its execution.

Signea, M. D. Craft

Doctor Isaac B. Craft, of the City of New York, physician & brother to the last witness, was sworn on the part of the Applicant.

and says that he was acquainted with the deceased in her life time, about the year 1829 to the year 1832 inclusive. — that he has heard the preceding testimony of his Brother, and concurs therein with as to the mental capacity of the deceased. — On his cross examination he further states, that he never professionally visited the deceased. — Q. What appeared to you to be the state of her bodily health. — Ans. That so far as his observation extended her health was pretty good. — I saw no evidence to the contrary except the appearance of what is usually called the St. Vitius dance. — Q. How often did you see the deceased in your acquaintance with her. — Ans. I cannot answer distinctly, but should say two or three times a year. — Q. Did you ever converse with her. — Ans. Yes, as often as I have seen her perhaps, asked questions & received answers. — Witness adds as follows, in regard to her bodily health, there was no evidence of derangement of the Natural functions of the Body, and no appearance differing from that of persons in good health and vigor, except her tendency from and occasional irregular and involuntary action of the muscles of the body.

Signea. Isaac B. Craft

John B. Stevenson, of the City of New York, Physician, were sworn, on the part of the Applicant. — testified as follows. — Q. Did you know the deceased in her life time and for how long. — Ans. I knew her from the year 1834, till the time of her death — which occurred the latter part of August 1838. — Q. Were you intimate with the family. — Ans. I was. — Q. State what appeared to you to be the bodily condition and mental state of the deceased during the time you knew her. — Ans. her mind appeared to me to be good, she seemed to labor more particularly under some weakness or debility of the lower extremities. — Q. did you attend her in her last illness. — Ans. I did. — Q. Was your opinion as to the clearness of her mind, changed by anything you saw during that illness. — Ans. It was not. — Q. under what disease was she laboring during her last illness. — Ans. The Cholera Morbus. — Q. Where you at that time the family physician. — Ans. I did not consider myself the family physician, but was consulting in the neighborhood at the time of her illness; was in the habit of calling on Mr. Fowler as a friend almost daily. — Q. What opportunities have you had of seeing and observing the deceased during the time of your acquaintance with her and the family. — Ans. Those which presented themselves during her illness and many times at Mr. Fowler's

table, and also in his sitting room. — I was in the habit of visiting Mr. Towle. — Q. In what manner was she considered and treated by the family as it respects her being a moral agent, and as a person capable of judging and acting for herself. — Ans. She appeared to me to be always treated, as any sensible and discreet woman would be during the times I saw her. — Q. Did you or not consider her a person of sound mind. — Ans. I did consider her a person of sound mind; I never knew, saw or heard of any thing to induce me to form a contrary opinion. — Q. Have you ever seen, known or heard of any undue influence being exercised over her in the disposition of her property or otherwise by Mr. Towle, or any member of her family. — Ans. On the contrary I have heard from her mother & sister as well as from Mr. Towle that nothing of the kind was ever attempted or thought of, of my own knowledge, I know of no influence been used. — Q. Objected to by Mr. Case, of so much as witness heard from Mr. & Mrs. Towle. — Q. How often have you seen deceased. — Ans. I should say fifty times or more. — Q. Was she or not helpless while at the table with you. — Ans. She was always moved to the table in her chair, but always helped herself as I remember. — Signed — John B. Stevenson

Cross exam^d by Mr. Case, Queerian &c. — Q. did the deceased usually hold any conversation at the table. — Ans. Not usually, there was no general conversation at the table. — Q. Did she appear to you to be a person weak of body and feeble intellect. — Ans. The rolling her to the table convinced me that there was some defect in her lower extremities, there was nothing that ever I saw that induced me to believe that her intellect was feeble. — Q. Have you any sufficient means of judging of her intellect. — Ans. The while once at Mount Vernon, and what occurred during that time, I saw nothing at that time to induce me to think her intellect was feeble. — I sat with her alone at Mt. Vernon and saw her also during her last illness on Staten Island. These are the special times I have seen her; the conversations during her illness, regarded her illness. — Q. Did any of the deceased family at any time direct your attention to the state of her mind. — Ans. I don't remember they ever did. — Q. Have you been subpoenaed here, or did you come voluntarily. — Ans. I was not subpoenaed, I came at the request of Mr. Towle. — Signed — John B. Stevenson

Counsel for Applicant, Offers to Mr. Case who appears as the Guardian of his daughter Mary Jane Case to strike out that part of the Testimony of Mr. Stevenson which relates to what Mr. & Mrs. Case said to him. — Mr. Case not accepting the offer to strike out the examination of witness above. — And the following by agreement of the parties, to be testimony in the case

In the matter of Proving the last Will and Testament of Mary Abel Howell }
City and County of New York, ss. George Case, Queerian for Mary Jane Case, an infant. &c. Being duly sworn in this matter, maketh oath and sayeth, that Mrs. Howell the mother of the deceased, has not to the knowledge of or belief of this deponent any other provision or means of maintenance than such as she derives from the last Will & Testament of John Abel, deceased; That according to the best recollection of this deponent the specific sum therein provided for her support is one hundred dollars per year, to be increased or diminished by the executors named in the said last Will and Testament at their discretion, who are now both deceased. — And this deponent further saith, that in the life time of the said executors, there was set apart from the estate of the said John Abel a fund of ten thousand dollars, the income of which was appropriated by the said executors, to the maintenance of the said Mrs. Howell, and her son the brother of the deceased. — That this fund was sometime subsequent to the death of said executors paid over into the hands of Jane, the wife of Jeremiah Towle, the Administratrix of the said John Abel, or into the hands of her husband Jeremiah Towle. — That Mrs. Howell has since continued to now lives with her said daughter, and her said daughter's husband, and is provided for by them. — And this deponent further saith, that the said son of Mrs. Howell, was only entitled to a maintenance from the said fund until he became of age, which was some years ago, and then to have five hundred dollars paid him from said fund. — And that he now is, as this deponent is informed & believes, living with Mr. Towle and his wife on Staten Island. — And this deponent further saith, that the property of the said deceased, consisted of funds deposited

to her in and by the last Will and Testament of the said John Abel deceased, and that by a Decree of the Court of Chancery, bearing date on or about the 7th day of June 1837, & a report of one of the Masters of that Court, was therein and thereby duly confirmed, and that in that report it was certified that on the first day of January 1831, there was due to the said deceased from the estate of the said John Abel the sum of nineteen thousand nine hundred and seventy one Dollars, exclusive of her interests in the said fund of ten thousand dollars — and it was ordered in and by the said Decree that the said Jeremiah Towle and Jane his wife account with the said deceased for such proportion of the money received by them from the administrators of the surviving executor of John Abel, as she was entitled to. — And that the whole of her property under the said Will and the said Decree was paid over to Mr. Jeremiah Towle and Jane his wife by the said administrators. — but this deponent does not know that the said deceased was entitled to that sum of money at the time of her decease. — (It is ~~known~~ admitted by the Counsel for the applicant that the sum of about 17,000 Dollars came into the hands of the said Jeremiah Towle and Jane his wife for the said deceased, exclusive of her share, in the Ten thousand dollar fund so called.) — And this deponent further saith, that he is informed and believes, that all the property of the said deceased, at the time of her death, consisted of this claim against Jeremiah Towle and his wife.

Signed Geo. Case

Subscribed & sworn to this
1st day of Dec^r 1838. Before me

J. C. Hart. Esq. in Chancery

It is agreed that the power of Attorney referred to in the testimony of William B. Craft, or a certified copy thereof, be read in evidence in the matters together with the preceding affidavit.

Geo. Case. Guardian &c.

J. C. Hart. of Counsel for
Applicant.

On hearing the Arguments of Geo. Case. Esq. Guardian &c. in Opposition to the Validity of the Will, and J. C. Hart, Esq. Counsel for Applicant, in favor of the Validity of said Will. the 12th day of January, instant, the matter was submitted to the Court.

The foregoing proofs and examinations, taken before me, the Surrogate aforesaid, at the time and place first mentioned, and the depositions of the respective witnesses, were by them respectively subscribed after having been carefully read over to them, and the testimony committed on by the respective Counsel. — And the said Surrogate, upon due deliberation thereof, being satisfied, upon the said proof taken, that the said Will was duly executed; that the said Mary Abel Howell, the Testatrix aforesaid, at the time of executing the same, was in all respects competent to devise and bequeath her estate, and not under restraint, — do therefore allow the said Will, proofs and examinations to be recorded. Which proofs & examinations are herein before recited, and the Will so allowed to be recorded is as follows.

