

In the matter of the Estate of Omar Sarnell } At a Surrogate's Court, held at Mayville in and for the County
of Chautauqua, on the Tuesday day of October 1872
deceased. } Before Charles P. Moulton Surrogate of said County.

On the day and year, and at the place aforesaid Samy Sarnell & Omar Sarnell Executors named in
the last Will and Testament of Omar Sarnell late of the town of Mayville
in said County, appeared and offered the said Will for probate, and made satisfactory proof before the said Surrogate,
that the said deceased died on the Five day of October 1872. That at the time of his death
he was an inhabitant of Chautauqua.

That he died leaving a last Will and Testament, which is now exhibited in the said Surrogate's Court, which bears
date on the Fifth day of May 1870: which relates to Real and personal
estate. That the following named persons are all the heirs
and next of kin of the said deceased, with their ages and places of residence, as nearly as can be ascertained, viz:

Samy Sarnell (Widow) and the following named children Maria Giffords
Francis C. Wadsworth N. Louisa Green and Omar S. Sarnell all of the
Village of Mayville County of Chautauqua N.Y. all of full age

The Widow heirs and next of kin appeared and waived all notice of Probate
of the Will of said deceased. Which waiver is filed in said Surrogate's Office
Therefore, Ordered, That a citation issue to the widow, heirs and next of kin of the said deceased, to appear
and attend the probate of the said Will, before the said Surrogate, at his office in

Mayville, on the 10th day of October 1872, at ten o'clock in the forenoon
Thereupon Ordered that the proceedings upon the probate of said will be had
forthwith L. S.
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office,
this Tuesday day of October 1872.
C. P. Moulton Surrogate.

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of Chautauqua, this Tuesday day of October 1872
deceased. } Before Charles P. Moulton Surrogate of said County.

On the day and place aforesaid Samy Sarnell & Omar S. Sarnell Executors of the last will
and testament of Omar Sarnell late of Mayville N.Y.
deceased, appeared and prayed that the said will be admitted to probate, and exhibited the following proofs:

First That a certified copy of the said will, as aforesaid, upon First a minor of age of Station of the
Probate of said Will from all the Heirs at Law and next of kin being duly filed in the
Surrogate's Office

Whereupon the following witnesses being duly sworn, testified as follows:
Chautauqua County, ss:

William Green of the town of Mayville being duly
sworn, doth depose and say: that he is a subscribing witness to the last will and testament of the said deceased; that
the said testatr did, in the presence of this deponent, subscribe his name at the end of the instrument which is
now shown and exhibited to me, and which purports to be the last will and testament of the said Omar
Sarnell and which bears date on the Fifth day of May in the
year one thousand eight hundred and seventy and this deponent further saith, that the said Testatr did,
at the said time of subscribing his name as aforesaid at the end of the said will, declare the said instrument so sub-
scribed and now exhibited, to be his last will and testament; and this deponent and

Pharmacy Keys did thereupon subscribe their names at the
end of the said will as attesting witnesses thereto, in the presence and at the request of the said Testatr. And this
deponent further saith, that at the said time when the said Testatr subscribed his name to the said last will as
aforesaid, and at the time of this deponent's subscribing his name as an attesting witness thereunto as aforesaid,
the said Testatr was of sound mind and memory, of full age to execute a will, and was not under any restraint,
and that the will now appears in all respects as when so executed, without any alteration whatsoever.

Chautauqua County of Thomas a reson of the village of Mayville being duly sworn doth depose and say
that he is a subscribing witness to a codicil to the last Will and Testament of the said deceased: that the said Codicil

Chautauqua County, ss:

Chauncey Keys of the town of Mayville being duly sworn, doth depose and say: that he is a subscribing witness to the last will and testament of the said deceased; that the said testator did, in the presence of this deponent, subscribe his name at the end of the instrument which is now shown and exhibited to him, and which purports to be the last will and testament of the said testator and which bears date on the 25th day of May in the year one thousand eight hundred and twenty five and this deponent further saith, that the said Testator did, at the said time of subscribing his name as aforesaid at the end of the said will, declare the said instrument so subscribed and now exhibited to be his last will and testament; and this deponent and

William Green did thereupon subscribe their names at the end of the said will as attesting witnesses thereto, in the presence and at the request of the said Testator. And this deponent further saith, that at the said time when the said Testator subscribed his name to the said last will as aforesaid, and at the time of this deponent's subscribing his name as an attesting witness thereunto as aforesaid, the said Testator was of sound mind and memory, of full age to execute a will, and was not under any restraint, and that the will now appears in all respects as when so executed without any alteration whatsoever.

