

Let a writ issue in accordance with the prayer of the within
Petition calling the within named Belinda Parsons Sumner
and Elizabeth Whalton into this Court on the last Monday
in the month of March next.

28th day of January
1842

W. Laporte
Judge Single Court
S. Rusk

Book of Surrogate Court

Petition of
Sarah M. Weston

Dec 27 1842

J. P. Taylor
Clerk of Court
Petitioner

In the Surrogate Court of the
District of Brook

Brook District
To Wit

In the matter of the Petition of
Sarah Malesheridas.

The said Petitioner charges that John
Malesheridas formerly of the Township of Oakland
in the District of Brook now deceased
the late husband of the said Petitioner did
a short time previous to his death sign
seal execute declare and publish his last
Will and testament in writing bearing
date some time in or about the year of our
Lord one thousand eight hundred and
forty six.

That the said last Will and Testament
of the said John Malesheridas is in the possession
or power of Elizabeth Malesheridas.

What writing did he say & when prepared
in absence of a will & when prepared
parted that he had will in his 4/4

In the Surrogate Court
District of West
York

By William Lapentien Esquire Judge of
the Surrogate Court of the District of West York in the
Province of Canada.

I, ^{White Town with the County of Windsor with the State of New York.}
Bertranda Parsons Mumm, administratrix of the Estate of the
late ~~John Malcolm~~ Malcolm deceased, and also to Elizabeth Malcolm
and James Malcolm both of the Township of Oakland in
the District aforesaid Esquire.

Whereas Sarah Malcolm of the Township of Oakland aforesaid
Indow by her Petition bearing date the 25th day of January instated
which she hath exhibited in this Court and in which she prays that a Citation
may be issued out of the Honorable Court calling upon calling upon
the said Bertranda Parsons Mumm as such administratrix as aforesaid
for the purpose to produce the said Letters of Administration of this
Court to be cancelled, ^{if necessary} and also to call upon one James Malcolm
and the said Elizabeth Malcolm to produce the will of the said John
Malcolm deceased or any other testamentary paper of the said
deceased which they may have in their possession for proof
and praying that Administration of the Estate of the said John Malcolm
deceased and Probate of the said Will may be granted to the
Executors or Executors therein named. And whereas it appears
by the Affidavit of the said Sarah Malcolm also filed in this
Honorable Court that Administration of the Estate of the said John
Malcolm deceased was granted to the said Bertranda Parsons Mumm
on the 14 day of December last past, and that she the said
Sarah Malcolm verily believed that the Will of the said John
Malcolm deceased was and still is in the possession of the said
Elizabeth Malcolm if he had not destroyed it.

Now therefore please me to cite you the said Bertranda
Parsons Mumm to appear in the said Surrogate Court to be held
in the Town of Woodstock in the District aforesaid on the last Monday
in the month of March next ensuing the date hereof then and there
to exhibit the said Letters of Administration granted to you as the
only child of the said John Malcolm deceased that the same
may be given up and revoked if necessary a will should
be proved to be in existence and also the last Will and testament
of the said John Malcolm deceased, and also cite you the

Said Elizabeth Woodson to appear in the same Court on the said
last Monday in the month of March now next to compare you and to
produce to the said Court any last will and testament or any testamentary
paper or papers which they ^{you} shall have of the said John Woodson
deceased which you have in your custody or power in order that admittance
probate of the same may be granted to the executor or executors therein named
or to such person or persons to whom the same probate should of right
be granted. Dated this . . . day of . . . 1847.

In the Surrogate Court
of the District of New York

By William Lapentiere Esquire
Judge of the Surrogate Court
of the District of New York, in
the Province of Canada

To Belinda Parsons Munn of Whites Town in
the County of Oneida in the State of New York,
Administratrix of the Estate of the late John
Malcolm deceased, and also to Chas. Malcolm
of the Township of Oakland, in the District aforesaid
Esquire.

Whereas Sarah Malcolm of the Township of
Oakland aforesaid, widow, by her petition bearing
date the Twenty fifth day of January instant
which she hath exhibited in this Court, prays,
that a Citation may be issued out of this Honorable
Court, calling upon the said Belinda Parsons
Munn as such Administratrix as aforesaid, to
produce the letters of Administration committed
to her, to this Court to be cancelled if necessary,
and also calling upon one James Malcolm, and the
said Chas. Malcolm to produce the will of the
said John Malcolm deceased, or any other testamentary
papers of the said deceased which they or either of
them may have in their possession for proof -
and praying that Administration of the Estate of the
said John Malcolm deceased, and probate of his
said Will may be granted to the Executor or
Executors therein named - and whereas it
appears by the Affidavit of the said Sarah
Malcolm, also filed in this Honorable Court, that

administration of the Estate of the said John Malcolm deceased, was granted to the said Belinda Parsons Munn, on the Twentieth day of December last past — and that the the said Sarah Malcolm verily believed that the will of the said John Malcolm deceased, was and still is in the possession of the said Chaikin Malcolm if he had not destroyed it.

