

# Dallas County, Texas Probate Cases 1846 – Early 1900's

Case Number 1807

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# 1807

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The State of Texas, :

County of Dallas. : Estate of Emma Abbott Wetherell Ad

Know all men by these presents, that we, W. P. Dunning,  
Was Houghton, and Jas. L. Mitchell, as principals and

..... and .....  
as sureties, are held and firmly bound unto the county  
Judge of said County of Dallas, and his successors in of-  
fice, in the sum of One Thousand Dollars; conditioned  
that the above bound W. P. Dunning, Was Houghton, and  
Jas. L. Mitchell, who have been appointed Executors of  
the last Will of Emma Abbott Wetherell shall well and  
truly perform all the duties required of them under said  
appointment.

Witness our hands and seals, this 26<sup>th</sup> day of Octo<sup>r</sup>,  
1893.

*W. P. Dunning*  
*Jas. Houghton*  
*Jas. L. Mitchell*

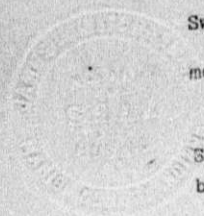
We and each of us do solemnly swear that we will well  
and truly perform all the duties of Executors of said will.

*W. P. Dunning*  
*Jas. Houghton*  
*Jas. L. Mitchell*

Sworn to and subscribed by *W. P. Dunning, Was Houghton*  
and *Jas. L. Mitchell* before  
me this 26<sup>th</sup> day of Octo<sup>r</sup>, 1893.

*J. A. Callaghan*  
Notary Public Kings Co.,  
Certificate filed in N.Y.C. New York.

Sworn to and subscribed by *Jas. L. Mitchell* before  
me this 30<sup>th</sup> day of Octo<sup>r</sup>, 1893.



Notary Public in and for Marine County State of Indiana  
Sworn to and subscribed by *James L. Mitchell*  
before me this --- day of --- 1893.



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No

Estate of  
Emma Abbott Westwell  
deceased,

Board of Executors

FILED

DEC 1 1898

L. H. HUGHES, County CLK.

BY *A. Jackson*  
Deputy

Approved Dec-  
2nd 1898

J. F. Nash

Co Judge

X-5-492  
(Recorded)



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978



Estate of Emma Abbott Wetherell } Entered as of  
No. 1891 } Decid } Oct. 16th 1893

This day came on to be heard  
the application of H. J. Dunning of New York City,  
Was Boughton of Brooklyn N.Y. and James L.  
Mitchell, of Indianapolis Indiana, to have re-  
corded in the will Record of this Court  
a copy of the last will & testament of  
Emma Abbott Wetherell deceased, and of  
the Probate thereof, and for ancillary letters  
of Administration upon said estate, And it  
appearing to the Court that said will of said  
decedent has been duly probated in the Hon-  
Surrogates Court of the City and County  
& State of New York and that a copy  
of said Will and of the Probate thereof  
duly certified as required by law is offered  
for record in the will Records of this Court  
it is considered by the Court that said  
application be granted, and that said  
certified copy of said will and of the  
Probate thereof be recorded in the  
Will Record of Dallas County Texas,  
and it further appearing to the Court that  
these applicants are the Executors  
of said will of said decedent duly  
appointed by the said Surrogates Court  
of the City and County of New York, it  
is considered by the Court and so ordered  
adjudged and decreed that said H. J. Dunning  
Was Boughton & Jas. L. Mitchell be and they  
are hereby appointed Administrators of  
said estate of Emma Abbott Wetherell  
deceased in Dallas County Texas, upon giving  
bond conditioned as required by law in

1 the sum of One Thousand Dollars,  
 2 It is further ordered that - Will A. Walker,  
 3 Brook May & E. M. Browder be and they  
 4 are hereby appointed appraisers of said  
 5 estate in said Dallas Co. Texas, and  
 6 that letters of Administration be issued  
 7 to said Dunning, Houston & Mitchell  
 8 when they have qualified according  
 9 to Law.