Chautauqua County, ss:

Asst. B. Tracy of the town of Mayville being duly sworn doth depose and say that he is a subscribing witness to the said Decedent's last Will and Testament of the said deceased that the said Testator did in the presence of the deponent subscribe his name at the end of the said instrument now shown and exhibited to him and which purports to be a Decedent's last Will and Testament of the said Decedent and which bears date on the 25th day of May in the year one thousand eight hundred and twenty five and the deponent further saith that the said Testator did at the said time of subscribing his name as aforesaid at the end of the said Decedent's last Will declare the said instrument so subscribed and now exhibited to be his Decedent's last Will and Testament and this deponent and Thomas A. Osborne did thereupon subscribe their names at the end of the said Decedent's last Will as attesting witnesses thereto in the presence and at the request of the said Testator and this deponent further saith that at the said time when the said Testator subscribed his name to the said Decedent's last Will as aforesaid and at the time of this deponent's subscribing his name as an attesting witness thereto as aforesaid the said Testator was of sound mind and memory of full age to execute a Decedent's last Will and was not under any restraint and that the said Decedent's last Will now appears in all respects as when so executed without any alteration whatsoever.

Asst. Tracy

WHEREUPON, I, the Surrogate aforesaid, upon the proof aforesaid being satisfied of the genuineness and validity of said Will, do therefore order that the same be admitted to Probate, and that Letters Testamentary thereon be granted to Chauncey Keys and Omar D. Parmitt

in the last will and testament named on this taking and subscribing the oath of office prescribed by law.

WHEREUPON, On the 25th day of October 1872, the said executrix having taken and subscribed the oath of office prescribed by law, which oath is duly filed by me, it is further ordered that administration of all and singular the goods, chattels and credits of the said deceased, and any way concerning the same will be granted to Chauncey Keys and Omar D. Parmitt

executrix in the said will named. It is further ordered, on the application of the said executrix as aforesaid, that and in said County of Chautauqua, be appointed appraisers of the personal estate of said deceased.

IN TESTIMONY WHEREOF, We have caused the Seal of office of the said Surrogate to be hereunto affixed.

L. S.

WITNESS Charles G. Woaples, Esquire, Surrogate of the said County, at Mayville this 25th day of October 1872

C. G. Woaples

Surrogate.

did in the presence of this deponent subscribe his name at the end of the said instrument which is now shown and exhibited to him and which purports to be a Decedent's last Will and Testament of the said Decedent and which bears date on the 25th day of May in the year one thousand eight hundred and twenty five and this deponent further saith that the said Testator did at the said time of subscribing his name as aforesaid at the end of the said Decedent's last Will declare the said instrument so subscribed and now exhibited to be his Decedent's last Will and Testament and this deponent and Thomas A. Osborne did thereupon subscribe their names at the end of the said Decedent's last Will as attesting witnesses thereto in the presence and at the request of the said Testator and this deponent further saith that at the said time when the said Testator subscribed his name to the said Decedent's last Will as aforesaid and at the time of this deponent's subscribing his name as an attesting witness thereto as aforesaid the said Testator was of sound mind and memory of full age to execute a Decedent's last Will and was not under any restraint and that the said Decedent's last Will now appears in all respects as when so executed without any alteration whatsoever.

