

Thereupon this deponent did accordingly sign her name as a witness at the end of the said instrument, in the presence of the said Philip R Paulding, deceased and in the presence of William Wood of the town of Greenburgh, in the County of Westchester the other subscribing witness to the said instrument.

This deponent further saith that the said Philip R Paulding, deceased at the time he so executed the said instrument, was a citizen of the United States of full age sound mind and memory in all respects competent to devise real estate and not under restraint.

And that this deponent saw the said William Wood, sign his name as a witness at the end of the said instrument in the presence of the said Philip R Paulding, deceased and at his request-

Sworn examined and subscribed before me this 13th day of September, A.D. 1864. Emily A Wood,

Wm H Robertson, acting as Surrogate- Westchester County Judge Westchester County- Surrogate's Court-

In the matter of proving the last Will and testament of Philip R Paulding, deceased.

The executor heirs at law and next of kin having this day appeared in pursuance of the Citation heretofore issued, and the proofs and examinations of the subscribing witnesses to the said will having been duly taken and heard and upon such proofs it appearing satisfactory to this Court that the said will had been duly executed according to law,-

and that the said testator at the time of executing the same was in all respects competent to dispose of the same.

It is therefore Ordered, decided and decreed, that the said will be and the same is hereby established as a valid will and that the same be admitted to probate and recorded.

W.H Robertson, Westchester County Judge acting as Surrogate

Westchester County SS:-

Recorded the preceding last will and testament of Philip R Paulding, deceased as a valid will of real and personal estate together with the proofs and examinations taken in the Court of the Surrogate of the County of Westchester, relating to said last will and testament, which record is hereby signed and certified by me pursuant to the provisions of the Revised Statute this 13th day of September, in the year one thousand eight hundred and sixty four-

W.H. Robertson, Westchester County Judge acting as Surrogate-

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Westchester County- Surrogate's Court-

In the matter of proving the last Will and testament of Elijah Yerks, deceased.

Be it Remembered, that heretofore, to-wit, on the twenty fourth day of August, in the year one thousand eight hundred and sixty four, Joseph Cole, one of the executors named in the last will and testament of Elijah Yerks, late

of the town of Greenburgh, in the County of Westchester, deceased, appeared in open Court before the Surrogate of the County of Westchester and made application to have the said last will and testament, which relates to both real and personal estate proved, and on such application the Surrogate having ascertained by satisfactory evidence who were the heirs and next of kin of the said testator and their respective residences did issue citation in due form of law directed to the said heirs and next of kin by their respective names, stating their respective places of residence requiring them to appear before the said Surrogate at his office in the town of White Plains, in said County of Westchester on the 14th day of September, one thousand eight hundred and sixty four to attend the probate of the said will,

And afterwards to-wit, on the said 14th day of September, satisfactory evidence by affidavit was produced and presented to said Surrogate of the service of the said citation in the mode prescribed by law, on all the parties named therein, and the said executor having appeared in person, and no one appearing to oppose the probate of said will such proceedings were thereupon had afterwards that the Surrogate took the proofs of the said Will herein after set forth upon this 14th day of September, in the year one thousand eight hundred and sixty four and he adjudged the said will to be a valid will of real and personal estate and the proofs thereof, to be sufficient which said last will and testament and proofs are as follows, that is to say:-

I, Elijah Yerks, being desirous to discharge the duty which every man owes by making such previous provisions for the distribution of my property as shall be just and equitable, do make, publish and declare this my last will and testament-

as follows:-

First:- I direct that the expenses of my last sickness and of my funeral shall be paid in preference to any devise or legacy herein contained.

Second:- I will and ordain that the executor of this my last will and testament, or their executors, shall with all convenient speed, after my death having regard to the state of the market, sell and alien in fee simple all the lands, I may be the owner of at the time of my decease, and I do give to my said executors and their executors full power and authority to sell and convey all the same lands, to any person and person, and their heirs forever, by all and every such lawful ways and means in the law, as to my said executors or their executors shall seem fit or necessary-

Third:- I give and bequeath unto my beloved brother Abraham Yerks the use, interest or income of the sum of five thousand dollars, for and during his natural life, to be paid to him by my executors semi annually and from and after the decease of him I give and bequeath the same five thousand dollars to his wife June, and his children absolutely equally to be divided between them.