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Order  
 W. A. Walker



Inventory & Appraisement

Of the property Real and Personal belonging to the Estate of Emma Abbott Wetherell, dec'd, situated in Dallas County, State of Texas.

May 2nd. 1893 To balance due on four promissory notes of R. V. Tompkins, of Dallas, Texas \$10,113.25, valued at

State of *New York*,  
*City* County of *New York*. We, W. F. Dunning, Vas Houghton and Jas. L. Mitchell, Executors of the above named Estate, do solemnly swear that the foregoing is a true, full and complete inventory of all the property, real and personal, belonging to said Estate, that has come to our knowledge in the State of Texas.

*W. F. Dunning*  
*Vas Houghton*  
*James L. Mitchell*

Sworn to and subscribed by *W. F. Dunning* and *Vas Houghton* before me this *10th* day of *Octy*, 1893.

*J. A. Callaghan*  
 Notary Public King Co.,  
 Certy. filed in *NY Co.*  
*New York.*

Sworn to and subscribed by *James L. Mitchell* before me, this *30th* day of *October* 1893.

*James L. Mitchell, Jr.*  
 Notary Public in & for  
 Marion County, State of *Indiana*





The State of Texas,  
County of Dallas.

Before the undersigned authority, this day personally appeared Will A. Waller and Brook May Appraisers of the above named Estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true appraisal of the property pointed out to them as belonging to said Estate.

Brook May  
Will A. Waller

Sworn to and Subscribed before me, this 1 day of Dec A. D. 1892

A. Hudson Notary Public  
Dallas County Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No.

In the Estate of  
Emma Abbott Washell  
Deed

Inventory & Appraisement

FILED

DEC 1 1888

L. E. HUGHES, County Clk.

BY *As J. J. ...*  
Deputy

Examined and  
Approved Dec, 2nd  
1893 J. F. Wash  
Co Judge

{ Recorded }



The State of Texas } In County Court  
Dallas County } August Term 1893

To the Hon. Thos. J. Fash

Judge of said Court.

Your petitioners

W. F. Drumming who resides in the City and County of New York in the State of New York Vase Boughton who resides in the City of Brooklyn New York and James S. Northwell who resides in the City of Indianapolis in the State of Indiana, represent, that heretofore to wit: on the 12<sup>th</sup> day of January A. D. 1891, at the City and County of New York before the Hon. Rastus S. Ransom Surrogate of said City and County of New York, the last Will and Testament of Emma Abbott Withnell, deceased, was probated and approved and the Administration of all and singular the goods and Chattels and Credits of the said deceased and any way concerning her said Will was granted unto your petitioners Executors in the said Will named, and that they duly qualified as such under the law of the State of New York, and are now acting as such in the due administration of said Estate, as will more fully appear by the Certificate copy of said Will and the probate thereof attached hereto marked "Exhibit A" and made a part





Estate of Emma

Abbott Willard  
dec'd

Application of  
Executors for an-  
cillary letters

FILED Oct 16 1893  
L. H. HUGHES, Clerk County Court.  
By W. Jackson DEPUTY

Application granted  
and after the will & the  
probate thereof, shall  
have been recorded,  
letters of Administration  
will issue to applicants  
upon their giving bond  
in the sum of \$10000  
with A. Mulkin Brooks  
mayor & E. M. Brown  
appointed appraisers  
this Oct 16 1893 J. Hughes  
Clerk



The People of the State of New York,

BY THE GRACE OF GOD FREE AND INDEPENDENT,

To all to whom these presents shall come or may concern, GREETING:

Know Ye, That we having examined the records and files in the office of the Surrogate of the City and County of New York, do find there remaining, a certain record of the last Will and Testament of Emma Abbott Wetherell, deceased, together with the probate thereof, and the Letters granted thereon, said Will having been duly admitted to probate as a will of real and personal property, on the twelfth day of January in the year one thousand eight hundred and ninety-one.

in the words and figures following, to wit:



I, Emma Abbott, Wetherell of the City, County and State of New York, do make, publish and declare this to be my last Will and Testament, hereby revoking all other Wills by me at any time made.