Thomas A. Osborne

In the name of God amen, I Omer Parrell of the village of Mayall, in the County of Chautauque in the State of New York, of the age of seventy years, and being of sound mind and memory, do make and publish, and declare, this my last Will & Testament, in manner following that is to say:

I give and devise to my wife Fanny, all that messuage and ^{brick} tenement in which I reside and Lot on which the same is located, being the North East part of Lot No 32, in said village, extending from Erie Street, two chains in width, along the South East line, of said Lot two chains and fifty links, south met containing ^{the} half of an acre. Also the Orchard Lot directly south met of the land above described, bounded on the South East by said South East line, two chains fifty links, on the South met by a Street, four chains on the North met by a line parallel to the said South East line, two chains fifty links and on the North East by a line parallel to Erie Street, four chains, containing one and one fourth acres, to have and to hold, to my said wife Fanny, and to her assigns for and during her natural life, without impeachment or waste, and from and immediately after her decease, I give and devise the same to my daughter Harriet Louise Green, her heirs and assigns forever, to include both pieces of land, above described. Also I give and devise to my said daughter Harriet Louise Green, that other part of said Lot, No 32, bounded on Erie Street, one chain on the South east, by a line parallel to the South east line of said Lot, four chains North met, three four chains ^{one chain} on the South met, by the land above devised, and on the North met, by a line parallel to the said South east line, one fourth of an acre, to her the said Harriet Louise, and her heirs and assigns forever. Also I give and bequeath to my said wife, an annuity of three hundred Dollars annually, to be paid to her, on the first day of January, in each year, during her natural life, by the persons, and in the manner, hereinafter mentioned. Also I give and bequeath to my said daughter Harriet Louise Green, the sum of three thousand Dollars, subject nevertheless, to and charged and chargeable, with the annuity or yearly sum of seventy five Dollars, to be paid to my said wife Fanny, on the first day of January, in each year, during her natural life.

I give and devise unto my daughter Charlotte Maria Gifford, all that certain farm situate lying and in the Town of Chautauque, being the North East part of Lot

23^d in the 3 Township in the 14th Range called the Prof farm and containing about one hundred acres to have and to hold, to her the said Charlotte Maria Gifford, and her heirs and assigns forever, subject nevertheless to and charged and chargeable with an annuity or yearly rent of the sum of sevenity five Dollars, to be paid to my said wife, on the first day of January, in each year during her natural life, excepting and excluding, from the land last above described, the Tannery, Tannery Lot, water privileges, race, and dam, on the same, and the right of egress thro'th, to repair the same at all times, said Tannery Lot, extends from the highway at the north east corner of said farm along the east line thereof, one hundred feet in width, South to the top of the high bank on the rear of the said Tannery, which said Tannery Lot, Tannery, and aforesaid ^{water privileges, shuttles, and rights} hereinafter mentioned and described, I give and devise unto my daughter Fanny Cornelia Underwood, to her and her heirs and assigns forever, I do also give and devise to my said daughter Fanny Cornelia Underwood all that certain farm situate in the Town of Chautauque aforesaid distinguished as part of Lot Number sixteen and twenty four in said Township, containing one hundred acres and known as the Chase and Spence farm, to have and to hold, to her the said Fanny Cornelia Underwood her heirs and assigns forever, subject however, to an annuity or rent of sevenity five Dollars, to be paid to my said wife, annually on the first day of January, in each year, during the natural life, of my said wife, Also I do give and bequeath to my said daughter Fanny Cornelia Underwood the sum of two thousand Dollars.

Third I give and devise to my son Omar S. Farnell all that certain piece of land situate in the village of Mayville aforesaid and distinguished by part of Lot Number thirty two in said village being the same land conveyed to me by the heirs of William Sherman deceased, (except that part thereof hereinafter devised to my said wife, and daughter Harriet Louise), containing about fifty one acres, and all that other certain piece of land situate on Chautauque Street in said village, distinguished as out Lot number 139, in said village, containing three acres and sixty seven hundredths, to have and to hold, to my said son, his heirs and assigns forever, subject to an annuity or annual payment of rent of the sum of sevenity five Dollars, to my said wife, on the first day of January, in each year during her natural life, Also I do give and bequeath, to my said son, the sum of two thousand Dollars, and to my said daughter Charlotte Maria Gifford, the sum of two thousand Dollars.