Fourth:- I give and bequeath unto my brother Henry Yerks, the use interest and income of the sum of five thousand dollars for and during his natural life to be paid to him by my executors herein after named, semi annually and from and after his decease I give and bequeath the same five thousand dollars to his wife Martha and her children absolutely equally to be divided between them.

Fifth:- I give and bequeath unto my sister Eliza Coles, the use interest and income of the sum of five thousand dollars for and during her natural life to be paid to her by my executors semi annually and from and after her decease I give and bequeath the same five thousand dollars to her children herein after named, as follows:- to-wit-

Two thousand dollars thereof, to Mary Eliza Coles, absolutely.

One thousand dollars thereof, to Abraham Coles, absolutely.

One other thousand dollars, thereof, to Wm Jackson Coles, absolutely and the other thousand dollars thereof, to Stephen Coles, absolutely.

Sixth:- I give to my brother John F Yerks, my gold watch and seal, and to my nephew, Robert H. Coles, my diamond breast pin- these are all the gifts I make, to my said brother and nephew and because I do not possess the same affection and entertain the same friendship for them that I do for my other brothers and nephew, s but simply because of the fact that they have a competency and in case either of my nephews, or nieces, shall die before the time of the said legacies becoming payable to them and shall have no descendants then the legacy which would belong to the one so dying shall be deemed to have lapsed, and shall form a part of my personal property and shall be distributed under the clause in this my will, in respect to the residue of my property as therein provided-

And my further will is and I do direct that if my property shall be insufficient for the purpose of the fifteen thousand dollars above bequeathed then and in such case I order and direct my executors to deduct from such five thousand dollars a like amount making up such insufficiency or loss.

Seventh:- In respect to the residue of my property if any there be, I give and bequeath to my cousins the daughter of my uncle Jacob Foshay and with them Ann Yerks, Elizabeth Belden, Jane Foshay, and Martha Foshay each the sum of two hundred and fifty dollars thereof, and should there not be sufficient for that purpose then the loss is to be taken alike from each sum-

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And the remainder of the said residue of my property- if any there be, I give and bequeath the same, to all the above named persons and legatees and to the children of William F Van Wart and to the children of Andrew See, and to the children of Barney See, and to Betsy Clark wife of Amos Clark, and to Jane See wife of said Barney See, and to Julia See, wife of said Andrew See and to William F Van Wart and to my brother in law, Joseph Coles, share and share alike.

I direct that the said fifteen thousand dollars be put out at interest on good real security by my said executors so that the interest can be paid to my brothers and sisters as aforesaid, and that they collect my claims and demands and sell my personal property as well as my real property so that my said executors can execute this Will, according to its provisions and that they sell my said property at private or public sale as they shall judge expedient for either cash or on credit and soon after my decease or at any time within several year after my decease as to them may seem advisable and for the best interest of my estate.

It is my wish and I earnestly request that the persons to whom the above mentioned legacies may be paid or who may enjoy the same, put the same at interest or accumulation and use and enjoy the income thereof with out interfering with or using the principal for any business or purpose under an circumstances and thus preserve the principal and the end I recommend that the same be put into the West chester County Savings Bank at Tarrytown, as well conducted and safe institution.

My will is and I do direct that my executors collect my rents and

let my houses and lots and receive the rents therefrom and collect my interest money and other claims and pay my debts there with except that one secured by mortgage for the term of two years, after my decease, and that the interest and income of the said fifteen thousand dollars, is not commenced or be paid to the respective legatees till the expiration of said two years.

The probability is that my pecuniary circumstances will be considerably improved within the next few years if I live, and this will be made with such anticipation.

As to my executors selling my ten lots of ground in Newark, such sale will have to be in and on long credit, payments easy- It is therefore my Will and I direct that they sell the said lots accordingly and use any mortgage that they may take of purchasers on such sale, and apply them in the settlement of my estate, and in paying legacies as they may find practicable and as they may deem proper, and I direct my executors to keep my real estate and buildings thereon in good condition and repair, and improve the same as they may judge expedient-

And I authorize and direct my executors to execute complete and perfect the contract with Harrison & Copcutt, mentioned in the schedule below.