First. I direct that my body, having been first tested by electricity to ascertain if life is extinct shall be cremated, and the ashes resulting therefrom shall be deposited beside the remains of my beloved husband.

Second. I nominate and appoint James L. Mitchell of Indianapolis, Indiana, Vas Houghton of Brooklyn, New York and William F. Dunning of New York City, Executors of this my Will, hereby giving and granting unto them and the survivors or survivor of them or such of them as shall qualify, full power and authority to sell at public or private sale all or any part of my real estate and to convey the same by such instruments in the law as shall be necessary and proper.

THIRD. I give and bequeath to the Farmers Loan and Trust Company in the City of New York One hundred thousand Dollars in Trust, to invest and keep invested said sum or the balance thereof in such income producing stocks, bonds and securities or investments as said Trustee shall deem proper and judicious, and to pay thereout monthly to my father Seth Abbott now residing at Minneapolis, Minnesota, the sum of four hundred dollars so long as he shall live. At his death I direct that said sum of one hundred thousand dollars, or so much thereof as shall then remain, shall become and form a part of my residuary estate and shall pass to the beneficiaries named in the Nineteenth clause of this my Will. In case the income

from said sum of One hundred thousand dollars shall not be sufficient to pay to my said father the sum of four hundred dollars each month then I direct that so much of the principal sum as may be necessary, be applied to make up any deficiency of income, so that in any event my said father shall receive four hundred dollars each month.

Fourth. I give and bequeath to the United States Trust Company in the City of New York One hundred thousand dollars, In Trust, to invest and keep invested said sum or the balance thereof in such income producing stocks, bonds and securities or investments as said Trustee shall deem proper and judicious, and to pay thereout monthly to my dear mother Almira M. Abbott now residing in Chicago, Illinois, the sum of four hundred dollars so long as she shall live. At her death I direct that said sum of One hundred thousand dollars or so much thereof as shall then remain shall become and form a part of my residuary estate and shall pass to the beneficiaries named in the nineteenth clause of this my Will. In case the income from said sum of One hundred thousand dollars shall not be sufficient to pay to my said mother the sum of four hundred dollars each month then I direct that so much of the principal sum as may be necessary, be applied to make up any deficiency of income so that in any event my said mother shall receive four hundred dollars each month.

Fifth. I give and bequeath to Martha G. Wetherell, the mother of my deceased husband, of Gloucester, Massachusetts the sum of Ten thousand dollars.

Sixth. I give and bequeath to my brother Leon H. Abbott of Waukesha, Wisconsin, the sum of twenty five thousand dollars.



Seventh. I give and bequeath to my brother Frederick Abbott now residing in Chicago, Illinois, the sum of twenty-five thousand dollars.

Eighth. I give and bequeath to my sister Mrs. Lizzie Abbott Clark now residing in Chicago Illinois, the sum of twenty five thousand dollars and I also bequeath to her, my wardrobe, both stage and private.

Ninth. I give and bequeath to each of the children of my brother Leon who shall be living at the time of my death, the sum of five thousand dollars.

Tenth. I give and bequeath to each of the children of my deceased brother George H. Abbott, who shall be living at the time of my death the sum of five thousand dollars.

Eleventh. I give and bequeath to each of the children of Mrs. Etta Clark ( a deceased sister of my late husband) who shall be living at the time of my death, the sum of five thousand dollars.

Twelfth. I give and bequeath to each of the children of Monson L. Wetherell of Gloucester, Massachusetts, who shall be living at the time of my death, the sum of five thousand dollars.

Thirteenth. I give and bequeath to my deceased husband's Aunt Fannie, sister of Martha G. Wetherell, of Gloucester, Massachusetts, the sum of five thousand dollars.