Now therefore, these are to cite you the said Belinda Parsons Munn, to appear in the said Surrogate Court to be held in the Town of Woodstock in the District aforesaid, on the last Monday in the Month of March next, ensuing the date hereof, then and there to exhibit the said Letters of Administration granted to you as the only child of the said John Malcolm deceased, that the same may be given up and revoked, if a will should prove to be in existence, and to be the last will and testament of the said John Malcolm, deceased — and also to cite you the said Chaikin Malcolm to appear in the same Court on the said last Monday in the Month of March now next, to bring with you and to produce to the said Court, any last will and testament, or any testamentary paper or papers of the said John Malcolm.

deceased, which you have in your custody or
power, in order that probate of the same may
be granted to the Executor or Executors
therein named - or to such person or persons
to whom probate should of right be granted -

Dated this ^{given under the seal of the said Court and} twenty ninth day of January -

1847 -

John W. Prickett
Register

W. Laporte
Judge Superior Court
D. Buck.

To Richard Parsons, Mann and S. C. Kim. MacArthur

You are served with this process to the intent that you the said
Richard Parsons, Mann, Mary Stephens before the coming at Court of the
District of Alaska to be holden at the Court House in the Town of Honolulu take
on the return day of the within citation being the twenty ninth day of March or
next to exhibit the letter of admission's failure granted to you by the Honorable
Court as the only child of John MacArthur he avers that the same be given
up and recited if any will and testament of the said John MacArthur
he executed shall prove to be in existence.

And that you the said S. C. Kim
MacArthur may on the same day and place appear in the same Court and
bring with you and produce or any will testament or other testamentary
papers in paper of the said John MacArthur he avers that you have in
your own custody power or keeping that part of the same may be granted
to the executor thereof named or to an executor or persons as provided
should or might be granted or in default thereof you and on or you will
hereby take notice that proceedings will be taken against you and on or of
you by extra demand for copyright a certificate to the court and justice
of the said Court

Witness this twenty seventh day of December A. D. 1882
I James H.
D. A. Mayhew
Counsel for Sarah MacArthur

In the Surrogate Court
32.

To be kept

In case of petition
of Sarah MacArthur

Citation

Served Elizabeth MacArthur
9th day of March at the Court
1882

D. J. Hughes, Atty
& Counsel for Richard

The day to appear is
Tuesday 29th March

Deputy of Sheriff
Wicks

In the Surrogate Courts of
the District of New York

Sarah Malcolm of Scotland
in the District of New York Widow, Inhabitant
doth and saith that in or about the
month of July one thousand eight
hundred and thirty the said Deponent
was married to John Malcolm
of the Township of Oakland, Yeoman
who departed this life on the
eleventh day of September now
last past, that several days before
the decease of the said John Mal-
colom he sent his Deponent his
son in law Theron Watkins to
Elihu Malcolm of Oakland
of said Yeoman and James
Malcolm of the same place Yeoman
that they might attend to the ^{executing}
~~making~~ of the will of the said
John Malcolm deceased, that
they together with one Friday Malcolm
of the same place Yeoman came
to the house of the said John Malcolm
deceased, in the evening of the
same day, and brought with
them a paper writing which this
Deponent verily believes to be
the Will or the draft of the said
Will for the signature of the said
John Malcolm deceased, they then

proceeded to the bed chamber of the
said John Malcolm deceased before
his death and called the said
Finlay Malcolm to go into the
same room, and they soon after
left the house and took with
them the same paper or papers
which they brought into the
house.

This Deponent further saith
that before the decease of the said
John Malcolm and after the said
Elizabeth Malcolm, James Malcolm
and Finlay Malcolm had been at
his house as aforesaid the said John
Malcolm told this Deponent he
was sinter with the will as they
the said ~~John~~ James Malcolm and
Elizabeth Malcolm had drawn
and prepared the same all but one
thing which was that he desired
to give his son - one Robert
Malcolm a piece of land off his
farm and that he wanted to
make a deed thereof to the
said Robert Malcolm and
that Elizabeth Malcolm had her
will in his possession for safekeeping.

