

Will of Philip Hays (1748-1834) of Cazenovia, Madison Co., N.Y.  
New York Surrogate's Court (Madison County) Wills A-C, pages 195-199  
Transcribed from FHL film #0408506 by Chris Chester, August, 2009

Record of Philip Hays will & the proof & probate thereof.

In the name of God Amen. I Philip Hays of the town of Casenovia in the County of Madison & State of New York being weak in body but of sound and perfect mind and memory...do make and publish this my last will and testament in manner & form following (that is to say) First I give and bequeath unto my daughter Charlotte Hays the use of my real estate while she remains sole and unmarried and in a feeble state of health but if she shall recover a good state of health then she is only to have the use of one fourth part of my real estate during her lifetime. I also bequeath to her the use of two milch cows and five sheep but if at the time of her decease the income of my said real estate shall have been more than sufficient for her comfortable support, then what shall remain in her hands at her decease (and she is not at liberty to dispose of any part of said income to any one ?? for her own comfortable support) shall be equally divided between my sons Samuel S. Hays, Erastus Hays & John B. Hays & also the two cows & sheep what number she is to keep good, shall be divided also equally between them. I also give and bequeath to my son Samuel S. Hays & his heirs and assigns one half of the real estate which I shall own at the time of my decease after my daughter Charlotte shall have deceased. I also give and bequeath to Erastus Hays my son after the decease of my said daughter Charlotte one equal fourth part of my said real estate and to his heirs and assigns. I also give and bequeath to my son John B. Hays & to his heirs & assigns one equal fourth part of my said real estate after the decease of my said daughter Charlotte: but if my said daughter Charlotte shall regain her health as is above mentioned so that she shall not be entitled as above provided to any more than the use of one equal fourth part there of shall be divided between my said three sons in the same proportion as the whole is to be divided after the decease of said daughter Charlotte. And I hereby give and bequeath to my four children here in named and to their heirs all the personal estate after paying all my debts of what I shall be in possession of at the time of my decease to be equally divided among them excepting for two cows and five sheep what my said daughter Charlotte is to have over and above the other three and I do hereby constitute and appoint my sons Samuel S. Hays & John B. Hays the sole executors of this my last will & testament hereby revoking all former wills by me made.

Dated 17 May 1834

Signed Philip Hays (seal)

Witnesses: Barak Buckwith of Casenovia, Walter Child of Casenovia

Proof: To the heirs of Philip Hays late of the town of Casanovia in the County of Madison and State of New York deceased, and all others for whom this motion may concern send greetings you and each of you are hereby required to take notice that we shall apply to Otis P. Granger Surrogate of the County of Madison at his office in Morrisville in said County of Madison on the 12<sup>th</sup> day of November next at 10 o'clock in the forenoon of said day to have the last will and testament of the said Philip Hays, deceased, proved and recorded a witt of real estate ? to the record Statue of the State of

New York dated 23<sup>rd</sup> day of September 1834 ? Samuel S. Hays, John B. Hays executors. Madison County Surrogate's Court. Samuel S. Hays being duly sworn says that he did more than twenty days previous to the 12<sup>th</sup> day of November 1834 personally sent a copy of the following notice to the heirs of Philip Hays deceased viz. Erastus Hays & Charlotte Hays of the State of New York & the deponent further says that the said Erastus Hays, Charlotte Hays, this deponent & John B. Hays of said State, Fanny Sach (Lach?) of Ohio, Peter Brewer, Philip Brewer, David Brewer, John Brewer, Julia Brewer, Fanny Brewer, Polly Brewer & Harriet Brewer whose place of residence are in the State of New York but unknown are the only heirs at law of the said deceased. Signed Samuel S. Hays, 12 November 1834.

(Samuel S. Hays also states that Philip Hays died 25 August 1834).