Fourteenth. I give and bequeath to Vas Houghton of Brooklyn, New York, the sum of ten thousand dollars.

Fifteenth. I give and bequeath to my secretary Daniel A. Consadine of Nashville, Tennessee, the sum of five thousand dollars.

Sixteenth. I give and bequeath to Alice Cafferty of



Jersey City New Jersey the sum of five thousand dollars and I also bequeath unto her all my music, operatic scores and private papers of every kind and character.

Seventeenth. I give and bequeath to the Congregational Church at Gloucester, Massachusetts, from which my deceased husband was buried the sum of five thousand dollars

I give and bequeath to each of the following Churches that I have attended from time to time and where I have particularly enjoyed the services five thousand dollars: Plymouth Church of Brooklyn, New York: Brooklyn Tabernacle, now under the ministry of Revd.T.De Witt Talmage: Madison Avenue Baptist Church, now located at Thirty first Street and Madison Avenue, New York City: Fourth Avenue Presbyterian Church now located at Fourth Avenue and Twenty second Street New York City and under the ministry of Revd.Howard Crosby: Church of the Divine Paternity now located at Forty fifth Street and Fifth Avenue, New York City: Citadel Square Baptist Church of Charleston South Carolina Rose Hill Methodist Episcopal Church Twenty second Street near Third Avenue New York City: St.Lukes Methodist Episcopal Church Forty-first Street between Sixth Avenue and Broadway, New York City.

Eighteenth. I direct my said Executors and the survivors or survivor of them, to sell and dispose of at public or private sale and upon such terms as to them shall seem best my diamonds and other jewelry.

Nineteenth. All the rest residue and remainder of my property of every kind and character and wheresoever situate including the balances which shall remain of the funds provided for in the third and fourth clauses of this my Will at the death of the respective beneficiaries I give, devise and bequeath unto the following corporations

and individuals share and share alike.

Foundling Asylum of the Sisters of Charity in the City of New York.

Childrens Aid Society of the City of New York for the support of the News Boys Lodging House now located at the corner of Duane and New Chambers Streets in said City.

Home for Friendless in Newark New Jersey.

Chapin Home for the Aged and Infirm An Association for the Relief of Respectable Aged Indigent Females in the City of New York.

House of Mercy, now located foot of Eighty sixth Street New York City.

St.Johns Guild of the City of New York to be used and applied in excursions for sick children and their mothers during the summer.

Hebrew Benevolent Society of the City of New York.

Sanitarium for Hebrew Children Mrs.S.V.White wife of S.V.White of Brooklyn New York.

Mrs.Sarah Bird a friend of Mrs.S.V.White I trust that Mrs.White and Mrs.Bird will distribute the money so received by them in charity.

Twentieth. Should any legatee, devisee or beneficiary named in my said last Will and Testament institute, take or assist in any proceeding to oppose the probate of my said Will, or to impeach or impair or to set aside or invalidate any of the provisions thereof, any devise or legacy to or for the benefit of such person or persons under my said Will is hereby revoked, and such person shall be, excluded from any participation in and shall not have any share or portion of my property or estate real or personal, and any bequest or legacy so revoked or annulled shall revert to and form part of my residuary estate and



shall pass to the beneficiaries named in the nineteenth clause of my said Will.

In witness whereof, I have hereunto subscribed my name and affixed my seal this twenty eighth day of May one thousand eight hundred and ninety.

Emma Abbott Wetherell (L.S.)

The foregoing instrument was on the day of its date subscribed by the said testatrix Emma Abbott Wetherell in our presence and was at the same time published and declared by her to be her last Will and Testament and we thereupon at her request in her presence and in the presence of each other subscribed our names hereto as attesting witnesses, this attestation clause having been first read aloud in her and our hearing.

W.F.Dunning 215 West 44th St.N.Y.City.

A.J.A.Callaghan 585 7th St.,Brooklyn.

Saml.J. Hare 290 Pacific Street Brooklyn.

Executed at Marlborough Hotel

N.Y.City.

