

In the matter of the Estate of Michael M Benjamin } **IN a SURROGATE'S COURT**, held at Nayatts in and for the  
County of Chautauqua, on the 28 day of April 1877  
deceased. } Before Hon Charles G. Maphis Esquire, Surrogate of said County.

On the day and year, and at the place aforesaid George R Benjamin Executor of the last will and testament of Michael M Benjamin late of the town of Chautauqua 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 14 day of July 1877. That at the time of his death he was of inhabitant of Chautauqua County N.Y.

That he died leaving a last Will and Testament, which is now exhibited in the said Surrogate's Court, which bears date on the 3 day of October 1860; which relates to Real & 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:

David Benjamin, Charles P Benjamin Chautauqua Chaut. Co. N.Y.  
Oliver White Stephenville Pa. and the children of a deceased son  
Henry A Benjamin & Archie Witas Shenyaw, Leifus W Benjamin  
Malville & Mary Cottrell Frederick all of Chautauqua County N.Y.  
all of full age.

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 Nayatts on the 15 day of May 1877, at ten o'clock in the forenoon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office, this 28 day of April 1877.

L. S.

C. G. Maphis Surrogate.

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County of Chautauqua, this 3 day of May 1877.  
deceased. } Before Hon Charles G. Maphis Esquire, Surrogate of said County.

On the day and place aforesaid George R Benjamin Executor of the last will and testament of Michael M Benjamin late of Chautauqua appeared and prayed that the said will be admitted to probate, and exhibited the following proofs:

First, Due service of the citation heretofore issued, upon all the heirs and next of kin of said deceased.

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

Keller Moor of the town of Nayatts 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 me, and which purports to be the last will and testament of the said Michael M Benjamin and which bears date on the 3 day of October in the year one thousand eight hundred and seventy 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 Shadrach Moor 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 did subscribe his name to the said last will as aforesaid, and at the time of this deponent's subscribing his name as an attesting witness heretofore 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.

Keller Moor

Chautauqua County, ss:

*James Moor* of the town of *Chautauqua* 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 testat *er* 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 *deceased* *M. Sawyer* and which bears date on the *3<sup>rd</sup>* day of *October* in the year one thousand eight hundred and *eighty* and this deponent further saith, that the said Testat *er* 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 *Nathan Moor* 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 Testat *er*. And this deponent further saith, that at the said time when the said Testat *er* 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 Testat *er* 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.

*James Moor*

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 *George P. Sawyer administrator with the will annexed* in the last will and testament formed on *his* taking and subscribing the oath of office prescribed by law.

WHEREUPON, On the *15<sup>th</sup>* day of *May* 1877, the said execut *administrator* *George P. Sawyer* 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 *his* will be granted to *George P. Sawyer administrator as aforesaid* execut in the said will named.

It is further ordered, on the application of the said *George P. Sawyer* execut as aforesaid, that *two* disinterested persons of the town of *Chautauqua* 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.

Witness, *Charles G. Maples* Esquire, Surrogate of the said County, at *Chautauqua* this *15<sup>th</sup>* day of *May* 1877.

L. S.

*C. G. Maples* Surrogate.

Recorded and Examined this *15<sup>th</sup>* day of *May* 1877.

*C. G. Maples* Surrogate.

The last Will & Testament of Michael M. Beaujean of the Town and County of Chautauque signed this October 26<sup>th</sup> 1860.

First

I Michael M. Beaujean being of sound disposing mind and memory do hereby make, publish and declare this my last Will & Testament in manner and form following to wit.

Second

I Will and direct that all debts I shall be paid and the funeral expenses of myself and wife, and that suitable liquor should costing not less than Twenty Dollars for each of us shall be procured and set in a proper manner.

Third

I will that my wife shall be supported from and have the use and control of all my Real & Personal Estate during her natural life.

I will devise and bequeath all my Real Estate to my Grand Son George R. Beaujean to have and to hold to him his heirs and assigns forever. I charge however with the payment to my son Eusebio Beaujean of Two Hundred Dollars, in case that myself and wife shall not survive after this date the period of one year and a half, but if further should thus survive then the whole to be his, without any charge thereon, the said sum of Two Hundred Dollars, if to be paid, to be paid in three years after my death, in equal annual installments, the first to be paid in one year after my decease.

Fourth

Nothing heretofore provided for all my other children, it is now my design to provide forever for them, but to secure the property to my said Grand son for his services in taking care of myself and wife in our old age.

Fifth

I do hereby appoint Thomas A. Osborn of Mayville, my Executor of this my last Will hereby revoking all other Wills by me made.

Michael M. Beaujean, S. S.

Signed Sealed, Published and declared by the said Michael M. Beaujean, to be his last Will & Testament in the presence of us, who have hereunto subscribed our names as witnesses present in the presence of the testator, and of each other.

Orlando Bond      Town and County of Chautauque, N. D.  
Bernardo Bond      do                      do                      do                      do

Michael M. Beaujean S. S.

The above Will resigned, sealed, published and declared by the said  
Michael Michael M. Benjamin to be his last Will & Testament in  
the presence of us, who have herunto subscribed our names as witnesses  
in the presence of the testator and of each other this 9th day of June 1877.  
Walter Moore                      Mayville      Chautauque Co. N.Y.  
Isaac Moore

Recorded the foregoing last Will & Testament of Michael M. Benjamin,  
deceased and compared the same with the original Will this 15 day  
of May 1877.

G. H. Maples  
Surrogate.