

Will of Obadiah Evory (1775-1854), of Durham, Greene Co, New York

Notice of the Pending Probate of the Will of Obadiah Evory:

"ELIPHALET J. BURNHAM, of the City of Albany, being duly sworn, says that he is the Foreman in the office of the Albany Argus, the State Paper, and that the notice, of which the annexed is a printed copy, has been regularly published in said Albany Argus, once in each week, for six weeks successively, commencing on the 4 day of April 1854.

E. J. Burnham
Commissioner of Deeds"

Notice of Pending Probate from the ALBANY ARGUS, Apr 27, 1854:

"STATE OF NEW YORK, CITY AND COUNTY OF ALBANY,
The people of the State of New York, to Peter Evory, Jane Hotchkiss, Stephen Hotchkiss, Alche Ann Schermerhorn, Cornelius Schermerhorn, Mary B. Jones, Samuel Jones, Peter S. Evory, Abigail Wilbur, John Wilbur and Russel Townsend, (general guardian of Alexander Evory, Susan J. Evory, John C. Evory and Henry Evory, minors), all residing in Greene county, N.Y., Belinda Beach and Mansfield E. Beach, residing in the state of Michigan, Erastus Van Tassel and John Van Tassel, whose places of residence are unknown, Alche Ann Balkler and Henry Balkler, residing in Ulster county, N.Y., Obadiah Evory, residing in the city and county of New York, and Obadiah Evory, residing as aforesaid, the general guardian of Orlando Evory, a minor, heirs at law and next of kin of Obadiah Evory, late of the town of Durham, deceased, greetings:

Whereas James Evory, of the town of Durham and county of Greene, acting as surrogate, to have a certain instrument in writing, relating to real and personal real estate, duly proved as the last will and testament of the said deceased; you and each of you are hereby cited to appear before the said judge, at his office in the town of Catskill in the said county of Greene, on the 7th day of June next, at ten o'clock in the forenoon of that day, then and there to attend to the probate of said will.

In testimony whereof, the said judge has hereunto set his hand and affixed the seal of the surrogate's court [L. S.] of said county, the 24th day of April, one thousand eight hundred and fifty-four.

A. H. BAILEY
County Judge of Greene County
ap27 6w"

Transcript of the Will of Obadiah Evory (1775-1854)
of Durham, Greene County, New York

"I, Obadiah Evory, 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 order and direct that my honest debts and funeral charges be paid.

Item — I give to my wife Alche, in addition to what she is entitled to by law, all the household furniture of which I may die possessed, during her natural life, if she shall remain my widow; but in case she shall marry, then I direct that my Executors shall dispose of the same among my daughters hereinafter named.

Item — I give and devise to my Executors hereinafter named, in trust, for my son Peter, all that certain house and ten acres of land on which he now lives, being the same lot purchased by me of Harvey Camp, to be by him used and occupied so long as he shall live, and after his decease to go to his daughter Susan and his son Alferd, in fee-simple, to have the same as joint tenants in common, share and share alike.

Item — I give and devise to my son John forever, fifty acres of land off and from the west and north end of my farm, commencing at or near a spring in the north line of Zeba Osborn's land, and running thence north $87\frac{1}{2}^{\circ}$ east 11 chains to the road, thence north $22\frac{1}{2}^{\circ}$ west 9 chains and six links, thence south 87° west 22 chains, thence south 14° east 33 chains and fifty links to said spring, as surveyed by Thomas Caldwell. In consideration of the devise of said land to my said son John, I direct that he pay to my daughters Jane, Mary-Ann, Belinda and Alche-Ann, eighty dollars each, the one half payable in one year after my decease, and the other half in two years after my decease.

Item — I give and devise to my son James forever, all the rest and residue of my real estate, situate lying and being in the town of Durham, County of Greene, being the farm on which I now live. In consideration of which said devise to my son James, I direct that he pay to my said daughters above named, viz: Jane, Mary-Ann, Belinda and Alche-Ann, two hundred dollars each, the one half in one year after my decease, and the remainder in two years after my decease. I direct that the above legacies from my sons John and James to my daughter Mary Ann, shall be and remain in the hands of my Executors hereinafter named, in trust, for her benefit and use, to be paid her in such sums, and at such times as she may want and require, and at their direction.

Item — I give and bequeath to my grand-daughter Mary Belinda Van Tassel, fifty dollars from my personal property. And lastly, as to all the rest and residue of my personal real estate, of what kind or nature soever, I give, bequeath and devise the same to my sons John and James, to be equally divided between them, share and share alike.

I hereby appoint my sons John and James Executors of this my last Will and Testament, herby revoking all former Wills by me made. In Witness Whereof, I have hereunto set my hand and seal, this nineteenth day of March, 1838.

Obadiah Evory (L.L.)"

Signed, sealed, published and declared to be the Will of Obadiah Evory, before us, who have subscribed our names as witnesses, in the presence of the testator.

George S. Marsh, Durham, N.Y.
Daniel Coe, Durham, N.Y.
Geo. Sprague, Durham, N.Y.

Codicil to the 1838 Will of Obadiah Evory:

"Know all Men by these present, that I, Obadiah Evory, of Durham, Greene County, being of sound mind and memory, hereby make and add to the foregoing Will by me made, the following Codicil to-wit: I hereby further will and devise, give and grant to my sons and daughters, all the rest, residue and remainder of my real and personal property, not above directed, to have and to hold the same share and share alike, to be equally divided by my Executors aforesaid, according to the just value and amount thereof.

In Witness Whereof, I hereunto subscribe my name under seal, this 27th day of November, 1850.

Obadiah Evory (L.L.)"

Signed, sealed and published, and declared to be the Codicil of the said Obadiah Evory, before us, who have in his presence, and at his request, and in the presence of each other, set our hands as witnesses.

Almeron Marks, of Durham, Greene Co., N.Y.
Frank D. Winans, of Durham, Greene Co., N.Y.