**Surrogate's Court,**  
CITY AND COUNTY OF NEW YORK.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

*Emma Abbott Wetherill*

DECEASED,

AS A WILL OF REAL AND PERSONAL PROPERTY.

City, County and State of New York, ss: *William F. Dunning*

of *215 W. 44<sup>th</sup> St.* New York City, being duly sworn as a witness in the above-entitled matter, and examined on behalf of the applicant to prove said will, says: I was well acquainted with *Emma Abbott Wetherill* now deceased;

I knew the above-named decedent for more than *ten* years before her death. The subscription of the name of said decedent to the instrument now shown to me and offered for probate as *last will and testament, and bearing date the 28<sup>th</sup> day of May* in the year one thousand eight hundred and *ninety*, was made by the decedent at the City of New York,

on the *28<sup>th</sup>* day of *May* in the year one thousand eight hundred and *ninety*, in the presence of myself and *A. J. A. Callaghan* and *Samuel J. Hoare* the other subscribing witness. At the time of such subscription the said decedent declared the said instrument so subscribed by her to be

her last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent, and in her presence.

The said decedent at the time of so executing said instrument, was upwards of the age of twenty-one years, and in my opinion of sound mind, memory and understanding, not under any restraint or in any respect incompetent to make a will. I also saw said *A. J. A. Callaghan* and *Samuel J. Hoare* the other subscribing witnesses, sign their names as witnesses at the end of said will, and know that they did so at the request and in the presence of said decedent.

*William F. Dunning*

Witness sworn and examined by me, this

*12<sup>th</sup>* day of *January* 189*1*

*Bernard J. Tinney*  
Assistant to the Surrogate, New York County



**Surrogate's Court,**  
CITY AND COUNTY OF NEW YORK.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

*Emma Abbott Hetherell*

DECEASED,

AS A WILL OF REAL AND PERSONAL PROPERTY.

City, County and State of New York, ss:

*Alexander J. A. Callaghan*  
of *575 Seventh St. Brooklyn N.Y.*, being duly sworn as a  
witness in the above-entitled matter, and examined on behalf of the applicant to prove said will, says:

I was well acquainted with *Emma Abbott Hetherell*  
now deceased;

I knew the above-named decedent for more than *one* - years  
before her death. The subscription of the name of said decedent to the instrument now shown to me  
and offered for probate as

last will and testament, and bearing date the *28<sup>th</sup>* day of *May*  
in the year one thousand eight hundred and *ninety*, was made by the  
decedent at the City of New York,

on the *28<sup>th</sup>* day of *May* in the year one thousand eight  
hundred and *ninety*, in the presence of myself and *William F. Dunning*  
and *Samuel J. Hare* the other subscribing witness.  
At the time of such subscription

the said decedent declared the said instrument so subscribed by her to be

her last will and testament; and I thereupon signed my name as a  
witness at the end of said instrument, at the request of said decedent, and in her presence.

The said decedent at the time of so executing said instrument, was upwards of the age of twenty-  
one years, and in my opinion of sound mind, memory and understanding, not under any restraint  
or in any respect incompetent to make a will. I also saw said *William F. Dunning*  
and *Samuel J. Hare*, the other  
subscribing witnesses, sign their names as witnesses at the end of said  
will, and know that they did  
so at the request and in the presence of said decedent.

*A. J. A. Callaghan*

Witness sworn and examined before me, this

*12<sup>th</sup>* day of *January* 189*1*

*Bernard J. Tierney*  
Assistant to the Surrogate, New York County.