And lastly:- I appoint my trusty and worthy friends, Robert H. Coles, of New Rochelle, and Joseph Coles, of Greenburgh, executors of this my last will and testament,

In witness whereof, I have hereunto set my hand and seal this 25th day of August AD. 1856.

Elijah Yerks, (seal)

Signed, sealed, published & declared by the testator to be his last Will and testament, in the presence of us who at his request and in his presence and in the presence of each other have subscribed our names as witnesses - Jonathan S Odell, of Tarrytown, Westchester - Nath Bayles, residing at Tarrytown, Westchester ©

A Schedule-

Containing information in regard to my real estate and in reference to part of my personal property &c, to-wit:-

First as to real estate I own two house and lots on the westerly side of the late Highland Turnpike road worth at the lowest estimation six thousand dollars, the middle house of three estimated at 2750. dollars, and the south house estimated as 3250. dollars being in the south part of Tarrytown, on which there are two mortgages held by Mr Bayles, for 2700. dollars. Also a small lot and shop thereon on the north side of Main Street as short distance from the rail road depot, in the Village of Tarrytown, worth at the lowest estimated 600 dollars free of incumbrance.

Also a small house and lot in the town of Kent in Putnam County a short distance north of the County Poor House, valued at 100 dollars free of incumbrance-

Also an office and lot at the Village of Carmel Putnam County, opposite the Court House estimated at 700 dollars free of incumbrance-

I also own ten lots of ground in the City of Newark, New Jersey and on the south easterly side of North Prospect Street between Lafayette and Elm Streets and the other on the north westerly side of Congress Street between the same streets, worth 7000 dollars, on three of which Mathew Bulkley of Westport Fairfield, County Connecticut, has a mortgage for 800 dollars on six others of which George H. Peck of New York has a mortgage for 300 dollars-

And the remaining lot is free of incumbrance said lot I purchased twice at two public sales thereof for assessments and taxes, in Newark and took two deeds of certificates therefor the purchase was for 70 years former owner unknown, I regard myself the owner no other person shall probably make any claim.

There is a mortgage of said six of these lots executed by me in or about the year 1837, for about two hundred dollars to a person by the name of William I Cochran, who then was a tailor in Broadway near or at the corner of Fulton Street. He afterwards moved some where in the interior of Missouri leaving no relatives in New York, He died in Missouri and may have left a widow, and children- The mortgage was taken by a friend named Eli Sanford, of New York, who is also dead, a Mr Scott drew the papers in New York who was in Nassau Street, who is also dead, so that all are dead, who knew any thing about the transaction except myself, no interest or any part of the principal has ever been paid on this mortgage-

The mortgage was given at my instance and taken at my request. On the other named persons held a judgment in New York, against me, and I gave this mortgage as collateral if it may be so regarded but the mortgage was without consideration and perhaps to protect my property against persons to whom I was security for others, the mortgage was never regarded as a claim to be enforced or good for any thing by any person connected with the transaction.

I think the way to get it cancelled is to apply to a Lawyer at Newark and advertise in Missouri for claimants and for any claims that may be made on the part of said Cochran or his widow, heirs or representatives and thus get a decree or judgment that the mortgage be cancelled of record &c, I have a bundle of papers entitled in the suit in which the above mentioned judgment was entered being proofs which may be useful on an application to have the mortgage cancelled, the papers are in a small trunk or chest of mine, the whole cost for advertising and every thing will be about 25-

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dollars, The mortgage so and is presumed to be paid or will be next year by lapse of time.