Witness Richard Crockeron, Surrogate aforesaid the twenty first day of January, in the year, one thousand eight hundred & thirty nine.

Rich^d Crockeron Surrogate

The last Will and Testament of Mary Abel Howell. ^{single woman} In the Name of God. Amen.

I Mary Abel Howell, do make this my last Will and Testament, hereby revoking and annulling all other Wills and Testaments by me heretofore made.

I give, devise and bequeath to my Executors — hereinafter named all my Real and Personal estate, in trust nevertheless, for the uses and purposes in this my Will specified and directed. — that is to say.

I direct that all my just debts and funeral expenses be paid and discharged.

I will and direct that my said Executors, as soon after my ~~decease~~ ^{decease} ~~decease~~ ^{decease} as may be, do place the sum of eight thousand dollars at interest on Bond and Mortgage on Real estate; and that the Interest thereof, or the income derived therefrom, be divided between my beloved Mother and my Brother John H. Abel, as follows. — that is to say. — The sum of three hundred dollars annually of the said interest to be applied by my said Executors, or

the survivor of them, in quarterly payments, or often
 or if necessary in smaller sums, to the comfortable sup-
 port, boarding and clothing of my Brother John H. A-
 beef of Nevada, so long as he shall live: — And the re-
 maining part or residue of said interest, or income de-
 rived from said investment, is to be paid to my said
 Mother, whenever the same is received by my said Ex-
 ecutor, so long as my said Mother shall live. —

And upon the death of my said Brother, — I give and
 bequeath the sum of Five thousand dollars out of said
 Principal sum to my sister Jane Abel Towle, her
 heirs, executor, administrator, or assigns forever. —

And upon the death of my said Mother, I also —
 give and bequeath the sum of three thousand dollars
 out of said Principal sum, to my said sister Jane
 Abel Towle, her heirs, executor, administrator or af-
 signs forever; — And these sums respectively, exhaust-
 ing the said principal sum of eight thousand dollars,
 are to be paid over by my executor or the survivor of them
 as herein above directed, as soon as may be after the
 death of my Mother, or said Brother respectively shall
 happen. —

I will and direct that my said Executor pay
 the sum of five hundred dollars to my niece, Mary Jane
 Case when she shall arrive at the age of twenty one
 years. — The same is to be paid into her own hands,
 for her own personal use, upon her own receipt, free and
 exempt from the control or interest of any other person
 or persons whatever.

I will and direct, that my executor, in like
 manner pay the sum of five hundred dollars to each of
 my sister Jane Abel Towle's children, as they shall res-
 pectively arrive at the age of twenty one years.

All the rest and residue of my estate, I give, devise
 and bequeath to my sister Jane Abel Towle, her heirs,
 executor, administrator, and assigns forever: And
 also in the event of the decease of my said niece Ma-
 ry Jane Case, or either, or any of the children of my said
 sister Jane Abel Towle, before arriving at the age of
 twenty one years, — I give, devise and bequeath her-
 heirs, or either, or each of their said legacy, or legacies

respectively, (to be paid at their respective death or deaths, they happen)
 to my said sister Jane Abel Towle, her heirs, executor, administrator
 or assigns forever.

I desire that it may be understood that the interest money
 herein devoted to my Mother's use, is not in any way to interfere
 with her income or separate support, which she derives under the
 Will of John Abel, deceased, but shall be in addition thereto;
 and also that the bequests herein made to my sister Jane Abel
 Towle, are made in sisterly regard and affection, and also
 as some compensation for the great and tender care and at-
 tention exercised by her and her family towards me in
 my protracted illness.

I nominate and appoint my brother in law —
 Jeremiah Towle, Esquire, and Charles C. Ferris, Esquire
 of New York, my Executors of this my last Will & Testament

In witness whereof I have hereunto set my hand &
 seal the third day of August, in the year of our Lord, —
 one thousand, eight hundred and thirty eight.

Mary Abel ^{Howell} 

Signed, sealed, published and declared, by the said
 Mary Abel Howell, as and for her last Will and Testament
 in the presence of us, who at her request, and in her presence,
 and in the presence of each other, have hereunto subscribed
 our names as witnesses.

L. C. Hart. No 13. Pine Street. New York.
 James H. Hart. New York.

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, the fourteenth day of February in the
 year of our Lord, one thousand, eight hundred and
 thirty nine, before Richard Corbushon, Surrogate of the
 said County the last Will and Testament of Mary Abel
 Howell late of the said County, deceased, (of which the fore-
 going is a copy) was admitted to probate after citation
 there to the next of kin to the said deceased, duly issued,
 served, returned and filed according to law. — Where-
 upon at the place aforesaid, the sixth day of October —

last part J. C. Hart & Jas H Hart 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 her publish and declare the same as and for her 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 Testatrix. — Whereupon I the said Surrogate upon the proof aforesaid and subsequent proof taken from time to time by adjournment. — 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.

Witness my hand & the seal of the Surrogate at the said Court on the 25th day of February, and year aforesaid.

Rich^d Crockeron, Surrogate.

Be it also remembered that at the said Surrogate Court held at the time and place aforesaid personally appeared before me Jeremiah Toole, & John, one of the Executors in the said Will named, 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 of the last Will & Testament of Anthony Fountain, late of Castleton, Richmond County, 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's Office in said County the twenty seventh day of December, in the year of our Lord, one thousand eight hundred and thirty eight. — Present, Rich^d Crockeron, Surrogate.

In the matter of proving the last Will and Testament of Anthony Fountain, late of Castleton, Richmond County, deceased.

On reading & filing the Petition of Clarissa Fountain & Lewis R. Marsh propounding the Will of the said deceased, an Order was made and entered that Citation issue to the Widow, heirs & next of kin of said deceased, in pursuance of said Petition, returnable the twenty fifth day of February next, 10 o'clock in the forenoon.

The said Citation set forth that Henrietta Fountain, Louisa Fountain, George Fountain, Edward Fountain & John Fountain, children of the said deceased, — and Louisa Fountain, Catherine Ann Fountain, Anthony Fountain, Africa Fountain, George Fountain & Howard Fountain, children of Anthony Fountain ^{deceased} are minors, and all heirs at law of the said Anthony Fountain deceased. — Whereupon an Order was made & entered that George Brown, of Southfield, in said County be appointed Guardian of the five first named minors, and John Fountain of Castleton in said County be appointed Guardian of the last named minors: to appear for and take care of their interests in the premises.

Be it also remembered that a Surrogate Court held in and for the said County the twenty fifth day of February, in the year one thousand eight hundred and thirty nine. — Present, — Richard Crockeron, Surrogate.

In the matter of proving the last Will & Testament of Anthony Fountain, late of said County, deceased.

The Citation heretofore issued by the said Surrogate to the heirs & next of kin of the said deceased, to attend the probate of the said Will was returnable this day, Clarissa Fountain & Lewis R. Marsh the applicants for its proof appeared. — The said Marsh returned the said Citation and made proof of the due service and publication thereof as required by law. — and the said Marsh also returned the appointment of Guardian for the minor heirs heretofore issued by the said Surrogate.

With the consent in Writing to become such Guardian and on them on, and subscribed by the said Guardians. Whereupon the said Court being satisfied with the Proof made in the premises that the heirs & next of kin have been cited as required by law, leave was given the said Applicants to prove the said Will.

State of New York }
Richmond County } ss.

In the Matter of proving the last Will & Testament of Anthony Fountain, dec'd. Tunis Egbert of Southfield in said County being sworn deposes, that he saw the said Anthony Fountain, sign and seal the instrument now shown him, purporting to be the last Will and Testament of the said deceased, bearing date the sixteenth day of October, in the year of our Lord, one thousand, eight hundred and seventeen, that he 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 this deponent, - and that he this deponent, together with William Froume and Mary Froume the other subscribing Witnesses to the said Will subscribed their names thereto as Witnesses at the request and in the presence of the said Testator & in the presence of each other. - Signed. Tunis Egbert - Sworn the 25th day of Feb 1839. before me.

