

Catharine Phillips Cook Batcheller's will

Charles C. Lester, Surrogate

Surrogate's Court County of Saratoga

In the matter of providing the last will and testament
of
Catharine P. Batcheller,
Deceased
as a will of real and personal property.

County and State of New York, SS

Thomas C. Platt of New York City, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said will, says: I was acquainted with Catharine P. Batcheller, now deceased; I knew the above-named decedent for ten years before her death. The subscription of the name of said decedent to the instrument now show to me and offered for probate as her last will and testament, and bearing date 28th day of December in the year one thousand eight hundred and ninety-seven was made by the decedent at the City of New York on the 28th day of December in the year one thousand eight hundred and ninety-seven in the presence of myself and Ellen Pratt the other subscribing witness. At the time of such subscription the said decedent declared the said instrument so subscribed by her to be her last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent; and in her presence.

The said decedent at the time of executing said instrument was upward of the age of twenty-one years, and in my opinion of sound mind, memory and understanding, not under any restraint of in any respect incompetent to make a will. I also saw said Ellen L. Pratt the other subscribing witness sign her name at the end of said will and know he [sic] did so at the request and in the presence of said decedent. That Ellen L. Platt the other subscribing witness is dead. I attended her funeral.

Thomas C. Platt

Witness sworn and examined before this
31st of July 1903.

Benjamin A. Jackson.

Assistant to the Surrogate, New York County.

I, Frank T. Fitzgerald, Surrogate of the County of New York, do hereby certify that, pursuant to the statute in such case made and provided, and to an order (a certified copy of which is herto annexed) made by Hon. Charles C. Lester, Surrogate of Saratoga County, New York, dated July 27, 1903, directing that Thomas C. Platt, a subscribing witness to the last will and testament of Catharine P. Batcheller, deceased, be examined before one of the Surrogates of New York County, I duly designated Benjamin A. Jackson, an Assistant to the Surrogate of the County of New York, to take such testimony in pursuance of the authority conferred upon me by Chapter 432 of the laws of 1847, and the acts amendatory thereof and supplemental thereto, and such Assistant to the Surrogate,

on the 31st day of July 1903, in the County of New York, City of New York, duly took the foregoing examination of said Thomas C. Platt, and then and there reduced the said examination to writing, the same being annexed hereto, and the same was then and there subscribed by the said witness in the presence of the said Assistant.

IN THE TESTIMONY WHEREOF I have hereunto set my and affixed the seal of my court the 3rd day of August, 1903, in attestation thereof.

Frank T. Fitzgerald, Surrogate

And it appearing from the proof so taken that the said instrument was duly executed and that the said testatrix at the time of the executing the same was in all respects competent to devise real estate and was not under restraint; and our said Surrogate having inquired into the facts and circumstances and being satisfied of the genuineness and validity of said instrument and no objections being made thereto, it is ORDERED, ADJUDGED AND DECREED, that said instrument be and the same is hereby admitted to probate as and for the last Will and Testament of the said deceased, valid to pass real and personal estate.

And it is further ORDERED, that said Will be recorded with the proof thereof, which proof is hereinbefore recorded, and said will is as follows, to wit:

I, Catharine P. Batcheller, wife of George S. Batcheller of Saratoga Springs, state of New York, being of sound mind and memory, do make, publish and declare this my last will and testament;

1st I give and bequeath unto my daughter Katherine Batcheller all my clothing, plate, jewelry, pictures, china, books, bank stock, bonds and other personal property of every nature whatever to be her absolute property and estate forever.

2nd I give and bequeath unto my husband George S. Batcheller my interest in real estate situated on Nelson Avenue and Gridley street in the town of Saratoga Springs to be his absolute property and estate forever.

3rd I give and bequeath unto my husband, George S. Batcheller and unto my daughter Katharine Batcheller, share and share alike the house grounds situated on the corner of Circular and South Circular Street in the village of Saratoga Springs together with the furniture therein, also a lot of fifty feet near the cemetery, know as the "barn lot" to be their property and estate forever.

