

172. Probate thereof, as appears upon the Records of said Court, and that said County Court is a Court of Record and Probate.

D.

In testimony whereof, I do hereunto set my hand and the Seal of said Court at Springfield this second day of July, in the year of our Lord one thousand eight hundred and fifty-five.

Wm. C. Beavers, Clerk.

State of Illinois }
County of De Kalb. } ss. I, George H. Hill, Judge of the County Court within and for said County of De Kalb, do certify that William H. Beavers, Esquire, is the Clerk of said Court, and holds the keeping of the Files, Records and proceedings of said Court, and is by law the proper person to make out and to certify copies thereof; and that full faith and credit are, and ought to be given to all his acts and attestations done as aforesaid; that his foregoing attestation is in due form, and his signature thereto genuine, and that the seal affixed to said attestation, is the seal of said Court.

In testimony whereof, I do hereunto set my hand at Springfield, the second day of July, in the year of our Lord one thousand eight hundred and fifty-five.

George H. Hill, Judge.

Commonwealth of Massachusetts.
Worcester, ss. As a Court of Probate holden at Worcester, on the fourth day of September, A.D. 1855.

Wesley Pierce, of Brookfield, in said County having, on the thirtieth day of July, A.D. 1855, produced the foregoing copy of the last will and Testament of Rufus Harrington, late of the County of De Kalb, and State of Illinois, and of the Probate thereof in the County Court of said County of De Kalb, for the purpose of having said Will allowed and recorded here, and due notice thereof having been given, and no objection being made - Order that said copy be here filed and recorded.

Thos. Hinmiato, Judge of Probate.

David Davenport.

It is remembered that I David Davenport of Mendon in the County of Worcester, and Commonwealth of Massachusetts, Esquire, being of a sound and disposing mind and memory, do make and publish this, my last will and Testament, in manner following viz. In the first place I give and bequeath to my beloved wife Adeline Davenport all my household furniture, wearing apparel, horse, cow, carriages, harnesses, farming utensils

all the hay, grain, produce and provisions, that may be on hand 173. at the time of my decease, also the sum of two hundred and fifty dollars in money - And also, an annuity of two hundred and fifty dollars, payable semi-annually, from the rents, income and profits, of the property hereinafter named, to be paid her, each and every year, during her natural life.

In the next place, after the payment of all my just debts, funeral expenses, and charges of administration, I give and bequeath to Nathan George, of said Mendon, Esquire, the sum of Twenty-two hundred dollars, in special trust, however, to be following uses and purposes, and none other, that is to say, the said Trustee shall pay over to my brother Moses Davenport, the next annual income or earnings of said money, for the comfort and support of my said brother for and during the term of his natural life, but no part of said income or earnings, are to be or become the property of said Moses, till the same are paid over to him - or liable to attachment or the trustee process, on account of any indebtedness of said Moses, but my said Trustee is hereby authorized and empowered, if in his opinion it is necessary & expedient so to do, to carry out the purposes of this will, to withhold the payment of said income or earnings to said Moses, at his election, applying the same to increase the principal sum of \$2,200.

And as the decease of my said brother Moses, the said principal sum as follows, to wit, three hundred dollars to William B. Staples, son of William Staples of Mendon, and the remainder to my brothers, Charles A. Davenport, William H. Aldrich, and Elias Aldrich, to be equally divided between them.

In the next place I give and bequeath to William Staples and George Rawson, the rents, improvements and profits, and income, of the farm on which my brother Charles A. Davenport and his wife Ann Davenport now live, including the new barn lot (so called), and the southerly part of the farming piece (so called) which have some times been occupied by me, separate from said farm.

Also a four-acre cranberry meadow, which I now own, & being a part of the Gasp "Long Swamp" so called, in special trust, however, for the use and benefit of my said brother Charles A. Davenport and his wife Ann Davenport or the survivor of them so long as they, or either of them shall live. The above legacy is intended to be for the support and maintenance of the said Charles and his wife - And said Trustee may permit said Charles and his wife to occupy and improve the premises if they shall elect so to do. And said Trustee may lease or rent the same, and collect the rents thereof - but in either case the said Trustee may, if they shall elect so to do,

174. And take possession of the premises, rents profits, or crops of any kind, being, standing, or growing, thereon, And also take and withhold any rents, and withhold the same from said and his wife at any time, if they shall deem it necessary or expedient so to do to effect the purposes of this will.

