

and Executor as aforesaid. It is ordered adjudged and decreed and the Surrogate of the County of Westchester by virtue of the power and authority in him vested doth order adjudge and decree that the said instrument in writing bearing date May 15th 1877 and purporting to be the Last Will and Testament of the said Eva J. Banks deceased was properly executed is genuine and valid and that it is the Last Will and Testament of the said Eva J. Banks deceased, that the said Eva J. Banks at the time of the execution of said instrument was of full age and was not under restraint or undue influence, that the said Last Will and Testament be and the same is hereby admitted to probate as a will of Personal Estate and it is ordered that it be recorded as such. And it is further ordered adjudged and decreed that the said paper bearing date March 10th 1874 and the two Codicils thereto dated July 18 1874 and November 25 1875 were revoked and annulled by the said instrument hereby admitted to probate and are now invalid and of no force. And it is further ordered adjudged and decreed that the objections to the probate of the said instrument hereby admitted to probate not hereinbefore disposed of be and the same are hereby dismissed as improper and unsustainable. And it is further ordered adjudged and decreed that the costs of the proponent and Executor Lewis V. Loder hereby fixed at the sum of Fifteen hundred & forty one & 50/100 dollars (\$1341⁵⁰) be allowed to said Executor and be paid him out of the estate; and that the expense of a copy of the Stenographer's Minutes heretofore furnished to the Counsel of the Contestants be helped and craft be paid out of the estate. And that the actual necessary expenses incurred by Benjamin G. Hitchings amounting to \$250. be paid to him out of the fund.

Owen Mc Coffin
Surrogate

Westchester County ss:
Recorded the preceding last Will and Testament of Eva J. Banks deceased as a valid will of personal estate, the proofs thereof having been duly filed in this office 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 first day of August in the year of Our Lord one thousand eight hundred and eighty three

Owen Mc Coffin
Surrogate

Westchester County
Surrogates Court
In the matter of proving
the last Will and Testament
of
Henry Herks deceased

Be it remembered that heretofore to wit on the 15th day of August in the year one thousand eight hundred and eighty three Moses H. Taylor an executor named in the last will and Testament of Henry Herks late of the town of Mount Pleasant 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 widow heirs at law 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 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 said County of Westchester on the 3^d day of September one thousand eight hundred and eighty three to attend the probate of the said Will

And afterwards to wit on the said 3^d day of September satisfactory evidence by affidavit having been 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 that none of said heirs at law and next of kin were minors and the said executor having attended in person and no one appearing to oppose the probate of said will such proceedings were thereupon had afterwards that the Surrogate took the proof of said will hereinafter set forth upon this third day of September in the year one thousand eight hundred and eighty three 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:

In the name of God Amen I Henry Gerks of the town of Mount Pleasant in the County of Westchester and State of New York 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 desire and request that my funeral expense and just debts be paid as soon as convenient after my decease

Second, I give and bequeath to my granddaughter Jane Amelia Bird, wife of Olin J. Bird and to my grand son Hilbert Reynolds each the sum of one thousand dollars

Third I give my watch and chain to Ernest Brown my great grand son and H. O. Bessley my grand son, and my Organ to Emma Louisa Clark

Fourth I give and bequeath to my wife Elizabeth Gerks the interest and income of the sum of two thousand (2000) dollars during her natural life to be paid to her semiannually to be received and accepted by her or her heirs of down, and after her decease I give the said sum of two thousand dollars to my

children William H Gerks, Phelicia Brown wife of John C. Brown, Maritta Griffitt wife of Gilbert Griffitt and Martha Bailey wife of John E. Bailey to be equally divided among them share and share alike Fifth All the rest residue and remainder of my estate I give and bequeath to my said children share and share alike

Sixth I hereby authorize my executors hereinafter named and appointed and give them full power to sell and and dispose of all my estate both real and personal at public or private sale at such time or times and upon such terms and in such manner as to them shall seem proper my wife to occupy the homestead until sold Lastly I do hereby nominate and appoint my son William H Gerks and my friend Moses H. Taylor to be the executors of this my last will and Testament

In witness whereof I have hereunto set my hand and seal this fifteenth day of May One thousand Eight hundred and Eighty three the words "fifteen hundred" on first page erased and the words "two thousand" inserted before Execution

Henry Gerks 

The above instrument was at the date thereof signed sealed published and declared by the said Henry Gerks as and for his last will and Testament in presence of us who at his request and in his presence and in the presence of each other have subscribed our names as witnesses thereto