Rich^d Crochran Surrogate

Mary Moore (formerly Mary Froume before her marriage with John Moore) of the said County of Richmond, being sworn deposes that she saw the said Anthony Fountain sign and seal the instrument now shown her, purporting to be the last Will and Testament of the said deceased, bearing date the sixteenth day of October, in the year of our Lord, one thousand, eight hundred & seventeen, that she 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 memory and not under any restraint to the best of her knowledge and belief, and that she this deponent

together with William Froume and Tunis Egbert the other subscribing Witnesses 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 further deposes that William Froume the said subscribing Witness, as she is informed and verily believes is now deceased. - Signed Mary Moore

Sworn the 25th day of February 1839. before me

Rich^d Crochran Surrogate

The foregoing proofs and examinations taken before me, the Surrogate aforesaid, at the time and place first mentioned, and the dispositions of the respective Witnesses, were by them voluntarily - subscribed after having been carefully read over to them. - And the said Surrogate, being satisfied, upon the said Proof taken, that the said Will was duly executed; - that the said Testator at the time of executing the same, was in all respects competent to declare and bequeath Real and Personal estate, and not under restraint. - do therefore allow the said Will, proofs and examinations, to be recorded, which said proofs is herein before recorded & contained, and the said Will to be recorded to be recorded is as follows.

The last Will and Testament of Anthony Fountain of the Town of Castleton, in the County of Richmond and State of New York. - I Anthony Fountain considering the uncertainty of this mortal life - and being of sound mind and memory, (Blessed be Almighty God for the same) do make and publish this my last Will and Testament in manner and form following (that is to say) - First I give, devise and bequeath unto my beloved wife Clarissa Fountain the sole and exclusive use, benefit and enjoyment of all my estate both Real and personal and of what nature or kind soever. - To have and to hold the same during her natural life if she shall so long remain my Widow. - And I do hereby commit the Guardianship of any son Cornelius Fountain to my said wife during her natural life if she shall so long continue my Widow. - And from and after her decease or second marriage unto my beloved son John Fountain his heirs and assigns. - And I do enjoin upon my said wife

to take care of my said Son Cornelius Fountain in a suitable manner so long as he shall be under her Guardianship as aforesaid:— And I do hereby charge all my said estate bequeathed to her as aforesaid, with the support and maintenance of my said Son Cornelius Fountain during all the time aforesaid and with the payment of all my just debts and funeral expenses. — Item, Immediately after the death or second marriage of my said Wife, which shall first happen, — I do hereby order and direct my executors herein after named, or the Survivors or Survivor of of them, to sell and dispose of all my said estate both Real and Personal, and to pay and divide the monies arising therefrom, after satisfying all charges and expenses, equally among all my children, including the Child or children of which my said Wife may now be pregnant, who shall then be living, and to the lawful issue of such as shall be dead; — And in case such sale and division as aforesaid should take place in consequence of the second marriage of my said Wife, then my will is, that she shall have a third of my said estate, equal with my said children — which said legacies given to my said Wife as aforesaid, I hereby declare is intended to be, and is given to her in full satisfaction and recompence of, and for her Dower and Morsels which she may, or can in any wise claim or demand out of my said estate.

And Lastly, I do hereby appoint my beloved Wife Elizabeth Fountain, my Son Albert Fountain and Anna Lewis R Marsh, executors and executrix of my last Will and Testament, — hereby revoking all former Wills by me made.

In Witness whereof, I have hereunto set my hand and seal this sixteenth day of October, in the year of our Lord one thousand, eight hundred and seventeen

Anthony Fountain

Signed, sealed, published and declared by the above named Anthony Fountain to be his last Will & Testament in the presence of us who have hereunto subscribed our names as witnesses in the presence of the Testator

William Frome, — Junia Egbert, — Mary Frome
State of New York, Richmond County, &c.

Be it remembered that a Surrogate Court, held in and for the County of Richmond at the Surrogate office in said County the twenty fifth day of February in the year one thousand nine hundred and eight hundred and thirty three, before Richard Crockeron, Surrogate of the said County, the last Will and Testament of Anthony Fountain 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 aforesaid Junia Egbert & Mary Frome (before marriage, Mary Frome) two of the subscribing witnesses to the said Will after having been duly sworn by the said Surrogate to testify that they well 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 two of 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 and in the presence of each other. — 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 Elizabeth Fountain, executrix & Anna Lewis R Marsh executrix in the said Will named. — (Albert Fountain the other executor named in said Will is now deceased) upon their taking and subscribing the oath of office prescribed by law.

Be it also remembered that at the said Surrogate Court, held as above, personally appeared before me Elizabeth Fountain the executrix named in the Will of said Anthony Fountain, deceased, and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed.

Richard Crockeron, Surrogate

Record of the Will of Mary Ryan, late of Westfield, deceased.

State of New York, Richmond County, ss.
Be it remembered that a Surrogate's Court held in & for the County of Richmond, at the Surrogate Office in the said County, the eighth day of March, in the year of our Lord, one thousand, eight hundred and thirty nine.

* Present. — Bishop Crockeron, Surrogate.
In the matter of proving the last Will & Testament of Mary Ryan late of Westfield, Richmond County, ss.
In reading and filing the Petition of James Ryan, petitioner, the said Will & the said deceased, an order was made and entered, that Citation issue to the heirs & next of kin of said deceased, in pursuance of said Petition on Thursday the twenty first day of March instant, at the hour of eleven o'clock in the forenoon.

Be it also remembered that a Surrogate's Court held in and for the said County of Richmond, the tenth day of April, one thousand eight hundred and thirty nine.

* Present. — Bishop Crockeron, Surrogate.
In the matter of proving the last Will and Testament of Mary Ryan, late of Westfield, Richmond County, ss.

The matter of proof of the said Will being assigned to the day. — Andrew H. Bennett the Executor named in said Will, and Joseph Adams, one of the heirs and next of kin of the said deceased appeared. — The Citation to the heirs and next of kin of the said deceased, heretofore issued by the said Surrogate was duly returned by the said James Ryan, with the due acknowledgements of service and return thereon, and signed by the said heirs and next of kin.

Whereupon the said Court was satisfied, that the heirs and next of kin of the said deceased have been duly cited to attend the Probate of said Will as required by law, — leave was given the applicant to prove the said Will.

State of New York,
Richmond County, ss.
In the matter of Proving the last Will and Testament of Mary Ryan, late of Richmond County, formerly of Phillips Town in Putnam County and John Hubbell, of Cortlandt Town, Westchester

County being sworn deposes, that he did see the said deceased sign and seal the ~~last~~ instrument now shown him purporting to be the last Will and Testament of the said deceased, bearing date the nineteenth day of May, in the year of our Lord, one thousand, eight hundred and thirty three, that he heard the said deceased publish and declare the said instrument as and for her 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 this deponent, and that he the said deponent together with Joseph Hubbell the other subscribing witness, subscribed their names thereto as witnesses at the request and in the presence of the said Testatrix and in the presence of each other. Signed John Hubbell
Sworn the 10th day of April 1839 before me Bishop Crockeron, Surrogate.

Joseph A. Hubbell of Phillips Town, Putnam County being sworn deposes, that he did see the said deceased sign and seal the instrument now shown him purporting to be the last Will and Testament of the said deceased, bearing date the nineteenth day of May, in the year of our Lord, one thousand eight hundred and thirty three, that he heard the said deceased publish and declare the said instrument as and for her 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 this deponent, — and that he the said deponent together with John Hubbell the other subscribing witness to the said Will, subscribed their names thereto as witnesses at the request and in the presence of the said Testatrix and in the presence of each other.
Signed Joseph A. Hubbell

Sworn the 10th day of April 1839. before me.

Bishop Crockeron, Surrogate.

The foregoing proofs & examinations taken before me the Surrogate aforesaid, at the time and place first mentioned, and the depositions of the respective witnesses, were by them respectively subscribed after having been carefully read by them. — And I the said Surrogate, being satisfied upon the said proof taken, that the said Will was duly executed, that the said Testatrix at the time of executing the same was in all respects competent to devise and bequeath Real and Personal estate and not under restraint.

do therefore allow the said Will; Proofs and examinations to be recorded, which said proofs is heretofore recorded and contained. — And the said Will so ordered to be recorded is as follows.