This Deponent further saith
that she hath had ~~conferred~~

sations with the said Elizabeth Malcolm
and about the said Will and in each
of those Conversations the said Elizabeth
Malcolm distinctly told this Deponent that
the said Will was in his possession
with the rest of his writings, and
that one of those Conversations occurred
before and the other since the death
of the said John Malcolm deceased.

This Deponent further saith
that she hath reason to believe
the said Foully Malcolm was and
is ~~to~~ a subscribing Witness to
the said Will —

This Deponent further saith that
since the decease of the said John
Malcolm she this Deponent requested
the said Elizabeth Malcolm to
produce the said Will that she
might have it recorded — and
he replied he would not do it —
until Belinda the daughter of the
said John Malcolm came and
that she should have it —

This Deponent further saith that she
~~by~~ ~~has~~ ~~caused~~ ~~a~~ ~~search~~ ~~to~~
be made in the Office of the Registrar
of the Honourable Court for the said
Will and finds that the said Will
hath not yet been produced
but that Administration of the said
estate was granted to the said
Belinda as the only Child of the
said John Malcolm deceased

with fourteenth day of December
East - who swore that he did
interstate - and Lastly that
the the Deponent hath good
reason to believe and do solemnly
believe the said will is still in
the possession of the said Eleuther
Malcolm of he has not destroyed
it -

Sarah Malcolm

Shewn before me at Woodstock within
District of New York this 25th day of
January 1847

W. Lapsworth

Judge Supreme Court of the
District of New York

Filed 25th Jan'y 1847

1847

District of Brooklyn
Sept - 3

Judge Surrogate Court
of the District of Brooklyn

Theron Miles Watkins of Oakland in
the District of Brooklyn Yeoman makes oath
and saith that six or seven weeks before
the death of ~~Malcolm~~ John Malcolm
of Oakland aforesaid Yeoman ~~now~~
deceased he this Deponent was sent
by the said John Malcolm to Shaker
Malcolm of the same place Yeoman
and James Malcolm of the same
place Yeoman desiring them to come
to his the said John Malcolm's house
and attend to his business or to attend
to the execution of his business - they
both promised to go there that same
day - That about a week afterwards
the said John Malcolm desired this
Deponent to draw out a deed of
a piece of land for one Robert Malcolm
of Oakland aforesaid Yeoman because
he was not satisfied with his will
as he intended to give ^{the said} Robert Malcolm
a piece of land - That by the said will
the homestead was devised to his
daughter Belinda Malcolm - and his
chattel property and a certain mortgage
which he held against one John
Vivian was devised and bequeathed to his
wife Sarah Malcolm, that ~~and that~~
she was to have her choice of ^{any} ~~the two~~
in the house which he occupied which
she might see fit and one half of
the cellar for her lifetime and the

privilege of the forest within Orchard
and of the garden - This Deponent
asked the said John Malcolm
when his will then was - and the
said John Malcolm told this
Deponent that it was in the
possession of the said Elizabeth
Malcolm -

This Deponent further saith that
before the decease of the said John
Malcolm he heard the said James
Malcolm say that his Brother
the said John Malcolm had made
good provision for the said Sarah
Malcolm in his said will -

This Deponent further saith
that he was personally present and
heard Elizabeth Malcolm offer the
said ~~James~~ Sarah Malcolm to
give up the mortgage and carry out ~~John Malcolm's~~ bills
as he intended ~~of~~ ^{of} the would
give up the Conveyance or deed
which the said John Malcolm
deceased had made to the said
Robert Malcolm for the purpose
of destroying it.

This Deponent further saith that
before the death of the said John
Malcolm the said James Malcolm
and the said Elizabeth Malcolm
came to this Deponent to enquire

if this said John Malcolm had made
a deed of any of the said to any person
or if he had signed away any of the
of his land - because they did not
want to have things done against
the provisions of the will of the
said John Malcolm - And that
he the deponent hath heard the
both the said James Malcolm
and Elizabeth Malcolm say that
the mortgage against the said John
Vivian was intended for her the
said Sarah Malcolm and that
if she would give up the said
deed, to the said Robert Malcolm
then would give up the mortgage
or secure to her the hundred and
fifty dollars a year and carry
out the provisions of the aforesaid
will -

Sherris Miles Watkins

I was before me at Westport
in the District of New York the 25th day
of January 1847

N. Lapointe

Judge of the Supreme Court of the
District of New York