**Surrogate's Court,**  
CITY AND COUNTY OF NEW YORK.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

*Emma Abbott Wetherell*

DECEASED,

AS A WILL OF REAL AND PERSONAL PROPERTY

City, County and State of New York, ss:

*Samuel J. Hare*

of *52 Concord St. Brooklyn City*, being duly sworn as a witness in the above-entitled matter, and examined on behalf of the applicant to prove said will, says:

I was well acquainted with *Emma Abbott Wetherell* now deceased;

I knew the above-named decedent for more than *one* year before her death. The subscription of the name of said decedent to the instrument now shown to me and offered for probate as

last will and testament, and bearing date the *28<sup>th</sup>* day of *May* in the year one thousand eight hundred and *ninety* was made by the decedent at the City of New York,

on the *28<sup>th</sup>* day of *May* in the year one thousand eight hundred and *ninety*, in the presence of myself and *William F. Dunning* the other subscribing witness.

At the time of such subscription the said decedent declared the said instrument so subscribed by her to be her last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent, and in her presence.

The said decedent at the time of so executing said instrument, was upwards of the age of twenty-one years, and in my opinion of sound mind, memory and understanding, not under any restraint, or in any respect incompetent to make a will. I also saw said *William F. Dunning* and *A. J. Callaghan* the other

subscribing witnesses, sign their names as witnesses at the end of said will, and know that they did so at the request and in the presence of said decedent.

*Samuel J. Hare*

Witness sworn and examined before me, this

*12<sup>th</sup>* day of *January* 189*1*

*Bernard J. Linnery*  
Assistant to the Surrogate, New York County.



At a Surrogate's Court, held in and  
for the City and County of New  
York, at the Surrogate's Office in  
the City of New York, on the 12th  
day of January in the year 1891.

Present:

Hon. Rastus S. Ransom,

Surrogate.

-----x  
In the Matter of proving the last :  
Will and Testament :  
--of-- :  
Emma Abbott Wetherell, :  
Deceased. :  
-----x

The Citation herein having been duly issued, served  
waived, and returned, the all rations of the parties ap-  
pearing having been heard, and the proofs having been du-  
ly taken by the Surrogate, among other things as to the  
execution of said instrument, bearing date May 28th 1890  
and the probate of the said Will not having been contested  
and it appearing to the Surrogate that the Will was duly  
executed and that the testatrix at the time of executing  
it was in all respects competent to make a will, and not  
under restraint: It is Ordered, Adjudged and Decreed,  
that the instrument offered for probate herein be, and the  
same hereby is admitted to probate as the last Will and  
Testament of the said deceased, valid to pass real and  
personal property, and that Letters testamentary be is-  
sued thereon to the executor who may qualify thereunder.

Rastus S. Ransom,  
Surrogate.

The People of the State of New York,

BY THE GRACE OF GOD FREE AND INDEPENDENT,

To all to whom these Presents shall come or whom they may concern,

SEND GREETING:

Know Ye, That at the City and County of New York, on the  
twelfth day of January in the year of our Lord one  
thousand eight hundred and ninety one before Hon. RASTUS S. RANSOM,  
Surrogate of our said City and County, the Last Will and Testament of  
Berma Abbott Wetherell  
deceased, was proved, and is now approved and allowed by us; and the said deceased  
having been at the time of her death a resident of

the County of New York, by means whereof the proving and registering said Will,  
and the granting Administration of all and singular the goods, chattels and credits  
of the said Testatrix and also the auditing, allowing and final discharging  
the account thereof, doth belong unto us, the Administration of all and singular the  
goods, chattels and credits of the said deceased, and any way concerning her  
Will, is granted unto Vas Houghton of Brooklyn New  
York and William F. Humming of the  
City, County and State of New York,  
two of the

Executors in the said Will named, they being first duly sworn, well, faith-  
fully and honestly to discharge the duties of such Executors,

In Testimony Whereof, We have caused the Seal of Office of the Surrogate's Court of  
the City and County of New York to be hereunto affixed.

Witness, Hon. RASTUS S. RANSOM, Surrogate of our said City and County, at the  
City of New York, the 12<sup>th</sup> day of January in the year  
of our Lord one thousand eight hundred and ninety one and of our Inde-  
pendence the one hundred and



James F. McLaughlin,  
Clerk of the Surrogate's Court.