In the name of God Amen. I Mary Ryan late of the City of New York, but now in the Town of Phil-
lypstown, County of Putnam and State of New York, being Weak in bodily Health and considering the uncertainty of this mortal life, and being of sound and disposing mind and memory, blessed be Almighty God for the same do make and publish this my last Will and Testament in manner following. — That is to say. — In the first place recommending my soul to Almighty God who gave it, and my body to the grave, and with respect to what property the Lord hath been pleased to bless me with in this world, I dispose of it in manner following. — In the first place I order Will and direct my Executors to pay my funeral charges and all my honest debts. — I will, give and bequeath to my daughter Emeline all my household furniture, the Bed, Bedding and Bedstead, that I lie on myself, and also my large family Bible to be delivered to her at the end of one year after my death, by my executor. — I will, give and bequeath all the residue of my household furniture to my daughter Mary, to be delivered to her by my executor in one year after my death. — I will, give & bequeath all my wearing apparel to my daughter Emeline and my daughter Mary share and share alike. — I will, give and bequeath to my sister Abigail, wife of Henry Hubbard one thousand Dollars, to be paid by my executor in one year after my death. — I do hereby empower, order and direct my Executors herein after named and appointed, to sell all my estate both Real and personal not heretofore otherwise disposed of, and give good deeds or deeds in law for the same and to collect all debts and take charge of all my estate immediately after my death. — And the money arising from my estate not heretofore otherwise disposed of. — I will, give & bequeath one fifth part to my son Joseph Adams, one fifth part to my son Stephen Adams to be paid them in one year after my death if claimed by them. — I will, give

and bequeath to my son James Ryan and one fifth part to my daughter Emeline Ryan to be paid them by my Executors when they shall arrive to the age of twenty one years. — And the Interest that shall be got for the two last mentioned fifth parts to be paid to the said James & Emeline for their support and education, each and every year by my Executors — untill they shall be entitled to receive the principal. — And I do will give and bequeath one other and the last fifth part to be put at Interest — during the life time of my daughter Mary, and the Interest arising from the same I order and direct my Executors to pay each and every year to my said daughter Mary during her life. — And if in the opinion of my Executors the interest is not sufficient for her support, in such case I do order and direct them to pay so much of the principal as they shall think will be sufficient. — And if my said daughter Mary should leave at her death any lawful issue, then I give and bequeath — what part the last mentioned fifth shall not have been expended for the support of my said daughter Mary, to be equally divided amongst her lawful children. — But in case my said daughter should die leaving no children, in that case I will give and bequeath the same to be equally divided amongst the foregoing legatees. — And further as it is uncertain whether my son Stephen is dead or alive, and has been absent for a number of years, and in case my said son Stephen should not return in ten years after my death and claim the above legacy. — in such case I will, give and bequeath the said legacy, to the foregoing legatees — share and share alike. — And lastly, I do hereby nominate, constitute and appoint my friend Jonathan Ferris of Courtlandt Town, Westchester County, and my friend Andrew Bennett of the City of New York my lawful Executors to this my last Will and Testament. —

In Testimony Whereof I have hereunto set my hand and seal this nineteenth day of May, in the year of our Lord One thousand, eight hundred and thirty three.

Mary Ryan

Signed, Sealed, published and declared, by the above named Mary Ryan, as and for her last Will and Testament, in the presence of us who have hereunto subscribed our names in the presence of the Testator and in the presence of the Testator each other.

John Hubbard, residing in Courtlandt Town
Joseph Hubbard, residing in Phillips Town

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's office in said County the Tenth day of April, in the year of our Lord, one thousand eight hundred and thirty nine, before Richard Crocheron Surrogate of the said County the last Will and Testament of Mary Ryan late of the said County, deceased, (of which the foregoing is a copy) was admitted to Probate after citation of 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 John Hubbard and Joseph Hubbard 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 her publish and declare the same as and for her 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 Testatrix. — Whereupon the Surrogate aforesaid, upon the proof aforesaid being satisfied of the genuineness and validity of the said Will &c. Ordered that the said Will be admitted to Probate, and that let the said Testamentary thereon be granted to Andrew Bennett the executor named in the said Will named (Jonathan Lewis the other executor being dead, as is alleged) upon his taking and subscribing the oath of office prescribed by law.

Rich^d Crocheron. Surrogate

Be it also remembered, that on the said Tenth day of April, in the year of our Lord, one thousand eight hundred and thirty nine, personally appeared before me Andrew Bennett an Executor named in the Will of the said Mary Ryan, and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed.

Rich^d Crocheron. Surrogate

Recover of the Will of Jeremiah Pierson late of
 Northfield, Richmond County, 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's office in said County the fifteenth day of March in the year of our Lord one thousand eight hundred and thirty nine.

Present. Richard Crocheron Surrogate

In the matter of proving the last Will and Testament of Jeremiah Pierson, late of Northfield, deceased.

On reading and filing the Petition of Sarah Pierson propounding the said Will of the said deceased, in order — was made and entered that citation issue to the heirs at law and next of kin of said deceased the performance of said citation returnable the thirtieth day of May next, at the hour of ten o'clock in the forenoon.

Be it also remembered that a Surrogate Court held at the office of said Surrogate, the said thirtieth day of May. Before the said Surrogate. — In the matter of proving the Will of the said Jeremiah Pierson, deceased. Sarah Pierson the Applicant and the executor named in said Will appeared with the subscribing witnesses, and asked leave to proceed in the proof of said Will. — The citation being duly issued by the said Surrogate to the heirs at law & next of kin of the said deceased having been duly returned, and proof made on oath of its due service and publication as required by law, leave was given the said Applicant to proceed in the proof of said Will.

In the matter of Proving the last Will & Testament of Jeremiah Pierson late of Richmond County and

Richard Bonner of Northfield in said County being sworn — depone and saith, that he did see the said deceased sign and seal the instrument now shown him purporting to be the last Will and Testament of the said deceased, bearing date the fifth day of March, one thousand eight hundred and thirty six. — And he did 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 this deponent; and that

he the said deponent, together with Nicholas Van Name and Henry A. Courner the other subscribing witnesses to the said Will, subscribed their names thereto as witnesses at the request and in the presence of the said Testator in the presence of each other. — Signed, Richard Courner Sworn & Subscribed the 13th day of May, 1839 before me.

Rich^d. Crocker. Surrogate

Nicholas Van Name of Northfield, Richmond County, being sworn, deposeth and saith, that he did see the said deceased, sign and seal the instrument now shown him purporting to be the last Will & Testament of the said deceased, bearing date the fifth day of March, one thousand, eight hundred and thirty six, — and 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 & memory and not under any restraint, to the best of the knowledge and belief of this deponent; and that he the said deponent together with Richard Courner & Henry A. Courner the other subscribing witnesses to the said Will, subscribed their names thereto as witnesses at the request and in the presence of the said Testator & in the presence of each other. — Signed Nicholas Van Name. — Sworn the 13th day of May, 1839 before me. Rich^d. Crocker. Surrogate.

Henry A. Courner, of the County of Richmond being sworn deposeth and saith. — that he did see Jeremiah Riven decessed, sign and seal the instrument now shown him, purporting to be the last Will & Testament of the said deceased, bearing date the fifth day of March, in the year of our Lord, one thousand, eight hundred & thirty six; and 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 this deponent. — and that he the said deponent together with Richard Courner & Nicholas Van Name the other subscribing witnesses 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. — Signed Henry A. Courner

Sworn the 13th day of May 1839. before me Rich^d. Crocker. Surrogate

The foregoing proofs and examinations taken before me the Surrogate aforesaid, at the time and place first mentioned, and the dispositions of the testator's witnesses, were by them respectively subscribed after having been carefully read by them, and the said Surrogate being satisfied upon the said proofs taken, that the said will was duly executed, that the said Testator at the time of executing the same was in all respects competent to devise and bequeath Real and Personal estate and not under restraint. — do therefore allow the said Will, proofs and examinations to be received; which said proofs are here in before received and confirmed. — and the said Will to be received to be received, is as follows.

In the name of God. Amen. I Jeremiah Pierson, of the Town of Northfield in the County of Richmond and State of New York, do hereby, — hoping good bodily health, together with a sound disposing mind, memory & understanding, seriously contemplating the brevity and uncertainty of this mortal life, and the absolute certainty of death, esteem it my indelible duty, while I have strength and capacity so to do, so to order, direct, regulate and dispose of my temporal concerns and more especially of the hereditarily property, with which I am blessed in this world as is consistent with my ideas of right; to the intent that my good will and pleasure relative to the distribution thereof may be clearly and precisely ascertained, and all doubts, disputes and difficulties respecting the same may be thereby effectually prevented; under those impressions, I order and direct that the subsequent clauses shall be conspicuous, respected and observed as constituting my last Will and Testament, in the words following: to wit.

First, I give and direct, that my Executrix herein after named, pay all my just debts and funeral expenses, out of my personal estate; if that prove to be insufficient to pay the same, then I authorize her to sell so much of my Real estate as may be sufficient to make up the deficiencies.