In the next place I give and bequeath to Silas Aldrich all my Real estate, situate in the village of Mendon, being that which I purchased of Mrs. M. M. Hayward and C. B. Hastings and that which I now own or may hereafter acquire of the Real Estate which belonged to John Aldrich at the time of his decease, with all the buildings thereon, and also my two lots known as the upper and lower Press Lots, with all the buildings thereon.

To have and to hold to the said Silas Aldrich his heirs and assigns forever, upon the following terms and conditions that is to say That the said Silas Aldrich, his heirs Executors, or Administrators, shall well and truly, pay or cause to be paid to my beloved wife Adelia Davenport, without fraud or delay, the annual sum of two hundred and fifty dollars, in equal semi-annual payments, for and during the term of her natural life - and shall keep all the buildings in good repair, and keep them insured at all times, as they now are, and also upon condition, that in case of loss by fire, of said buildings, or any part thereof, the amount of money received on the insurance, shall either be expended in rebuilding or be invested in such a way and manner as shall be satisfactory to my said wife or her attorney, to secure to her the payment of the said annuity during her life. My intention is, that in the event of rebuilding or investment of insurance money, the buildings or money invested, shall be and belong to the said Silas as fully as if no loss had happened, at the decease of my wife. And it is my intention that, my said wife shall have a lien and a claim as hereby created to my said wife upon said property, above devised, to secure to her the payment of said annuity.

I also give to my beloved wife Adelia the right of taking from my fourteen acre wood lot near the said Pennsdale Pond, twelve cords of wood annually during her life, and at her decease I give the said wood lot to my brothers William H. Aldrich and Silas Aldrich, to have and to hold to them their heirs and assigns forever. At the decease of my brother Charles and his wife, I give all the property placed in trust for their benefit, to Charles H. Smith and Moses Smith sons of my Cousin Charles A. Smith of Mendon to hold to them their heirs and assigns forever.

I also order and direct that all claims and demands which

I have or shall have, at my decease, against my brother Charles, 175. shall be fully discharged, and in case the said Charles or his representatives claim any demands against my Estate, the claims which I now hold, or may have at the time of my decease, may be filed in set-off against said demands, or the amount of such claim so made may be taken from the rents and profits of the property which I have placed in trust for the benefit of the said Charles and his wife.

And all the rest and remainder of my Estate not herein otherwise devised, I give and bequeath to my wife Adelia and my brother Charles A. Davenport to have and to hold to them their heirs and assigns forever.

Lastly, I do appoint Welcome Staples and Marciah C. Gostall both of said Mendon joint Executors of this my last will and Testament.

In testimony whereof, I have hereunto set my hand and seal this twenty fifth day of July in the year eighteen hundred and forty nine.

David Davenport (S.S.)

Signed, sealed and published by the said David Davenport declaring this to be his last will and testament in presence of us who at his request were called as witnesses to the same and in his presence did thereto subscribe our names.

William F. Metcalf

Calvin Barker Jr.

Wm. G. Comstock

I David Davenport of Mendon Co. of Worcester and Commonwealth of Massachusetts, now lying sick of body in the City of Boston in said Commonwealth, but being of sound and disposing mind and memory, do make, ordain and publish this Codicil to my last will and Testament, written on the three preceding pages.

I hereby make null and void the bequest of twenty-two hundred dollars, heretofore, in the will before written, made to Nathaniel George as trustee for the benefit of my Brother Moses Davenport.

I hereby make null and void the bequest heretofore made to Silas Aldrich, "Of all my real estate situated in the Village of Mendon."