TY-1978



The Attention of Executors and Administrators is directed to the Following Provisions of  
the Statutes :

REVISED STATUTES, PART 2, CHAP. 6, TITLE 3, ART. 1, 3 R. S. (7th Ed.), p. 2294.

§ 2. The executors and administrators of any testator or intestate, within a reasonable time after qualifying, and after giving the notice in the next section required, with the aid of appraisers so appointed by the Surrogate, shall make a true and perfect inventory of all the goods, chattels and credits of such testator or intestate, and where the same shall be in different and distant places, two or more such inventories, as may be necessary.

§ 3. A notice of such appraisement shall be served five days previous thereto, on the legatees and next of kin, residing in the county where such property shall be; and it shall also be posted in three of the most public places of the town. In every such notice, the time and place at which such appraisement will be made shall be specified.

§ 4. Before proceeding to the execution of their duty, the appraisers shall take and subscribe an oath, to be inserted in the inventory made by them, before any officer authorized to administer oaths, that they will truly, honestly and impartially appraise the personal property, which shall be exhibited to them, according to the best of their knowledge and ability.

§ 5. The appraisers shall, in the presence of such of the next of kin, legatees, or creditors of the testator or intestate as shall attend, proceed to estimate and appraise the property which shall be exhibited to them; and shall set down each article separately, with the value thereof in dollars and cents, distinctly in figures, opposite to the articles respectively.

§ 6. The following property shall be deemed assets, and shall go to the executors or administrators, to be applied and distributed as part of the personal estate of their testator or intestate, and shall be included in the inventory thereof:

1. Leases for years; lands held by the deceased from year to year; and estates held by him for the life of another person.
2. The interest which may remain in the deceased at the time of his death in a term for years, after the expiration of any estate for years therein, granted by him or any other person.
3. The interest in lands devised to an executor for a term of years, for the payment of debts.
4. Things annexed to the freehold, or to any building, for the purpose of trade or manufacture, and not fixed to the wall of a house, so as to be essential to its support.
5. The crops growing on the land of the deceased, at the time of his death.
6. Every kind of produce raised annually by labor and cultivation, except grass growing and fruit not gathered.
7. Rent reserved to the deceased which had accrued at the time of his death.
8. Debts secured by mortgages, bonds, notes or bills; accounts, money and bank bills, or other circulating medium, things in action, and stock in any company, whether incorporated or not.
9. Goods, wares, merchandise, utensils, furniture, cattle, provisions, and every other species of personal property and effects, not hereinafter excepted.

§ 7. Things annexed to the freehold, or to any building, shall not go to the executor, but shall descend with the freehold to the heirs or devisees, except such fixtures as are mentioned in the fourth sub-division of the last section.

§ 8. The right of an heir to any property not enumerated in the preceding sixth section, which by the common law would descend to him, shall not be impaired by the general terms of that section.

§ 9. Where a man having a family shall die, leaving a widow or a minor child or children, the following articles shall not be deemed assets, but shall be included and stated in the inventory of the estate, without being appraised:

1. All spinning-wheels, weaving-looms, one knitting-machine, one sewing-machine and stoves put up or kept for use by his family.
2. The family Bible, family pictures, and school-books used by or in the family of such deceased person, and books not exceeding in value fifty dollars, which were kept and used as part of the family library before the decease of such person.
3. All sheep to the number of ten, with their fleeces and the yarn and cloth manufactured from the same, one cow, two swine and the pork of such swine, and necessary food for such swine, sheep or cow for sixty days, and all necessary provisions and fuel for such widow or child or children for sixty days after the death of such deceased person.
4. All necessary wearing apparel, beds, bedsteads and bedding, necessary cooking utensils, the clothing of the family, the clothes of the widow and her ornaments proper for her station; one table, six chairs, twelve knives and forks, twelve plates, twelve tea-cups and saucers, one sugar dish, one milk pot, one tea pot and twelve spoons, and also other household furniture which shall not exceed one hundred and fifty dollars in value.