Seconda. I give and devise so much of my Real and Personal estate to my beloved wife Sarah as she may need, during her natural life. — My said wife

Wife shall and do need the whole of my real and personal estate that shall remain after all my just debts and personal charges being first paid there is my will and I do hereby order that the whole thereof be at her disposal, and she may dispose of the same as she may think proper; and I do hereby authorize her to give absolute sufficient conveyances in the law for the same; And in case my said wife shall not dispose of all my property and that there shall be some yet remaining after the death and interment of my said wife - Then it is my will and I do hereby order and direct that the same shall be equally divided among my Brothers & Sisters children there and there alike. - It is to be understood that my said wife shall be and remain in possession of all my estate after my decease that shall not be sold by her to pay the debts and for her subsistence and maintenance during her natural life.

Lastly, I nominate, constitute and appoint my said wife Sarah my only and sole executrix of this my last Will and Testament, hereby revoking all former Wills by me made.

In testimony whereof, I have hereunto set my hand and seal, this fifth day of March, one thousand eight hundred and thirty six.

Jeremiah Pierson

Signed, sealed, published and declared by the above named Jeremiah Pierson, as and for his last Will & Testament, in the presence of us; who have hereunto subscribed our names in the presence of the Testator, and in the presence of each other.

Nicholas Van Name
Richard Conner
Henry A. Conner

State of New York
Richmond County

Be it remembered that a Surrogate Court held in and for the County of Richmond, at the Surrogate's office in said County the thirteenth day of May, in the year of our Lord one thousand eight hundred and thirty nine, before Richard Crocheron, Surrogate of the said County, the last Will and Testament of Jeremiah Pierson 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 aforesaid Nicholas Van Name Richard Conner & Henry A. Conner 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 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 I the said Surrogate upon the proof aforesaid, being satisfied of the genuine and validity of the said Will, do order that the said Will be admitted to Probate and that letters Testamentary thereon be granted to Sarah Pierson the executrix in the said Will named, upon her taking and subscribing the Oath of Office prescribed by law.

Rich^d Crocheron, Surrogate

Be it also remembered, that on the said thirteenth day of May in the year of our Lord one thousand eight hundred and thirty nine, personally appeared before me Sarah Pierson the executrix named in the Will of Jeremiah Pierson deceased, and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed.

Rich^d Crocheron, Surrogate

Wife shall and do need the whole of my real and personal estate that shall remain after all my just debts and funeral charges being first paid then it is my will and I do hereby order that the whole thereof be at her disposal, and she may dispose of the same as she may think proper; and I do hereby authorize her to give such and sufficient conveyances in the lands for the same; And in case my said wife shall not dispose of all my property and that there shall be some yet remaining after the death and interment of my said wife. — Then it is my will and I do hereby order and direct that the same shall be equally divided among my — Brothers & Sisters Children share and share alike. — It is to be understood that my said wife shall be and remain in possession of all my estate after my decease that shall not be sold by her to pay the debts and for her subsistence and maintenance during her natural life.

Lastly, I nominate, constitute and appoint my said wife Sarah my only and sole executrix of this my last Will and Testament, hereby revoking all former Wills by me made.

In testimony whereof, I have hereunto set my hand and seal, this fifth day of March, one thousand eight hundred and thirty six.

Jeremiah Pierson

Signed, sealed, published and declared by the above named Jeremiah Pierson, as and for his last Will & Testament, in the presence of us, who have hereunto subscribed our names in the presence of the Testator, and in the presence of each other.

Nicholas Van Name
Richard Conner
Henry A Conner

State of New York }
Richmond County }

Be it remembered that a Surrogate Court held in and for the County of Richmond, at the Surrogate's office in said County the thirteenth day of May, in the year of our Lord, one thousand eight hundred and thirty nine, before Richard Crockeron, Surrogate of the said County, the last Will and Testament of Jeremiah Pierson 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, and by J. W. Conner, returned and filed according to law. — Whereupon at the place and on the day aforesaid Nicholas Van Name Richard Conner & Henry A Conner 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 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 Sarah Pierson 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 thirteenth day of May in the year of our Lord, one thousand eight hundred and thirty nine, personally appeared before me Sarah Pierson the executrix named in the Will of Jeremiah Pierson 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 of the Will of Martha Johnson, widow of John Johnson late of Northfield, New East. and State of New York. Richmond County, N.Y.

We it remembered that I Surrogate Court held in and for the County of Richmond, at the Surrogate Office in said County, the nineteenth day of July, in the year of our Lord, one thousand eight hundred and thirty five

Present. Richard Crocker, Surrogate. In the matter of Proving the last Will and Testament of Martha Johnson, late of the County of Richmond, and

On Reading & filing the Petition of John Johnson, proponent of the Will of the said deceased, an order was made and entered that a citation issue to the next of kin of the said deceased, in pursuance of said Petition, returnable the 29th day of July, instant at the hour of ten o'clock in the forenoon

We it also remembered that I Surrogate Court held at the Office of said Surrogate the 29th day of July, before the said Surrogate. — In the matter of the said Martha Johnson, deceased.

John Johnson, the Applicant for the Probate of the said Will and an executor thereon appeared. John Barker also an executor appeared and made return of the citation to the next of kin heretofore issued for the said Surrogate, from which said return made on oath it satisfactorily appeared that the next of kin of the said deceased have been duly cited to attend the Probate of the said Will as required by law. — leave was given the said Applicant to proceed in the proof of said Will.

The said Will being before the Court, Proof as follows. State of New York, Richmond County, N.Y.

In the matter of Proving the last Will and Testament of Martha Johnson, deceased.

Richard Crocker of Castleton in the County of Richmond, being sworn, deposes & saith, that he did see the said Martha Johnson, dec^d, sign and seal the instrument now shown to him, purporting to be the last Will and Testament of the said deceased, bearing date the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and thirty five, and he saw her the said deceased

publish and declare the same as and for her last Will and 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 the knowledge and belief of this deponent. — And that he the said deponent together with William Crocker the other subscribing witnesses to the said Will, subscribed their names thereto as witnesses at the request and in the presence of the said Testatrix, and in the presence of each other sworn the 29th day of July, 1835, before me ^{Richard Crocker} William Crocker

Richmond County, N.Y. — William Crocker of Castleton in said County, being duly sworn, deposes, that he did see Martha Johnson, now deceased, sign and seal the instrument now shown to him, purporting to be the last Will and Testament of the said deceased bearing date the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and thirty five, and he saw her the said deceased, publish and declare the same as and for her last Will and 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 the knowledge and belief of this deponent. — And that he the said deponent together with Richard Crocker the other subscribing witnesses, subscribed their names thereto as witnesses at the request and in the presence of the said Testatrix and in the presence of each other. — And within this deponent's faith I swear I am on the 29th day of July, 1835, before me ^{Richard Crocker} William Crocker

The foregoing proofs and examinations, taken before me the Surrogate aforesaid, at the time and place first mentioned, and the depositions of the respective witnesses, were by them respectively subscribed, after having been carefully read by them, and the said Surrogate being satisfied upon the said proof taken, that the said Will was duly executed, that the said Testatrix at the time of executing the same, was in all respects competent to dispose of her personal estate and not under restraint. — And therefore allow the said Will, proofs and examinations to be received: Which said proofs is hereto before contained and recorded, and the said Will so proved to be received, — is as follows

In the Name of God, Amen, I Martha Johnson, widow of John Johnson, late of the Town of Northfield, in the County of Richmond & State of New York, (Merchant) deceased, do hereby declare to all men, together with a sound disposing mind, memory and understanding, having fully considered the brevity and uncertainty of this mortal life, and the absolute certainty of death, to come it may in an hour or a day, while I have strength and capacity to do so, to order, adjust, regulate and dispose of my temporal concerns, and more especially the like following property, with which I am blessed in this world, as is consistent with my duty and right; to the intent that my good will and pleasure relative to the distribution thereof may be clearly and precisely ascertained, and all doubts, disputes and difficulties respecting the same may be thereby effectually prevented. — In witness whereof, I have signed and directed that the subsequent declaration shall be considered, respected and observed as constituting my last Will and Testament.