I give and devise to Betsey Aldrich, widow of the late Paris W. Aldrich, the house and land now occupied by Orson R. Wheelock, together with the right of way on the northerly and westerly sides of said land, for ingress and egress from the County Road, as far northerly as the line of the land

176. I purchased of M. M. Hayward and C. C. P. Hastings, and as far as was, as a line running in the direction of the Eastern line of A. Mathers estate, upon the condition that she shall pay the sum of Thirty-five Dollars to my Brother, Moses Davenport each and every year during the life of the said Moses, and that she do nothing to dispar the right of way of ingress and egress, to any other real estate adjoining the premises hereby devised.

I give and devise all the rest and residue of my Estate not hereinbefore devised, to Henry A. Aldrich, William H. Aldrich, and Silas Aldrich, Brothers of my wife, to be equally divided between them, the portion devised to the said William H. Aldrich to be placed in the hands of such Trustee as the Court of Probate may appoint and to be expended for his benefit as said Trustee may deem expedient, the Estate hereby devised being held subject to an annuity of two hundred and seventy-five dollars to my wife Adelia Davenport and an annuity of Thirty-five Dollars to my Mother, Moses Davenport during their natural lives.

I give and bequeath to my Mother Charles A. Davenport the sum of Three Hundred Dollars.

I give and bequeath to my wife, Adelia Davenport the sum of Three Hundred Dollars.

I give and bequeath to Hamilton B. Staples, son of Miami Staples, three Hundred Dollars.

I give and bequeath to Mary Smith, wife of Benj. H. Smith, two Hundred Dollars.

I give and bequeath to Mary B. Thayer, wife of George W. Thayer, one Hundred Dollars.

I give and bequeath all the rest and residue of my personal Estate not hereinbefore bequeathed to be equally divided between my wife Adelia Davenport, and my brother Charles A. Davenport.

In testimony whereof I have hereunto set my hand and seal this thirtieth day of August in the year of our Lord one thousand eight hundred and fifty-five.

David Davenport

By Jas. Geo. Metcalf

Signed, sealed, published and declared by the said David Davenport, as and for a Codicil to his Last Will and Testament in presence of us, who, in his presence, and at his request and in the presence of each other have subscribed our names as witnesses hereto, J. E. Southland, Susan W. Jones, Jane M. Faulkner

Commonwealth of Massachusetts, 177.
Worcester, Jy. At a Court of Probate holden at Worcester,
on the fourth day of September, A.D. 1855.

The Instruments hereto annexed, having been presented for Probate as the last Will and Testament of David Davenport, late of Mendon, in said County deceased, and a Codicil thereto, and in being made to appear that due notice has been given to all persons interested, and no objection being made to the probate of the same, and it being also made evident by the Oaths of William T. Metcalf and J. E. Southland, two of the witnesses thereto, that said Instruments were legally executed and that said Testator was, at the time of the execution of the same, of full age, and of sound mind, I now adjudge that said Instruments are lawful, and decree that the same be approved and allowed as the last will and Testament of said deceased.

Thos. H. Minicutt, Judge of Probate.

Albert J. Howe.

In the name of God Amen. I Albert J. Howe of Worcester in the County of Worcester and Commonwealth of Massachusetts, being in declining health but of sound and disposing mind and memory do make and publish this my last will and Testament as follows.

I hereby give devise and bequeath to my beloved mother Eliza Howe the use and income of all my Estate of whatever nature and wherever situated during her natural life.

All the rest and residue of my Estate I hereby give devise and bequeath to my brothers Edwin J. Howe, George S. Howe, Charles J. Howe, and my sisters Eliza A. Smith and Mary H. Hayes in equal proportions.

I hereby constitute and appoint George S. Howe & William A. Smith of Worcester Executors of this my last Will and Testament.

In witness whereof I the said Albert J. Howe have hereunto set my hand and seal this ninth day of July in the year of our Lord one thousand eight hundred and fifty-five.

Albert J. Howe, D.S.

Signed, sealed, published and declared by the said Albert J. Howe to be his last Will and Testament in presence of us who at his request and in his presence have hereunto subscribed our names as witnesses to the same. Henry Chapin

Isaac H. Upton Frances S. Stowell.