The People of the State of New York,

BY THE GRACE OF GOD FREE AND INDEPENDENT,

To all to whom these Presents shall come or whom they may concern,

SEND GREETING:

Know Ye, That at the City and County of New York, on the  
twelfth day of January in the year of our Lord one  
thousand eight hundred and ninety one before Hon. RASTUS S. RANSOM,  
Surrogate of our said City and County, the Last Will and Testament of  
Emma Abbott Wetherell  
deceased, was proved, and is now approved and allowed by us; and the said deceased  
having been at the time of her death a resident of

the County of New York, by means whereof the proving and registering said Will,  
and the granting Administration of all and singular the goods, chattels and credits  
of the said Testatrix and also the auditing, allowing and final discharging  
the account thereof, doth belong unto us, the Administration of all and singular the  
goods, chattels and credits of the said deceased, and any way concerning her  
Will, is granted unto James L. Mitchell, of Indianapolis,  
Indiana, (in conjunction with William  
F. Dunning and Gas Houghton who  
heretofore qualified) an  
Execut<sup>r</sup> in the said Will named, he being first duly sworn, well, faith-  
fully and honestly to discharge the duties of such Execut<sup>r</sup>,

In Testimony Whereof, We have caused the Seal of Office of the Surrogate's Court of  
the City and County of New York to be hereunto affixed.

Witness, Hon. RASTUS S. RANSOM, Surrogate of our said City and County, at the  
City of New York, the 26<sup>th</sup> day of January in the year  
of our Lord one thousand eight hundred and ninety one and of our Inde-  
pendence the one hundred and



fifteenth.  
James F. McLaughlin,  
Clerk of the Surrogate's Court.



Form 59.

All of which we have caused by these presents to be exemplified,  
and the Seal of our said Surrogate's Court to be hereunto affixed.

Witness, HON. RASTUS S. RANSOM, Surrogate of the City and  
County of New York, at the City of New York, the nineteenth  
day of September in the year of our Lord one thousand  
eight hundred and ninety-three of our Independence the one  
hundred and eighteenth

*James F. McLaughlin*  
Clerk of the Surrogate's Court.

I, RASTUS S. RANSOM, Surrogate of said City and County, and  
~~the~~ presiding Magistrate of the Surrogate's Court, do hereby certify  
that James F. McLaughlin, whose name is subscribed to the preced-  
ing exemplification, is the Clerk of the said Surrogate's Court of the  
City and County of New York, and that full faith and credit are  
due to his official acts. I further certify, that the seal affixed to the  
exemplification is the seal of our said Surrogate's Court, and that the  
attestation thereof is in due form, and according to the form of attestation  
used in this State.

Dated New York,

September 19<sup>th</sup> 1893

*Rastus S. Ransom*  
Surrogate.

STATE OF NEW YORK, } ss.  
CITY AND COUNTY OF NEW YORK, }

I, JAMES F. McLAUGHLIN, Clerk of the Surrogate's  
Court of the City and County of New York, do hereby certify that  
HON. RASTUS S. RANSOM, whose name is subscribed to the preceding  
Certificate, is the ~~the~~ presiding Magistrate of the Surrogate's Court of  
the City and County of New York, duly elected, sworn and qualified,  
and that the signature of said Magistrate to said Certificate is genuine.

In Testimony Whereof, I have hereto set my hand, and affixed the  
Seal of the said Court, this

19<sup>th</sup> day of Sept. 1893

*James F. McLaughlin*  
Clerk of the Surrogate's Court.

ETY-1973

No. 30.

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**SURROGATE'S COURT,**

*City and County of New York.*

IN THE MATTER OF THE

**ESTATE**

OF

*Emma Abbott Wetherell*

*Deceased*

*1 Simplified Copy,  
of Will etc.*

*Filed 16<sup>th</sup> of October 1893*

*L. S. Hughes Clerk Co. Court*

*By W. Jackson Deputy*

*Record at length  
in Will Record*

*Recorded*