I, therefore, do hereby declare and direct that immediately after my decease and interment my executors herein after named shall make payment of all my just debts and funeral expenses. — Item, I give and bequeath unto the four daughters of my son Joseph Beceall Johnson, namely, Ann, Catherine, Margaret and Martha the sum of one hundred dollars each as they shall come of lawful age, and my executors shall continue to pay the same on interest untill that time or times. — Item, I give and bequeath unto my son James Johnson, one hundred dollars. — Item, I give and bequeath unto my son Joseph Beceall Johnson all my furniture that was left me to furnish two rooms, by my late husband John Johnson, deceased, also a half dozen silver table spoons, half a dozen silver tea spoons and sugar tongs. — I give and bequeath unto Martha Ann Barker, daughter of Captain John Barker the sum of one hundred dollars now in the saving bank with the interest that shall become thereon at my decease. — Item, I give and bequeath unto Ann Barker wife of

Captain John Barker one hundred dollars. — Item, I give and bequeath unto Martha Jane Revell, daughter of Joseph Beceall, fifty dollars, to be kept at interest by my executors untill she shall arrive to lawful age. — Item, I give and bequeath unto Sarah the well wife of Joseph Beceall the sum of ten dollars. — Item, I give and bequeath unto the two daughters of my son John Johnson, namely, Caroline Frost and Sarah Emily Dickols the sum of ten dollars each. — Item, I give and bequeath unto Martha Johnson daughter of Jacob Johnson ten dollars. — Item, I give and bequeath unto Eleanor Robert Johnson, daughter of my son Israel Johnson ten dollars. — Item, I give and bequeath unto Caroline Johnson, daughter of my son John Johnson one Mercedes bed quilt. — Item, I give and bequeath unto Sarah Eleanor Johnson, daughter of my son John Johnson one pair of Chamber plates and a clock. — Item, I give and bequeath unto Eleanor Johnson, daughter of my son Israel Johnson, one new patch work bed quilt. — Item, I give and bequeath unto Eliza Masterson daughter of Jacob Johnson and Jane daughter of my son Joseph Beceall Johnson all my wearing apparel, shoes and shoes like.

Lastly, I do hereby nominate, constitute, authorize & appoint my son John Johnson and my friend Captain John Barker to be the executors of this my last Will and Testament, hereby revoking all annulling and voiding 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 October, one thousand eight hundred and thirty five

Martha Johnson

Signia, Seal, published, pronounced and declared by the said Martha Johnson as and for her 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 Testatrix, and also in the presence of each other.

Edwina Conner
William Conner

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 ninth day of July, in the year of our Lord one thousand eight hundred and thirty nine, before Richard Crockeron, Surrogate of the said County, the last Will and Testament of Martha Johnson 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, duly issued, served, returned and filed according to law. — Whereupon at the place and on the day above said Richard Crockeron and William Crockeron the undersigned witnesses to the said Will, after having having and duly sworn by the said Surrogate testified that they did see the said deceased sign and seal the said instrument, — that they heard her publish and declare the same as and for her last Will and Testament, at the time thereof the said deceased was of sound disposing mind and not under any restraint, and that they subscribed the said Will as witnesses at the request and in the presence of the said Testatrix.

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, and their taking and subscribing the oath of office be enforced by law.

Rich^d Crockeron, Surrogate.

Be it also remembered, that on the said twenty ninth day of July, personally appeared before me John Johnson and John Barker, the Executors named in the said Will of the said Martha Johnson, 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 of the Will of Isaac Cole, late of Westfield and 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, the sixteenth day of July, 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 and Testament of Isaac Cole, late of Westfield, Richmond County, and in proving and filing the Petition of Abraham Cole propounding the Will of the said deceased, an order was made and entered that a citation to the heirs at law, and widow and next of kin of the said deceased in pursuance of said Petition, returnable the 24th day of June instant, at the hour of two o'clock in the afternoon.

Be it also remembered, that at a Surrogate's Court held at the Office of said Surrogate, on the said 24th day of July, before the said Surrogate. — In the matter of proving the Will of the said Isaac Cole deceased.

Abraham Cole the Applicant for the proof of said Will, and an Executor named therein appeared, and made return in oath of the due service of the citation, to the heirs, widow and next of kin of the said deceased, heretofore issued by the said Surrogate. — Whereupon the said Court being satisfied that the heirs and next of kin have been duly cited to attend the Probate of said Will, this day, as required by law, — (Martha Cole the widow and executrix named in said Will having appeared) leave was given the said Applicant to proceed in the proof of said Will. — Proof as follows. —

State of New York, Richmond County, ss. — In the matter of Proving the last Will and Testament, of Isaac Cole late of Westfield, deceased. — James Mance of Westfield in the County of Richmond, being sworn deponent and oath, that he did see the said Isaac Cole now deceased, sign and seal the Instrument now shown to him, purporting to be the last Will and Testament of the said deceased, bearing date the second day of February, in the year of our Lord one thousand eight hundred and thirty two, and heard him the said deceased 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 & memory and not under any restraint, to the best of the knowledge and belief of this deponent, — and that the said deceased deponent, together with Frederick O. Tanner & Sally Mance the other subscribing witnesses 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. — James Mance
Sworn before me the 29th day of July 1839, Pith. Breckinridge.

Pittsylvania County, Va. Sally Mance of Westfield being sworn deposes and says, that she did see Isaac Cole late of Westfield, in said County of Pittsylvania, deceased sign and seal the instrument now shown to her, purporting to be the last Will and Testament of the said deceased, bearing date the second day of February, in the year of our Lord, one thousand eight hundred and thirty two, — and heard him the said deceased 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 memory and not under any restraint, to the best of the knowledge and belief of this deponent, — and that the said deceased deponent, together with Frederick O. Tanner and James Mance the other subscribing witnesses 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 further this deponent saith not. Sally Mance
Sworn the 29th day of July 1839 before me, Pith. Breckinridge.

The foregoing proof and examinations, taken before me the Surrogate aforesaid, at the time and place first mentioned, — and the depositions of the respective witnesses, were by them respectively subscribed after having been carefully read over to them. — And I the said Surrogate being satisfied upon the said proof taken, that the said Will was duly executed, that the said Testator at the time of executing the same, was in all respects competent to do and bequeath Real & Personal estate and not under

restraint. — do therefore allow the said Will, prove and examine the same to be received, which said Will is herein before received and contained, — and the said Will is ordered to be received, is as follows.

In the Name of God, Amen. I Isaac Cole of the County of Westfield County of Pittsylvania and State of New York, being of sound disposing mind and memory, blessed be God in the Name of God, do make and declare this to be my last Will & Testament to wit. — First, I give and bequeath my body to be buried, and my soul to God that gave it, and that after my debts and funeral charges are paid — I then direct and direct that all my estate both Real and Personal be left in full possession of my beloved wife Martha Cole for her to have the full use thereof so long as she remains my widow, — In case she should die, she may sell, or cause to be sold all my estate, and have the same part of me (with security) and to receive the benefit of the same (which she should have), and then she is to receive three hundred & fifty dollars in lieu of her dower right. — I then next direct and direct that in case my said wife should die and leave the property unexecuted, that my surviving executors, or executor shall and lawfully do the same and the proceeds arising therefrom to be received during my children in the following manner, (except a good and sufficient Real Estate for the same, I give to my said wife) — First, that my son Isaac M. Cole shall receive his maintenance and a good common school education, until he is old enough to be put to a trade, and at the age of twenty one year, he is to receive one hundred dollars and my silver watch, — I next direct and direct that in case my wife should have another offspring by me after or previous to my death, he or she as the case may be, is to receive the same as is herein above provided for my son Isaac M. Cole. — I then give to my daughter Lydia M. Cole, sixty dollars, and to my daughter Ann Wife of Henry Van Allen fifty dollars. — In case she should die the above sum, and

What may herein after be provided is to be put at Interest for her children until they shall arrive at lawful age to receive the same. Then next order and direct, that as soon as my said Wife should die, or in case she should marry, that the residue of my personal should be sold, and that all of the Remainder of the said estate should be divided equally among all my children Eliza wife of James Palmer, Abraham Cole, Anne wife of Henry Van Allen, Lydia W Cole, and Isaac Washington Cole, and all others as there may be, each to share and share alike. — In case either of my Children should die and leave children, their Father or Mother, there is to be divided equally among them. — I the next leave it to the discretion of my Executor with the consent of my Wife to sell any part of my personal estate as soon after my decease as they may deem proper.

And they. — I nominate and appoint my said Wife Martha Cole, executrix, and my son Abraham Cole to be executor to this my last Will and Testament. hereby revoking, annulling, and disannulling all, or any other Will or Wills by me made.

In Witness Whereof, I have hereunto set my hand and seal this second day of February, in the year of my Lord, one thousand, eight hundred and thirty two.

Signed and sealed in presence of
 Jacob C. Palmer
 James Marice
 Sally Mance

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 ninth day of July, in the year of our Lord, one thousand eight hundred and thirty nine, before Richard Crockeron, Surrogate of the said County, the last Will and Testament of Isaac Cole late of the said County deceased (of which the foregoing is a copy) was admitted to Probate after Citation to the heirs, widows 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 James Mance and Sally Mance 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, 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 oath of 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 Martha Cole executrix & Abraham Cole the executor in the said Will named, on their taking and subscribing the oath of office prescribed by law.