4th In case of the death of my daughter Katherine Batcheller intestate of without children, then I give and bequeath unto my husband George S. Batcheller all my clothing, silver, jewelry and china, a part of it to be disposed of in a manner I have already signified to him, and the residue to be sold and the proceeds to be given to the Sabbath School of the First Presbyterian Church of Saratoga Springs.

5th In case I survive my husband George S. Batcheller and my daughter, Katherine Batcheller, then I give and bequeath my home and grounds situated on Circular Street in the village of Saratoga Springs in trust to the following named persons as trustees, to wit: the State Superintendent of Public Education.

The Justice of the Supreme Court of this State residing in or nearest to the village of Saratoga Springs.

The County Judge of Saratoga County.

The Pastor of the 1st Presbyterian Church of Saratoga Springs, and

William W. Worden of Saratoga Springs.

Said trustees to have and to hold this said house and grounds in trust in perpetuity for the object hereinafter set forth, together with all furniture, paintings, engravings, pictures, portraits, statuary, books, bric-a-brac and other personal effects contained in said house or stored elsewhere. The said trustees and their successors shall forever use and employ the said house and property as a free library, museum and Reading room and for literary purposes. This bequest is made upon the absolute condition that the said building be known as the Batcheller Memorial, and is intended to preserve and perpetuate the names of the testatrix, Catherine Phillips Batcheller, her husband, George Sherman Batcheller and their daughter, Katherine Batcheller. This bequest shall be subject to the same restrictions and conditions as are set forth in a will of my husband, George S. Batcheller, which was executed in Saratoga Springs in December, 1897.

6th After discharging my indebtedness to the trust of my Father's estate, I desire my executor to expend the sum of five thousand dollars in the erection of a mausoleum in Greenridge cemetery to the memory of myself and family. I also desire my executor to erect of not less than five hundred dollars an iron fence around the family vault of my Father, James M. Cook, in the village of Ballston Spa, said fence to include the graves of my Grandmother, Fanny Cook and my Grandfather *Cady* [name handwritten in].

7th I give, devise and bequeath to the trustees hereinbefore mentioned the rest and residue of estate, one thousand dollars thereof to be expended in the purchase of books for the library of said Batcheller memorial, the balance thereof to be held in trust by them, the income to be used for the support and maintenance of said Memorial. And I desire the said trustees to be governed in the management of the said Memorial building by the directions given in a will of my daughter, Katharine Batcheller executed at the same date as this one. And in the case my executors be other than my husband, I desire him to follow in the execution of the 4th clause of this will in regard to clothing, jewelry, silver and china, the directions given in a memorandum attached to this will for the guidance of my said husband, George S. Batcheller.

8th In case I survive my daughter Katherine Batcheller and am survived by my husband, George S. Batcheller, then I give devise and bequeath all my estate real and personal to my husband George S. Batcheller trusting that he will carry out my wishes in regard to creating and maintaining the Batcheller Memorial and the wishes of our daughter in the arrangement. I hereby appoint my husband, George S. Batcheller the sole executor of this my last will and testament, and in case I survive him, then my daughter Katherine Batcheller if she be living. If not the William Worden of Saratoga Springs.

In witness thereof I have hereunto set my hand and seal this the twenty-eighth day of December in the year of the Lord one thousand eight hundred and ninety-seven.

Catharine P. Batcheller

The foregoing instrument in writing upon two sheets of paper was on this twenty-eighth day of December one thousand eight hundred and ninety seven signed sealed in our presence by the said Catherine P. Batcheller who at the time of signing the same declared to each of us I to be her last will and testament revoking all others and we the undersigned at her request and in her presence and in the presence of each other after

hearing the said declaration and witnessing and signing subscribe our names hereto as subscribing witnesses.

Thomas C. Platt of New York City

Ellen L. Platt of New York City

Saratoga County: SS

I, George O. Tuck, clerk of the Surrogate's Court in and for the said County, do hereby certify that the foregoing to be a true and correct record of the last will and Testament of Catharine P. Batcheller, aforesaid, deceased, relating to both real and personal estate together with the proofs thereof.

Recorded August 5, 1903