

Transcription by:
Jerome A. Walrath
1139 Greenwood Lane
Waco, TX 76705
jawswife@aol.com

John A. Lipe*

General Index To Wills and Proceedings:
Wills: Book 7 page 222
dated - June 20, 1839
Date of death: ?

p.222

I John A. Lipe of the Town of Minden, County of Montgomery & State of New York being of sound & disposing mind & memory do hereby make, publish & declare this my last will & testament in name & form following to wit. First, I give & bequeath to my beloved wife Elisabeth all her clothing and all beds and bedding & household furniture which she owned and brought with her at her marriage to me, together with such clothing, bedding & furniture, as she shall have made or procured at the time of my death, and six chairs of her choice. Also two milk cows, to be chosen by her, with pasture and feed & stabling for them, to run & be with the other cows on the premises where I now reside. Also the use & privilege of the stove room in the house in which I now reside, being in the westerly end, with the use of stove & pipe now in said Stove room. Also the West room in the second story of said house, with the privilege in the kitchen, cellar & whatever is necessary for her own convenience & accommodation - also privilege in the Garden and ten bushels of wheat each year for her bread. And the privilege of gathering apples, cherries & fruit for her own use. also four hundred dollars in money to be paid as follows. fifty Dollars one day after my burial. and the yearly sum of fifty dollars Each year after my death till said sum of four hundred Dollars shall be paid, should my said wife so long live - together with interest from the day of my death on the whole sum in arrear. also necessary fire wood for her own use - all which is to be paid & furnished by my son John J. Lipe or his legal representatives to my said wife out of my estate and to be in full & lien of all dower in my estate. Second, I give, devise & bequeath to my son John J. Lipe & to his heirs & assigns all the remaining real estate I own, being about one hundred and sixty eight acres of Land & the farm on which I reside with the buildings & appurtenances thereon & thereto belonging, subject to the rights & privileges herein given to my said wife. And I further give & bequeath to my said son John J. Lipe & to his legal representatives & assigns all my money, outstanding debts & choses in action & and in deed all my personal property

p.223

of which I shall die the owner of, except such as is herein otherwise disposed of. Third, I give, devise & bequeath to my son Jacob Lipe & to his heirs & assigns a certain ten acre Lot of Land, which I purchased of John Henry Mayer, adjoining the farms on which my said son Jacob now lives & which is in addition to the advances I have heretofore made to him to assist him in the purchase of the farm whereon he now lives. Fourth, I give & bequeath to my son Daniel J. Lipe the sum of four hundred Dollars to be paid one year after my decease. Fifth, I give & bequeath to my daughter Betsy, wife of Andrew Bellinger, four hundred dollars, to be paid to her two years after my decease. Sixth, I give and bequeath to the two surviving grandchildren (being boys) of my deceased daughter Caty, formerly the wife of John Walrath deceased. Each one hundred & fifty Dollars when each arrives respectively at the age of twenty one years. Seventh, I give & bequeath to my daughter Margaret, wife of Solomon Sanders Junr., three hundred dollars to be paid three years after my decease. Eighth, I give & bequeath to my daughter Maria, wife of David Diefendorff three hundred Dollars to be paid four years after my decease - all which Legacies to be to said Legatees & to their respective legal representatives. Ninth, I give & bequeath to my daughter Susan three hundred Dollars, to be paid five years after my decease provided she gets married & on her marriage twenty dollars additional. And I further will that so long as she shall remain unmarried, she shall be supported by my son John, who is to supply her with necessaries suitable in sickness and health, provided she reside with my son John or where he is willing she should & also makes no charge for services in the family, but gratuitously contributes such of her services in the family

as is usual, but in case she shall absent herself from my son John or where he directs, then during such absence no charge shall be made against my son John or my Estate for her maintenance, and she shall be considered while she remains with my son John as a member of his family and be treated as such. Tenth, I hereby will & order that the foregoing Legacies & provisions shall be paid & performed by my son John out of the Estate herein devised to him. And I hereby

p.224 (the page was misnumbered as 234)

charge the same as liens upon the same real estate devised to my said son John. Eleventh, I hereby direct that my said son John shall pay my funeral Expenses and my just debts I may owe at the time of my decease, which will probably be very few, if any, as I don't have any now. And I further will & direct that my house clock is to remain in my house, during the life of my widow, where it now is, and after her death it is to go to my son John. Twelfth, It is my will & desire that whatever sums I shall pay during my life time to my Legatees herein named on account of any Legacies herein bequeathed & for which payments or advances I shall take receipts in writing, specifying the intention to go on account of such Legacy or Legacies, shall be a credit & be deducted from such Legacy or Legacies respectively, on account of which such payments and advances. Thirteenth, I hereby nominate & appoint my two sons John & Jacob & John (H. or M.) Diefendorff Executors to this my last Will & Testament, and hereby expressly revoke & annul all former Wills & Testaments by me at any time heretofore made. In Witness whereof I have hereunto set my hand & seal this twentieth day of June A. D. one thousand eight hundred and thirty nine.

