

228/5/1

NOV 12

Wayne Surrogate's Court.

In the Matter of Proving the Last Will and Testament of David Whitlock late of the Town of Walworth in the County of Wayne, deceased.

COUNTY OF WAYNE, ss: O. O. Mason of the town of Walworth in the County of Wayne, being duly sworn and examined before Hon. GEORGE W. COWLES, Surrogate of the said County of Wayne, deposeseth and saith that he was well acquainted with David Whitlock in his lifetime, and was present and saw the said David Whitlock subscribe his name at the end of the instrument in writing now produced and shown to this deponent, bearing date the 15th day of December 1879 purporting to be the last will and testament of the said David Whitlock deceased. That the said David Whitlock at the time he so subscribed it, declared the said instrument to be his last will and testament, and requested this deponent and one Orvis Potter to subscribe their names as witnesses to the execution thereof.

Thereupon, this deponent and said Orvis Potter in obedience to said request, accordingly subscribed their names as witnesses at the end of said instrument, in presence of the said David Whitlock and of each other. This deponent further saith, that the said David Whitlock at the time he so executed the said will was a citizen of the United States, an inhabitant of the County of Wayne, of full age, of sound disposing mind and memory, in all respects competent to make a will, and not under any restraint. And that the said will now appears in all respects as when so executed, without any alteration, obliteration or erasure whatsoever.

Sworn this 15th day of October 1885 before me. O. O. Mason G. W. Cowles Surrogate.

COUNTY OF WAYNE, ss: Orvis Potter of the town of Walworth in the County of Wayne, being duly sworn and examined before Hon. GEORGE W. COWLES, Surrogate of the said County of Wayne, deposeseth and saith that he was well acquainted with David Whitlock in his lifetime, and was present and saw the said David Whitlock subscribe his name at the end of the instrument in writing now produced and shown to this deponent, bearing date the 15th day of December 1879 purporting to be the last will and testament of the said David Whitlock deceased. That the said David Whitlock at the time he so subscribed it, declared the said instrument to be his last will and testament, and requested this deponent and one O. O. Mason to subscribe their names as witnesses to the execution thereof.

Thereupon, this deponent and said O. O. Mason in obedience to said request, accordingly subscribed their names as witnesses at the end of said instrument, in presence of the said David Whitlock and of each other. This deponent further saith, that the said David Whitlock at the time he so executed the said will was a citizen of the United States, an inhabitant of the County of Wayne, of full age, of sound disposing mind and memory, in all respects competent to make a will, and not under any restraint. And that the said will now appears in all respects as when so executed, without any alteration, obliteration or erasure whatsoever.

Sworn this 15th day of October 1885 before me. Orvis Potter G. W. Cowles Surrogate.

I, David Whitlock of the town of Valworth, county of Wayne, State of New York aged seventy three years, and being of sound mind and memory, do make, publish and declare this my last will and testament in manner following, that is to say:

First: I direct my executors herein after named to settle and and pay from my estate all my just debts and pay all expenses of my last sickness and funeral.

Second:- I hereby authorize and empower my executors to sell any and all my real estate at publick or private sale, and to execute the the necessary and proper conveyance therefor.

Third:- I give and bequeath to my beloved wife Feresa Whitlock, the use of all my estate real and personal of every name and nature during her natural life.

Fourth: At the decease of my wife I give and bequeath to my Daughter Agusta Tracy Now in the Ovid Asylum In case her reason is restored so she is removed from the institution the use of \$ 800, during her natural life and at her decease there is to be used from this sum of \$ 800, enough to defray her expenses of funeral & burial at Palmyra, cemetery and headstone at her grave and the balance of the said \$ 800, to be equally divided between my three children, Henry Whitlock George Whitlock, Ophelia Avery.

Fifth: It is further my desire at the decease of myself and Wife the balance then due on a Mortgage that I now have on my son, Henry Whitlock's farm the rate of interest to be reduced to six per cent until paid

Sixth:- Upon the settlement of my estate the sum if any should remain after paying all expenses of settlement to be equally divided between my three Children Henry Whitlock, George Whitlock and Ophelia Avery.

Lastly: I hereby appoint my son Henry Whitlock, of Palmyra, sole executor of this my last will and testament

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hereby revoking all former wills by me
at any time made.

In Witness Whereof I have hereunto
set my hand and seal ^{15th} day of December
1879

David Whitlock, Seal

The above instrument consisting of one
sheet of paper was at the date thereof sign
ed sealed published and declared by the
said David Whitlock, as and for his last Will
and testament, in presence of us who at his
request and in the presence of each other have
subscribed our names thereto as witnesses.

O. O. Mason, Walworth, Wayne Co., N.Y.

Orvis Potter, Walworth, Wayne Co., N.Y.

County of Wayne S.S.

Recorded the preceding
last will and testament of David Whitlock
deceased as a will of real and personal estate
together with the proofs taken in the Court
of the Surrogate of the County of Wayne in
relation to the same, which record is hereby
signed and certified by me pursuant to
the Revised Statutes of this State this 15th
day of October 1888.

G. M. Bowler
Surrogate

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I David Whitlock of the town of Walworth, county of Wayne, State of New York aged seventy three years, and being of sound mind and memory, do make, publish and declare this my last will and testament in manner following, this is to say:

First: I direct my executors hereinafter named to settle and and pay from my estate all my just debts and pay all expenses of my last sickness and funeral.

Second: I hereby authorize and empower my executors to sell any and all my real estate at publick or private sale, and to execute the the necessary and proper conveyance therefor.

Third: I give and bequeath to my beloved wife Terressa Whitlock, the use of all my estate real and personal of every name and nature during her natural life.

Fourth: At the decease of my wife I give and bequeath to my Daughter Augusta Tracy now in the Ovid Asylum In case her reason is restored so she is removed from the institution the use of \$800, during her natural life and at her decease there is to be used from this sum of \$800, enough to defray her expenses of funeral & burial at Palmyra cemetry and headstone at her grave and the balance of the said \$800, to be equally divided between my three children, Henry Whitlock, George Whitlock, Ophelia Avery.

Fifth: It is further my desire at the decease of myself and wife the balance then due on a Mortgage that I now have on my son Henry Whitlocks farm the rate of interest to be reduced to six pr cent until paid.

Sixth: Upon the settelment of my estate the sum if any should remain after paying all expenses of settelment to be equally divided between my three Children Henry Whitlock, George Whitlock and Ophelia Avery.

Lastly: I hereby appoint my son Henry Whitlock, of Palmyra, sole executor of this my last will and testament hereby revoking all former wills by me at any time made.

In Witness Whereoff I have hereunto set my hand and seal 15th day of December 1879

David Whitlock (Seal)