There are nearly five acres of land opposite Mr Copcutts residence on the easterly side of the said Highland Turnpike road in Tarrytown which parcel of land was purchased of Jno B Copcutt for 6000 dollars payable in 10 years, by Mr Charles F Harrison, and myself although Mr Harrison is only known in the transaction, the contract is in his name, no deed is to be given, till a house of the value of 5000 dollars is built thereon- this property I believe will bring considerable more than we gave for it. I have no writing to show for it, my real estate according to the foregoing is worth over and above all encumbrances about 11000 dollars-

And next as to personal property I have to the amount of 1000 dollars in the bond and mortgage for 3000 dollars made by Mrs Elizabeth Sanford, to Thomas H. Purdy on her house and lot in Washington Street in Tarrytown assigned by him to the Westchester County Savings Bank he having borrowed of the Bank 2000, for the 1000 dollars I have an assignment from said Purdy and it is recorded, I also hold a bond and mortgage against Edward R Dicherson, on his house and lot in Washington Street aforesaid, executed to Thomas H Purdy and assigned by him to me for 370 dollars-

I also hold a bond and mortgage against Mrs Cornelia Decker, on her house and lot on Storm Street in Tarrytown, executed by her to Thomas H Purdy and assigned by him to me for 135 dollars- or there abouts. I also hold a bond and mortgage against James Daly on which there is due some 150 dollars executed by him to Michael Dunn on house and lot on the westerly side of the Highland Turnpike Road-

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opposite the First Reformed Church and by said Dunn assigned to me.

I also hold a bond and mortgage against Lazarus Joseph on which there is due some 85 dollars, executed by him to J Q Fowler, and by him assigned to me, on house and lot in the north part of Beekmantown east from the Irving Institute (Roe & Davis).

I have promissory notes against person one against Jacob Storm, for some 7 or 800 dollars two against Wm H See, for some 170 dollars.

I have claims to considerable amount against persons for whom I have done business, and have considerable number of suits on hand. the fees and charges in which will amount to considerable I own some two or 3 land warrants and some rail road stock.

I hold bonds and mortgages as executor committee &c.

I have some 250 dollars in the Westchester County Savings Bank at Tarrytown.

Elijah Yerks,

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Westchester County -  
Surrogate's Court -

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In the matter of proving the last

Will and testament

of

Elijah Yerks, deceased.

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County of Westchester SS:-

Nathaniel Bayles, of the town of Greenburgh, in said County being  
duly sworn and examined before the Surrogate of the County of Westchester doth  
depose and say-

State of New York,

That he was well acquainted with Elijah Yerks, late of the town of Greenburgh, in the said County, deceased.

That he was present as a witness and did see the said Elijah Yerks, deceased subscribe his name to the instrument, in writing now produced and shown to this deponent bearing date the 25th day of August in the year of our Lord, one thousand eight hundred and fifty six, purporting to be the last will and testament, of the said Elijah Yerks, deceased.

That the said Elijah Yerks, at the time of making such subscription declared the said instrument to be his last will and testament, and requested, this deponent to sign his name as a witness thereto.

Thereupon this deponent did accordingly sign his name as a witness at the end of the said instrument, in the presence of the said Elijah Yerks, dec'd, and in the presence of Jonathan S Odell, of the town of Greenburgh in the said County of Westchester the other subscribing witness to the said instrument.

This deponent further saith that the said Elijah Yerks, deceased, at the time he so executed the said instrument, was a citizen of the United States of full age sound mind and memory in all respects competent to devise real estate and not under restraint,

And that this deponent saw the said Jonathan S Odell, sign his name at the end thereof, as a witness in the presence of the said Elijah Yerks, dec'd, and at his request-

Sworn examined and subscribed,

before me this 14th day of

September, A.D. 1864.

Nath Bayles.

John W Mills.

Surrogate-

Westchester County-  
Surrogate's Court-

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In the matter of proving the last

Will and testament

of

Elijah Yerks, deceased-

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County of Westchester SS:-

State of New York,

Jonathan S Odell, of the town of Greenburgh, in the said County,  
being duly sworn and examined before the Surrogate of the County of Westchester,  
doth depose and say,

That he was well acquainted with Elijah Yerks, late of the town of  
Greenburgh, in the said County, deceased.

That he was present as a witness and did see the said Elijah  
Yerks, deceased subscribe his name to the instrument, in writing now produced and  
shewn to this deponent bearing date the 25th day of August in the year of our  
Lord, one thousand eight hundred and fifty six, purporting to be the last Will  
and testament of the said Elijah Yerks, deceased.

