

In the Matter of recording
Proving and Recording the last
Will and Testament of Thomas
Eagar deceased, as a will of Real
Personal Estate.

At a Surrogate's court held in and for the County of Westchester at the
Surrogates office in White Plains on the 23rd day of July in the year 1840.

Present: Alex H. Wells, Surrogate, Westchester County

Be it Remembered that heretofore upon due application for that purpose to the Surrogate of
Said county, a Citation was duly issued in this matter, which Citation with the proof of Service
thereof were thereafter duly returned to said surrogate and which said Citation with the proof
of service thereof are as follows to wit: ---

The People of the State of New York: by the Grace of God, Free and Independent;
To John Eagar, Elizabeth Eagar, Lucy Eagar, Thomas Eagar, Arabella Eagar, Mary Eagar, and
William Eagar, the minor Children, heirs at Law and next of kin of Thomas Eagar, late of the
Town of Mount Pleasant, in the County of Westchester, deceased, and Aaron Ward, the Special
Guardian of said Minor Children, all of whom reside in the Town of Mount Pleasant, County of
Westchester and State of New York.....Send greeting:

Whereas Lucy Eagar, of the Town of Mount Pleasant has lately applied to our surrogate of the
County of Westchester, to have a certain instrument in writing bearing date the 21st day of
June, 1839, purporting to dispose of both Real and personal Estate, duly proved as the last will
and Testament of Thomas Eagar, late of the Town of Mount Pleasant deceased, in pursuance of
the statute in such Cases made and provided. You and each of you are therefore Cited and
required, personally to be and appear before our said Surrogate at the late residence of said
deceased in the said County on the 18th day of July, instant at 12 o'clock at noon of that day,
then and there to attend to the probate of said last will and Testament.

In Testimony Whereof, we have Caused the seal of office of our said Surrogate of the
County of Westchester to be hereunto affixed.

Witness Alexander H. Wells, Surrogate of said County, at the Town of White Plains, the
3rd day of July, in the year of our Lord, one thousand Eight hundred and Forty, and of our
independence the Sixty fourth.

Alexander H. Wells, Surrogate.

Westchester County

Lucy Eagar, the Executrix
named in the Last Will and Testament of Thomas Eagar Deceased, being duly sworn deposeth
and says that She served the within Citation on the Minor Children, heirs at Law and next of Kin
of said deceased, by showing them the original and giving each of them a copy of the same at
least Eight days previous to the return day thereof,

Sworn and subscribed

This 18th day of July 1840

(signature) Lucy Eagar

before me

Alexander H. Wells, Surrogate

I acknowledge due service of the within Citation on me more than Eight days previous to this date July 18th 1840

(signature) Aaron Ward

And thereupon the Last will and Testament of Thomas Eagar, deceased, with the proofs thereof, were produced as follows to wit:

The last will and testament of Thomas Eagar of the Village of Sing-Sing in the County of Westchester.....

I, the said Thomas Eagar, being in a feeble state of bodily health but of sound disposing mind and memory and being mindful of the uncertainty of life and the Certainty of death, Do make this my last will and Testament in manner following, hereby revoking all former wills by me made.

First I order and direct – and it is my will that my funeral Expenses, and all my Just debts which I shall owe at the time of my decease Except such debts as are may be secured on real Estate Shall be paid out of my personal property, and I direct my executors herein after name or whoever shall Execute this will to pay the same as soon as Conveniently may be after my decease, out of my said personal property --

Second -- all the rest and residue of my personal Estate and property whatsoever and wheresoever of every nature and Kind that may remain after the payment of my funeral Expenses and my said debts not charged on real Estate as aforesaid, except my piano I give and bequeath together with my Pew in St Paul's Church in Sing-Sing to my beloved wife Lucy Eagar to her own absolute use and benefit forever.....

Third -- I also give and devise to my said wife my house and Lot at the upper Landing in Sing-Sing situate at the Corner of Broadway and Water Street, Bounded as follows: in front by Broadway: on the east by Water Street: on the south by lands of Henry Harris: and on the west by Hudson River: --- which said house and lot and premises I give and devise to my said wife and her heirs forever subject to the payment of a certain mortgage now existing as an encumbrance thereon and which mortgage is to be paid out of the same.

Fourth -- All the rest and residue of my real Estate whatsoever and wheresoever I give, devise, and dispose of as follows viz.: I give the use and enjoyment of the same to my said wife subject to the mortgages money or debts charged thereon until my youngest surviving Child Shall arrive at the age of Twenty-one years: she to pay the interest of the monies so charged by mortgage on the same out of the rents and profits thereof, and take care of Bring up and Educate my said Children or such of them needing the same as shall Continue to live with her and be subject to her maternal authority and control and if she shall refuse or neglect to take Care of bring up and Educate my said Children as aforesaid Then it is my will that her right to the rents and profits aforesaid of this part of my Estate from thenceforth cease. And when my said youngest surviving child shall arrive at the age of twenty-one years or at the death of my said wife or her refusal or neglect to take Care of bring up and Educate my said children as aforesaid whichsoever of these events first shall happen, then the said residue of my real Estate to go to, and be equally divided between all my said children viz.: my sons John, Thomas, and William, and my Daughters Elizabeth, Lucy, Mary, and Arabella, who shall be then living and the descendants of such of them as shall have died in equal portions, such descendants, taking the share only their ancestor would have been Entitled to if living, and which I give and devise to them and their heirs forever. Subject, however, to the Dower of my said wife if living in and to the same. And also subject to the debts, charged by mortgage thereon. And if the said last