James S. See Tarrytown
David H. Cox Cheperan

Westchester County
Surrogates Court

In the matter of proving
the last will and Testament

of
Henry Gerks deceased

County of Westchester ss: State of New York

David H. Cox of the town of Mount Pleasant in said County being duly sworn and examined before the Surrogate of said County doth depose and say that he was well acquainted with Henry Herks late of the town of Mount Pleasant in said County deceased that he was present as a witness and did see the said Henry Herks deceased subscribe his name at the end of the instrument in writing now produced and shown to this deponent bearing date the 15th day of May in the year of our Lord one thousand eight hundred and eighty three purporting to be the last will and Testament of the said Henry Herks deceased that the said Henry Herks at the time of making the said subscription declared the said instrument to be his last will and Testament and requested this deponent to sign his name as a witness thereto whereupon this deponent did accordingly sign his name as a witness at the end of the said instrument in the presence of the said Henry Herks deceased and in the presence of James D. See of the town of Mount Pleasant in said County the other subscribing witness to the said instrument. This deponent further saith that the said Henry Herks 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 James D. See sign the said instrument at the end thereof as witness thereto in the presence of said Henry Herks deceased and at his request

sworn, examined and
 subscribed before me this } David H. Cox
 3rd day of Sept. A.D. 1883 }
 Owen T. Poffin
 Surrogate

Westchester County
 Surrogate Court
 In the matter of proving
 the last Will and Testament
 of
 Henry Herks deceased

State of New York County of Westchester ss:
 James D. See of the town of Mount Pleasant in said County being duly sworn and examined before the Surrogate of said County doth depose and say that he was well acquainted with Henry Herks late of the town of Mount Pleasant in said County deceased that he was present as a witness and did see the said Henry Herks deceased subscribe his name at the end of the instrument in writing now produced and shown to this deponent bearing date the 15th day of May in the year of our Lord one thousand eight hundred and eighty three purporting to be the last Will and Testament of the said Henry Herks deceased. That the said Henry Herks, at the time of making the said subscription declared the said instrument to be his last Will and Testament and requested this deponent to sign his name as a witness thereto whereupon this deponent did accordingly sign his name as a witness at the end of the said instrument in the presence of the said Henry Herks deceased and in the presence of David H. Cox of the town of Mount Pleasant in said County the other subscribing witness to the said instrument. This deponent further saith that the said Henry Herks 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 David H. Cox sign the said instrument at the end thereof as witness thereto in the presence of said Henry Herks deceased and at his request

sworn, examined and
 subscribed before me this 3rd } Jas D. See
 day of Sep A.D. 1883 }
 Owen T. Poffin
 Surrogate

Westchester County
 Surrogate Court
 In the matter of proving
 the last Will and Testament

of
 Henry Merks deceased

The executor widow
 heirs at law and next of kin having appeared on
 this 3^d day of September 1883 in pursuance of
 the citation heretofore issued and the proof
 and examinations of the subscribing wit-
 nesses to said will having been duly taken
 and heard and upon such proof it appearing
 satisfactory to this Court that the said last
 will and Testament 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 his Estate
 It is therefore Ordered adjudged and decreed
 that the said will be and the same is hereby
 established as a valid will of real and personal
 estate and that the same be admitted to probate
 and recorded

Owen M. Coffin
 Surrogate

Westchester County ss:

Recorded the preceding
 Last Will and Testament of Henry Merks
 deceased as a valid will of real and personal
 estate together with the proof and examina-
 tions 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 Statutes this
 third day of September in the year of our
 Lord one thousand eight hundred and
 eighty three

Owen M. Coffin
 Surrogate

Westchester County
 Surrogate Court
 In the matter of proving
 the last will and Testament

of
 Henry Kortlang deceased

Be it remembered that
 heretofore to wit on the 13th day of July in the year
 one thousand eight hundred and eighty three Wil-
 liam Kortlang a son of Henry Kortlang late of the
 Town of Eastchester 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 relate
 to both real and personal estate proved and on such
 application the Surrogate having ascertained by
 satisfactory evidence who were the heirs at law
 and next of kin of the said Testator and their respec-
 tive residences did issue a citation in due form
 of law directed to the said heirs at law and next of
 kin by their respective names stating their res-
 pective places of residence requiring them to
 appear before said Surrogate at his office in
 the Town of White Plains in said County of West-
 Chester on the 27th day of July one thousand
 eight hundred and eighty three to attend the
 probate of the said will

And afterwards to wit on the said 27th day of
 July satisfactory evidence by affidavit having
 been 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 that none of said heirs at law and
 next of kin were minors and the said proponent
 having attended in person said matter was
 heard and adjourned to this day and no one ap-
 pearing to oppose the probate of said will such proceedings
 were thereupon had afterwards that the Surrogate
 took the proof of said will hereinafter set forth
 upon this first day of August in the year one thousand
 eight hundred and eighty three he adjudges 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