That the said Elijah Yerks, at the time of making such subscrip-  
tion, declared the said instrument, to be his last will and testament and requested  
this deponent to sign his name as a witness thereto.

Thereupon this deponent did accordingly sign his name as a witness  
at the end of the said instrument, in the presence of the said Elijah Yerks, deceased,  
and in the presence of Nathaniel Bayles of the town of Greenburgh, in the said  
County the other subscribing witness to the said instrument.

This deponent further aith that the said Elijah Yerks, deceased,  
at the time he so executed the said instrument, was a citizen of the United States,

of full age sound mind and memory, in all respects competent to devise real  
estate and not under restraint,

And that this deponent saw the said Eli Nathaniel Bayles, sign the  
said instrument at the end thereof, as a witness in the presence of the said  
Elijah Yerks, deceased and at his request-  
Sworn, examined and subscribed,  
before me this 14th day of  
September, A.D. 1864.

Jonathan S Odell,

John W Mills.

Surrogate-

Westchester County-  
Surrogate's Court-

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In the matter of proving the last

Will and testament,

of

Elijah Yerks, deceased-

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The executor, heirs at law and next of kin, having this day ap-  
peared pursuant to the Citation heretofore issued, and the proofs and examina-  
tions of the subscribing witnesses to the said will having been duly taken and  
heard, and upon such proofs it appearing satisfactory to this Court that the said  
Will had been duly executed according to law, and that the said testator at the  
time of executing the same was in all respects competent to dispose of the same,  
It is therefore Ordered, decided and decreed, that the said will be and the same  
is hereby established as a valid will and that the same be admitted to probate  
and recorded.

John W. Mills.

Surrogate-

Westchester SS:-

Recorded the preceding last Will and testament of Elijah Yerks, deceased as a valid will of real and personal estate, together with the proofs and examinations taken in the Court of the Surrogate of the County of Westchester, relating to the said last will and testament, which record is hereby signed, and certified by me pursuant to the provisions of the Revised statute this fourteenth day of September, in the year one thousand eight hundred and sixty four.

John W Mills.  
Surrogate-

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Westchester County-  
Surrogate's Court-

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In the matter of proving the last  
Will and testament  
of  
John Rich, deceased-  
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Be it Remembered, that heretofore, to-wit, on the third day of August, in the year one thousand eight hundred and sixty four, Ann Maria Rich, one of the executrix of the last will and testament of John Rich, late of the town of Yonkers, County of Westchester deceased appeared in open Court before the Surrogate of the County of Westchester and made application to have the said last will and testament, which relates to both real and personal estate proved, and on such application the Surrogate did ascertain by satisfactory evidence who were the widow, heirs and next of kin of the said testator, and their respective residences did issue a citation in due form of law directed to the said widow heirs at law and next-

of kin by their respective names stating their respective places of residence- requiring them to appear before said Surrogate at his office in the town of White Plains, in the said County of Westchester on the seventh day of September, in the year one thousand eight hundred and sixty four, to attend the probate of the said will,

And afterwards to-wit, on the said seventh day of September, satisfactory evidence by affidavit having been produced and presented to the said Surrogate of the service of the said citation, in the mode prescribed by law, on all the parties named therein, and the said Surrogate having ascertained that some of their heirs and next of kin were minors having no general guardian within the State, and that said citation had been duly served on said minors and also upon the person or persons having control of such as were under fourteen years of age, as prescribed by law, and having filed the written consent of John P Jenkins attorney at law did issue an order duly entered for that purpose appoint him the special guardian of said minors to take care of their interests in the premises, and the said executrix and the said special guardian having attended in person and William H Pemberton, Esq having appeared for the said widow and executrix in support of the Will, and Mr Ten Broock, having appeared for Cornelia Cole, Benjamin Rich and Lewis Rich, Maria Brady, Sarah Rich, Franklin Rich, seven of the heirs at law and of such decedent such proceedings were thereupon had afterwards that the Surrogate took the proof of the said will herein after set forth upon this 14th day of September, in the year one thousand eight hundred and sixty four and he adjudged the said will to be a valid will of real and personal estate and the proofs thereof, to be sufficient, which said last will and testament and proofs are as follows, that is to say:-

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