mentioned Real Estate or any part thereof shall be sooner sold by virtue or in pursuance of any Contract or agreement I may have made or by my said wife whom I hereby authorize and empower to sell and Convey the same then the proceeds of such sale or sales to be liable for and pay off and satisfy the said mortgages charged on said Land so sold and the residue to be put at interest by my said executors or whosoever shall Execute this will on good landed security and the interest of the said money to be paid to and taken by my said wife until my said youngest surviving child shall arrive at Lawful age, she Continuing to take Care of and bringing up and Educating my said children as aforesaid but as before if she shall neglect and refuse so to do, then her right to such interest money thenceforth to Cease. And when my said youngest surviving child shall arrive at Lawful age or at the death of my said wife or her so neglecting or refusing to take Care of bring up and Educate my said children as aforesaid whichsoever of said events shall soonest happen then I give and bequeath the said money to my said Children equally to be divided between them and who shall be then living and the descendants of such of them as shall have died in Equal portions, such descendants to take the share only their ancestor would have been entitled to if living and which I give them forever: my said wife however to be entitled in such Case if living, to dower in said money the same and to the same Extent she would or might have been in and to the said Lands so sold in Case no sale had been made.

Fifth --- My piano I leave for the use of my four daughters above mentioned, til the youngest of them shall arrive at Lawful age when I give and bequeath the same to them equally forever to be disposed of as they may think proper. And it is my will and devise that my said wife take Care of the said Instrument for the use of my said daughters until the youngest of them shall come of age as aforesaid.....

Lastly I nominate and appoint my said wife Executrix of this my last will and Testament.

In witness whereof I have hereunto set my hand and seal this twenty-first day of June in the year one thousand eight hundred and thirty-nine.

The above instrument
was subscribed by Thomas
Eagar, the Testator, in our
Presence and was declared by
Him to be his last will and testament and we at his request have signed our
names hereto as witnesses.

Signature: Thomas Eagar

Malcom Snowden of Sing-Sing, Westchester County
R. R. Voris, of the same place

In the Matter of Proving the
the Last will and Testament of
Thomas Eagar, late, of the Town
of Mount Pleasant, deceased

Westchester County

Be it remembered,
that on this, Eighteenth day of July in the year one thousand eight hundred and forty, before
Alexander H. Wells, Surrogate of the said County personally appeared, Richard R. Voris who

being by the said surrogate duly sworn and Examined doth depose and say that this deponent was well acquainted with Thomas Eagar, deceased; That he was present as a witness and did see the said Thomas Eagar deceased, subscribe at the End thereof the Instrument now produced and shown to the deponent purporting to be the last will and Testament of the said Thomas Eagar deceased, bearing date the twenty-first day of June in the year one thousand eight hundred and thirty nine, that such subscription was made by the said testator in the presence of this deponent; that the said Testator at the same time declared the Instrument so subscribed by him to be his, Testators, last will and Testament ----- Whereupon this deponent signed his name at the end thereof at the request of the said testator; and that the said Testator, at the time of Executing and publishing the said last will and Testament, was of full age, of sound mind and memory, and not under any restraint.

Sworn and subscribed
this 18th day of June
1840, before me.
Alex H Wells. Surrogate

Signature: R. R. Voris

Westchester County

Be it remembered,
That on this, twenty-third day of July in the year one thousand eight hundred and forty, before Alexander H Wells, Surrogate of the said county, personally appeared Malcom Snowden who being by the said surrogate duly sworn and Examined doth depose and say, that this deponent was well acquainted with Thomas Eagar, deceased; That he was present, as a witness, and did see the said Thomas Eagar, deceased, subscribe at the end thereof the Instrument now produced and shown to the deponent, purporting to be the last will and Testament of the said Thomas Eagar, deceased, bearing date the Twenty-first day of June in the year one thousand eight hundred and thirty nine. That such subscription was made by the said Testator in the presence of this deponent; that the said Testator at the same time declared the Instrument so subscribed by him, to be his, Testators, last will and Testament. --- Whereupon this deponent signed his name at the end thereof at the request of the said Testator; and that the said Testator at the time of executing and publishing the said last will and Testament, was of full age, of sound mind and memory, and not under any restraint.

Sworn and subscribed this 23rd
day of July 1840. Before me....
Alex H. Wells
Surrogate

(signature) Malcom Snowden

Westchester County

Be it remembered, that
on the 18th day of July 1840, before Alexander H. Wells, Surrogate of the County of Westchester, personally appeared Lucy Eagar, the Executrix named in the Last will and Testament of Thomas Eagar, deceased, who being by the said surrogate duly sworn, deposed and said that she saw the Instrument now produced in Court purporting to be the Last will and

Testament of said deceased, at the time the same was executed by said deceased – that after such Execution it was left in deponents possession where it remained until She delivered the same to the Surrogate of the said County for record and proof, Except a short time when it was in the hands of Aaron Ward, Esquire, her Counsel --- That it is the same instrument which said deceased Executed for his last will and Testament, and this deponent verily believes that the said instrument is the last will and Testament of said deceased.

Sworn and subscribed this
18th day of July 1840.

(signature) Lucy Eggar

Before me

Alex H. Wells Surrogate
County of Westchester
Surrogates office

Recorded the preceding

Last will and Testament of Thomas Eggar, deceased, as a will of Real and personal Estate together with the proofs, Examinations and others proceeding taken and had in the Court of the Surrogate of the County of Westchester, relating to the proving of said Last will and Testament, which record is hereby signed and Certified by me pursuant to the provisions of the Revised Statutes the twenty-third day of July in the year of our Lord one Thousand Eight hundred and Forty and of our independence the sixty-Fifth.

Alexander H. Wells
Surrogate of Westchester County.