Richard Crockeron, Surrogate

Be it also remembered that on the said twenty day of July, personally appeared before me Martha Cole, executrix & Anne Cole executor, named in the said Will of the said Isaac Cole, deceased, and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed.

Richard Crockeron, Surrogate

Record of the Will of John Norrell. 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 said County, the nineteenth day of July, in the year of our Lord one thousand, eight hundred and thirty nine

Present. Richard Crockeron, Surrogate

In the matter of proving the last Will & Testament of John Norrell late of the Town of Northfield, ad².
 On reading & filing the Petition of Richard Norrell prosecuting the Will of the said deceased, — an order was made and entered that a Citation issue to the heirs and next of kin of the said deceased in pursuance of said Petition

returned the eighth day of August next two O'clock P.
Be it also remembered, that a Surrogate Court held at the
Office of the said Surrogate on the said eighth day of August
before the said Surrogate; — In the matter of Proving
the Will of Anne Merrill, late of said County, and.

Richard Merrill the Applicant for the proof of the said
Will, and an Executor therein named, appeared, and
returned the Citation to the heirs & next of kin of the said de-
ceased. — The said heirs & next of kin also appeared — he
having previously acknowledged said Service of the
said Citation) leave has given the said Applicant to
prove the said Will. — Proof as follows.

State of New York, Richmond County, ss. — In the Ma-
ter of Proving the last Will & Testament of Anne Merrill and
Solomon Leluff, of the Town of Northfield in the Coun-
ty of Richmond being duly sworn, Ophoretha and Cath-
arine Merrill the said deceased, sign and seal the said
instrument now shown him, purporting to be the last
Will and Testament of the said deceased bearing date the
twenty third day of April, in the year one thousand one
hundred and eighty eight, hundred and eighteen, and heard
her the said deceased, publish and declare the said in-
strument, as and for her last Will & Testament, — that at
the time when of the said deceased was of sound disposing
mind and memory and not under any restraint,
to the best of the knowledge and belief of this deponent
and that he the said deponent, together with Daniel
Leluff, and David Merrill the other subscribing witnesses
to the said Will, subscribed their names thereto as wit-
nesses, at the request and in the presence of the said Testa-
tor and in the presence of each other, — And this depon-
ent further says, that Daniel Leluff one of the said sub-
scribing witnesses is not living; he having departed this
life some years since, — and further this deponent
says, that David Merrill the other subscribing witness
is out of the State of New York, and that he resides in the
State of New Jersey as he is informed and believes
I sworn before me the 8th day of August —
1839. Rich^d Surrogate — Solomon Leluff

The foregoing proof and examination taken before me the Surrogate
aforesaid at the time and place first mentioned, and the deposti-
on of the said Witness were by him subscribed, after having
been carefully read over to him. — And the said Surrogate
being satisfied upon the proof taken, that the said Will
was duly executed, that the said Testator at the time of
executing the same, was in all respects competent to dis-
pose of his estate, and not under restraint. — do therefore
allow the said Will, proof and examination to be recor-
ded, — which said proof is herein before recorded & contin-
ues. — And the said Will so ordered to be recorded is as fol-
lows.

In the Name of God, Given. This twenty
third day of April, I Anne Merrill of the County of
Richmond, being in perfect health, and in perfect strength, and
in a right composition of mind, thanks be to him mightily for, and
calling to remembrance the uncertain state of this transitory life,
and that all flesh must yield to death, where it shall please God
to call. — Therefore I ordain and declare this my last Will and Testa-
ment, in manner and form following, — Making voice and sound
ling by these presents, all and every Testament and Testaments,
Will and Wills, heretofore by me made and declared either by
word or writing, And this is to be taken only for my last Will
and Testament and none other, — And first being penitent
and sorry from the bottom of my heart for my sin part, —
Most humbly begging forgiveness for the same. — And I give
and commit my soul to God my Saviour and Redeemer
in whom and by the merits of Jesus Christ, I trust and be-
lieve assuredly to be saved, and to have full remission and
forgiveness of all my sins, and that my soul with my Bo-
dy at the general day of the resurrection, shall arise again
with joy, and through the merits of Christ's passion, suf-
fer and inherit the Kingdom of heaven, prepared for
his elect, — And my Body to be buried in such a place
where it shall please my Executors hereafter named to
appoint. — And now for the settling my temporal es-
tate, and such goods and chattels and debts as it hath
pleased God for, for above my assets to bestow upon me
I do order give and dispose in the manner and form
following, that is to say, — First, I will that all those
debts and dues, that I owe in right or conscience to

any manner of Person or persons whatsoever, shall be well and truly paid, or provided to be paid, with convenient time, after my decease by my executors hereafter named. — I give and bequeath unto my Father the sole possession of all my lands and goods and Chattels during his natural life, only with this reserve that my Daughter Gitty, shall not be debarr'd of her home and in the second place, I give unto the Reformed Dutch Church unto which I belong, the sum of thirty Dollars, which shall be paid as quick as possible after the death of my Father, and in the third place, I give unto my Daughter Gitty the sole possession of all my lands and goods and Chattels, after the death of my Father and paying all just and right debts and the thirty Dollars to the Church, during her natural life, and after her death it shall fall to her Children. — That is to say, in the first place, I give my Father the sole possession of all my lands and goods and Chattels with the reserve of a house for my Daughter Gitty and in the second place after the death of my Father, I give thirty Dollars to the Church aforesaid, and in the third and last place, I will that after the death of my Father, and paying all just and right debts, and giving the thirty Dollars to the Church, that my Daughter Gitty shall have the sole possession of all the surplus of my lands and goods and Chattels, as long as she lives, and after her death it shall fall to her Children, and for the performance of this my last Will and Testament, I leave to the discretion of my executors, Nicholas Dupuy-Borciau, and Garret Martling and Richard Merrill my Brother, whom I have appointed my executors of this my last Will and Testament. — In Testimony whereof, I have hereunto set my hand and seal this twenty third day of March, in the year of our Lord, Anno Domini, One thousand, eight hundred and eighteen, 1818.

Ames Merrill

Signea Seal and a clearence, By the above named Anne Merrill, to be her last Will and Testament, in presence of us the Subscribers.
 Solomon T. Felch
 Daniel Felch. David Merrill.

State of New York. Richmond County.

Be it remembered that a Surrogate Court be holden and for the County of Richmond, at the Surrogate Office in the said County the eighth day of August, in the year of our Lord, One thousand, eight hundred and thirty, nine, — before Richard Crocker, Surrogate of the said County, the last Will and Testament of Anne Merrill, 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, and she and her heirs returned and filed according to law, in presence at the place and on the day aforesaid Solomon T. Felch one of the subscribing Witnesses to the said Will, whose name testifies that he did see the said deceased sign and seal the said instrument, that he heard her publish and declare the same as such for her last Will and Testament, that at the time thereof the said deceased was of sound disposing mind and memory and not under any restraint. — And that he did subscribe the said Will as a Witness at the request and intimation of the said Surrogate. — 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, on their taking and subscribing the oath of office prescribed by law.

Richd. Crocker, Surrogate

Be it also remembered that on the said day of August in the year, One thousand, eight hundred and thirty, nine, personally appeared before me Richard Merrill, one of the executors in the said Will named and were duly sworn to the faithful performance and execution thereof by taking the usual oath in such cases prescribed.

Richd. Crocker, Surrogate

Record of the Will of Eneas Hughes,
of Factoryville, 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 Sur-
rogate's office in said County, the twentieth day of July
in the year of our Lord one thousand eight hundred
and thirty nine. — Present, Richard Crochran, Surrogate.

In the matter of proving the last Will and Tes-
tament of Eneas Hughes, deceased.

On reading and filing the Petition of William
McSorley procuring the said Will, an order
was made and entered that a Citation issue to the
heirs at law and next of kin of the said deceased
in pursuance of said Petition, returnable the
eighth day of July then next, at the hour of eleven
o'clock in the forenoon of that day.

Be it also remembered that a Surrogate Court held
at the office of said Surrogate on the said eighth day
of July and on the seventeenth day of August then
next, before the said Surrogate. — In the matter of
proving the Will of Eneas Hughes, deceased.

The Citation aforesaid issue to the heirs & next of
kin of the said deceased, were returned duly executed &
published in the State paper as required by law.
and the said Will was allowed to pass. — as follows.

State of New York —
Richmond County ss. In the matter of proving the
Will of Eneas Hughes, deceased.