Fourth I give and bequeath all my house hold furniture and library to my said wife Fanny, during her natural life, without impeachment or waste, and from and after, the decease of my said wife, I give and bequeath, the same to my said son and daughters, and their heirs and assigns to be divided equally between them, and share and share alike, and all the rest and residue of my Estate both Real and Personal, whatsoever and wheresoever the same may be, I give, devise and bequeath, unto my said son, and daughters (share and share alike) and their heirs and assigns forever.

Fifth It is my Will that the said annuity to be paid to my said wife, by my said son and my said daughters Charlotte Maria Gifford and Fanny Cornelia Underwood, shall be a charge upon said farms of sevenity five Dollars, each yearly rent and in case the said annuity or rent or any part thereof on each farm or piece of land ^{land} shall be behind or unpaid, by the space of three months, next after the aforesaid mentioned, first day of January, whereon, the same is hereinafter directed to be paid, as aforesaid, that then and so often, it shall and may be lawful for my said wife and her assigns, into, all and singular, the premises, charged with the said annuities, or rent as aforesaid, to enter, and the rents, issues and profits, thereof, to receive, and take, until she be therewith, and thereby paid and satisfied, the same and every part thereof and all arrears thereof, incurred, before and shall incur during such time, she shall receive, the rents, issues and profits thereof, or be entitled, to receive the same, by virtue of such entry to be made as aforesaid, together with her costs, damages, and expenses, paid out and sustained, by reason of the non-payment thereof, or any part thereof. And it is further my Will, that the said Harriet Louise Shan, receive the said annuity, which she is above required, to pay to my said wife, before the payment of the same hereby bequeathed to her, the said Harriet Louise, and I do hereby declare, that the said devise and annuities, given to my said wife, as aforesaid are intended, to be, and are so made, and given to her, in full satisfaction and discharge, hereof and for her dowry, and things, which she

or demands, out of my Estate. And I do hereby appoint, my said wife Fanny, Executrix, and my said son, Omar, Executor, of this my last Will and Testament hereby reciting all former Wills, by me made.

In witness whereof, I have hereunto set my hand and seal the 5th day of May, in the year of our Lord eighteen hundred and seventy.

Omar Farnell S.S.

The foregoing, consisting of three sheets of five pages, was now here subscribed, by Omar Farnell the Testator, in the presence of each of us, and was at the same time declared by him to be his last Will and Testament, and on at his request, and in his presence, and in the presence of each other, have subscribed our names, as witnesses thereto.

William Green Residing in Mayville N.Y.
C. Hayes Residing Mayville N.Y.

I the undersigned Omar Farnell, of Mayville in the County of Chautauque, and State of New York, being of sound disposing mind, and memory, do on this second day of May 1872, make and publish, this my codicil, to my last Will and Testament, in manner and form following to wit.

First I do hereby Will, and direct, that all Estate of any kind Real or personal, devised or bequeathed, to either of my daughters, shall in case of their decease, without having any children, become null and of no effect, but shall revert to my Estate, and be equally divided, among my remaining children.

Second In case that the husband of any my said daughters, shall desire the use of the whole, or any portion, of what may be, belonging to my said daughters, and that my said daughters should consent thereto, and request my Executors, to take security therefor, it shall then be the duty of said Executors, to take good and sufficient security, from such husband, to return such property, as he may have taken to his said wife, on demand thereof, or upon her decease, without leaving children, to pay over the same, to such Executors, to be distributed, as is hereinfirst above directed.

Omar Farnell S.S.

Signed, sealed, published and declared, by the said Omar Farnell, as his codicil, to his last Will and Testament, in the presence of us who have hereunto, at his request, subscribed our names, as witnesses thereto, in the presence of the Testator, and each other.

J. A. Osbourn Mayville Cham. Co., N.Y.
A. B. Tracy Mayville Chautauque Co., N.Y.

Recorded the foregoing last Will and Testament and Codicil thereto annexed, of Omar Farnell deceased, and compared the same with the original, this Tenth sixth day of October 1872

G. S. Maples

Surrogate