John A. Lipe [L.S.]

signed, sealed, published & declared by the Testator John A. Lipe as for his last Will & Testament in the presence of us, who in his presence & in the presence of each other have hereunto at his request subscribed our names & places of abode as Witnesses

Henry Loucks Village of Palatine Bridge, County of Montgomery & State of New York

Rich'd Loucks Village of Palatine Bridge, County of Montgomery & State of New York

State of New York, Montgomery County ? - Be it remembered that at a Surrogate's Court held for the County of Montgomery at the Surrogate's office in the Village of Fultonville before Giles F. Van Vechten Surrogate of said County on this seventh day of April in the year of our Lord one thousand eight hundred and forty five

p.225 (the page was misnumbered as 235)

the last Will and Testament of John A. Lipe, late of the said County, deceased, a copy whereof is hereunto annexed, was admitted to probate by the said Surrogate, after a citation to the widow, heirs, and next of kin to the said deceased, issued, served, returned and filed according to Law satisfactory proof having first been made of the circumstances of the delivery and possession of the said will, and also of the Execution thereof by the deposition of Henry Loucks, one of the subscribing Witnesses to said Will, and likewise by the deposition of Samuel Loucks as to the handwriting of Richard Loucks, the other subscribing Witness to the said Will, it having been satisfactorily proved that said Richard is a non-resident of said State. Copies of which depositions are also hereunto annexed & whereupon I the said Surrogate, upon the proof aforesaid, being satisfied of the genuineness & validity of the said Will order that the same be admitted to Probate, and that letters Testamentary thereon be granted. In Testimony whereof I the said Surrogate have hereunto set my hand and affixed the seal of my office. Done at the village of Fultonville aforesaid the day and year aforesaid.

Giles F. Van Vechten Surrogate

Montgomery County Surrogate's Court L.S. In the matter of the Probate of the Will of John A. Lipe deceased, which will relates to be of real and personal Estate. Henry Loucks of the Town of Palatine in the County of Montgomery being duly sworn deposes and saith that he saw the said John A. Lipe deceased seal and execute the instrument now shown unto him this deponent which said instrument purports to be the last Will and Testament of the said John A. Lipe deceased and bears date the twentieth day of June in the year of our Lord one thousand eight hundred and thirty nine – that he heard the said John A. Lipe publish and declare the same as and for his last Will and Testament. That at the time thereof the said John A. Lipe was of sound and disposing mind, memory and understanding of full age and not under any restraint to the best of his knowledge and belief, and that he did subscribe his name to said Will as a Witness to the Execution thereof in the presence of and at the request of the said Testator and that he at the same time saw Richard Loucks the other witness to said Will subscribe his name thereto as a Witness to

p.226(the page was misnumbered as 236)

the Execution thereof in the presence of and at the request of the said Testator. And this deponent further says that said Richard Loucks is a son of this deponent and that he is now a resident of the State of Louisiana having removed from the State of New York to that state in the fall of the year 1843 – that he has frequently seen said Richard Write and known his handwriting, and that he knows the signature of said Richard to said Will to be in his own proper handwriting – and that the said Richard signed or subscribed his name thereto in the presence of this deponent and of said Testator. Subscribed and Sworn to before me the 7th day of April 1845.

G. F. Van Vechten Surrogate

State of New York Montgomery County Surrogates Court L.S. In the matter of the probate oof the Will of John A. Lipe deceased, which will relates to both Real and personal Estate. Samuel Loucks of the Town of Palatine in the County of Montgomery aforesaid, Attorney at Law, being duly sworn, deposeseth and saith that Richard Loucks, one of the subscribing Witnesses to the written instrument now shown unto him this deponent, purporting to be the last Will and Testament of the said John A. Lipe deceased and bearing date the twentieth day of June in the year of our Lord one Thousand eight hundred and thirty nine, is a Brother of him this deponent – that sometime in the fall of the year 1843 said Richard removed his residence from the State of New York to the State of Louisiana, where he has since resided and now resides – that he has frequently seen said Richard write, and is well acquainted with his handwriting, and knows the signature of said Richard Loucks to the said written instrument to be in the proper handwriting of the said Richard.

Saml Loucks

Subscribed and sworn to before me April 7, 1845

G. F. Van Vechten Surrogate

I, Giles F. Van Vechten, Surrogate of the County of Montgomery do hereby certify that the foregoing are true copies of the Will, Probate and proof thereof of John A. Lipe deceased.

Registered April 7th 1845

Giles F. Van Vechten Surrogate