Patrick McSorley of Factoryville in said County, be-
ing duly sworn deposes and saith, that he did see
the said Eneas Hughes, sign and seal the instrument
now shown him, purporting to be the last Will and Tes-
tament of the said deceased, bearing date the twenty seventh
day of January, in the year one thousand eight hun-
dred and thirty nine, and the Codicil now shown him
bearing the same date, and heard him the said deceased
publish and declare the said instruments, as and for his
last Will and 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 the knowledge and belief of
this deponent, and that he the said deponent together with Robt
Bogardus the other subscribing witnesses to the said Will, and to the
said Codicil, subscribed their names thereto as witnesses, in the
presence of the Testator and in the presence of each other, and fur-
ther this deponent saith not. — Signed, Patrick McSorley, sworn
the 8th day of July 1839, before me, Richd Crochran, Surrogate.

On the matter of proving the Will of Eneas Hughes, and
Robert Bogardus of the City of New York, being sworn says
that he did see the said deceased, sign and seal the
Instrument now shown him, purporting to be the last Will
and Testament of the said deceased bearing date the twenty
seventh day of January, in the year one thousand eight hun-
dred and thirty nine, and heard him the said deceased pub-
lish and declare the said instrument as and for his last
Will and Testament, that at the time thereof the said de-
ceased was of sound disposing mind and not under any re-
straint to the best of the knowledge and belief of this depon-
ent. — And that he the said deponent together with Patrick
McSorley, subscribed the said Will as witnesses at the
request and in the presence of the said Testator and in the
presence of each other. — And this deponent further saith,
that the Codicil to the said Will bearing the said date, was
also executed by the said Testator at the same time, that he de-
clared the same as a Codicil to his said Will, — and that they
the said witnesses subscribed the same as his request as
witnesses in his presence and in the presence of each other
and further this deponent saith not. — Robt Bogardus
sworn the 17th day of August 1839, before me, Richd Crochran, Surrogate.

The foregoing proofs and examinations taken before
me the Surrogate aforesaid, at the time and place first men-
tioned. — And the depositions of the respective witnesses, —
were by them respectively subscribed after having been
carefully read by them. — And I the said Surrogate being
satisfied upon the said proof taken, that the said Will was
duly executed, that the said Testator at the time of executing
the same was in all respects competent to devise & bequeath
real and personal estate and not under restraint. — do
therefore allow the said Will and Codicil, proofs and ex-
aminations to be recorded, which said proof is —

person before referred and contained, and the said Will so ordered to be recorded, is as follows.

In the Name of God. Amen. I Encas Hughes, now residing at Factoryville, Richmond County, State of New York, being desirous of settling my affairs according to my own Will, do therefore make and publish this my last Will and Testament as follows. — I desire that the provisions for my funeral be respectable and under the direction of my executors and that a suitable headstone or Tablet be provided and set up. — the residue of my estate, I give First, to my brother Patrick and my brother Barnabas each seven hundred and fifty dollars, for the purpose repurchasing the house and premises formerly my father's and in which I was born, and to purchase it by such time that it shall always remain in the family as an entailment, but if they be not able to repurchase said house and premises, then each to have the sum seven hundred and fifty dollars. — Second. I give to my father if living five hundred dollars, if he be not living then I give that sum to my brother Barnabas children. Thirdly. I give to my brother Peter five hundred dollars if living, and if he be dead then I give that sum to my brother Barnabas children. — Fourthly. I give to my sister Margaret Hughes one hundred dollars. Fifthly. — I give to the children of my cousin Sally Hughes one hundred dollars. — Sixthly. — I give to the children of my aunt Catherine one hundred dollars. — Seventhly. I give to the children towards building the Catholic Church, about to be built at this place or in the neighborhood, three hundred dollars. — Eighthly. — I give to the Roman Catholic orphan asylum in City in Prince Street, New York, three hundred dollars. Ninthly. — I give devise and bequeath unto my sister Rosannah McSorley and to her heirs and assigns forever my two lots of ground at Factoryville, Richmond County, and I also give to her two hundred and fifty dollars. — Tenth. — All the rest, residue and remainder of my estate, I give to my brother Barnabas children. — And lastly. I make nominate and appoint my friend

Michael Kelly and Lawrence Connolly of New York City my Executors. In witness whereof, I have hereunto set my hand and seal this twenty seventh day of January 1839.

Encas Hughes
Signed, sealed, published and declared by the said Encas Hughes at his last Will and Testament in our presence who have subscribed our names as witnesses at his request in his and each others presence
Patrick McSorley. Factoryville
Dr. Borgeaux. New York City

State of New York. Richmond County, N.Y.
Be it remembered that a Surrogate Court held in and for the County of Richmond, at the Surrogate office in said County, the eighth day of July, in the year of our Lord one thousand eight hundred and thirty nine, before Richard Crocheron Surrogate of the said County, the last Will & Testament of Encas Hughes late of said County of Richmond deceased (of which the foregoing is a copy) was submitted to Probate, after citation to the heirs and next of kin of the said deceased duly issued, service returned and filed according to law, whereupon at the place and on the day aforesaid, & on this seventeenth day of August then next to which day the matter was adjourned, Patrick McSorley & Dr. Borgeaux the subscribing witnesses to the said Will and the Codicil thereto annexed, after having been duly sworn by the said Surrogate, testified that they did see the said deceased sign and seal the said instruments, 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 & Codicil as witnesses, at the request and in the presence of the said Testator. — Whereupon the said Surrogate upon the Oath of aforesaid being satisfied of the genuineness & validity of the said Will & Codicil, do order that the same be allowed to Probate and that letters testamentary thereon be granted to the Executors in the said Will named on their taking & subscribing the oath of office prescribed by law
Richd Crocheron Surrogate

Be it also remembered, that on the seventeenth day of August, One thousand, eight hundred & thirty nine Terrence Connolly, one of the Executors named in the Will of Elias Hughes deceased duly sworn the faithful performance and execution thereof, by him the local oath in such cases prescribed.

Per J. Crocker, Sheriff.

Record of the Will of William E. Dudley, 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 Court Office in said County, the first day of September in the year one thousand, eight hundred & thirty nine. — Present, Wm. E. Crocker, Surrogate.

In the matter of proving the last Will & Testament of William E. Dudley, late of Castleton, deceased.

On reading and filing the Petition of Lawrence Dudley, and touching the Will of the deceased. —

It is ordered that a citation issue to the Widow, next of kin and heir at law of said deceased, in pursuance of said Petition, returnable the fourteenth day of September instant, 12 o'clock at noon, at the dwelling house of the late deceased in Castleton.

Be it also remembered that a Surrogate Court held at the dwelling house of the late Wm. E. Dudley in Castleton the fourteenth day of September, one thousand, eight hundred & thirty nine, when the said above Surrogate. — In the matter of proving the Will of William E. Dudley, deceased.

The citation heretofore issued to the Widow, next of kin and heir at law of the said deceased was duly returned, and proof made of the service thereof by exhibiting copies of the same as required by law.

Whereupon leave was given the Applicant, the above named Dudley to Prove the said Will. — Whereupon the subscribing witnesses appearing, and the Will being shown them, — the Proof was as follows

State of New York,
Richmond County, ss.

In the matter of proving the last Will & Testament of William E. Dudley, late of Castleton, deceased. H. B. Metcalf of Castleton being sworn according to oath, and that he did see the said deceased sign and seal the instrument now shown him purporting to be the last Will and Testament of the said deceased, bearing date the twenty fourth day of August in the year of our Lord, one thousand, eight hundred and thirty nine, and heard him the said deceased publish & declare the same as 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 the knowledge and belief of this deponent; and that he the said deponent, together with Geo. Howard & Robert H. Hazard the other subscribing witnesses 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. — Henry B. Metcalf. — Sworn the 14th day of September, 1839, before me, Wm. E. Crocker, Surrogate.

Richmond County, ss. Geo. Howard of Castleton in said County, being sworn, deposes that he did see William E. Dudley, late of Castleton, deceased, sign and seal the instrument now shown him, purporting to be the last Will and Testament of the said deceased, bearing date the twenty fourth day of August, one thousand eight hundred and thirty nine. — And heard the said deceased 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 memory, and not under any restraint to the best of the knowledge and belief of this deponent, and that he the said deponent together with Henry B. Metcalf and Robert H. Hazard, the other subscribing witnesses 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 further this deponent saith not, — Signed Geo. Howard Sworn the 14th day of Sept. 1839, before me, Wm. E. Crocker, Surrogate.

