

Last Will and Testament of George S. Batcheller

AT A SURRAGOTE'S COURT, held in and for the County of Saratoga, at the Chambers of the Surrogate's Court, in the village of Saratoga Springs, on the First day of August, 1908, PRESENT. HON. WM. S. OSTRANDER, Surrogate.

BE IT REMEMBERED, that at a Surrogate's Court held in and for the County of Saratoga, the village of Saratoga Springs, on the First day of August, 1908, Katherine Batcheller of the town of Saratoga Springs, in the county of Saratoga, the person named as Executrix in a certified instrument in writing purporting to be the last Will and Testament of George S. Batcheller, dated July 31, 1907, duly appeared and presented to the Court a written petition, duly verified, describing the Will, setting forth the facts upon which the jurisdiction of said Court is granted probate thereof depends, and praying that the Will might be proved and that the persons required by law might be cited to attend the probate thereof.

AND IT APPEARING that the petitioner was the only child and only person required by to law to be cited, AND THEREUPON, no one opposing, the Surrogate cause the witnesses to said will to be examined before him and the proofs to be reduced to writing, which proofs were as follows:

SARATOGA COUNTY: SS

Oscar A. Day and Robert G. Smyth both of the village of Saratoga Springs, the County of Saratoga, state of New York, being duly sworn in open court on their oaths, do depose and say that they are subscribing witnesses to the Will and Testament of George S. Batcheller late of the Village of Saratoga Springs, in the County of Saratoga, aforesaid, deceased. And these deponents further say that the said deceased did, in the presence of these deponents subscribe his name at the end of the instrument which is now shown to the deponents and which purports to be the last Will and Testament of the said deceased, and which bears date of the thirty-first day of July in the year One Thousand Nine Hundred and seven; that said deceased did at the time of subscribing his name to said instrument as aforesaid, declare the same to be his last Will and Testament; that deponents did thereupon subscribe their own names at the end of said instrument as attesting witnesses to the execution thereof, at the request of said deceased and in his presence, and in the presences of each other. That the said deceased, at the time of subscribing his name to said instrument as aforesaid, was upward of twenty one years of age; that he appeared to be of sound mind and memory, and was not under restraint, to the knowledge and belief of these deponents.

Oscar A. Day

Robert G. Smyth

Subscribed to and sworn this 1st

Day of August, 1908, before me

William S. Ostrander

Surrogate.

AND, IT NOW APPEARING from the proof so taken that said instrument was duly executed and that the testator at the time of executing the same, was in all respects competent to make a will and was not under restraint, and our said Surrogate having inquired particularly into all of the facts and circumstances, and being satisfied of the

genuineness of the will and the validity of its execution, and no objections being made thereto,

IT IS ORDERED, ADJUDGED AND DECREED, that said instrument be and it is hereby admitted to probate as and for the last Will and Testament of the said deceased, valid to pass both real and personal property and that Letters Testamentary be issued to the Executrix named in the said Will upon her qualifying as provided by law.

AND IT IS FURTHER ORDERED, that said will be recorded with the foregoing proof thereof which said will is as follows, to wit:

I, George Sherman Batcheller a resident of Saratoga Springs, in said count, and now domiciled at Alexandria, Egypt, as a judge on the Mixed (International) Court of Appeals of the country, do make, publish and declare my Last Will and Testament to wit:

First. I give and bequeath in trust to the Trustees of the Presbyterian Church at Batchellerville, Saratoga County, and to the successors the sum of five hundred dollars to be invested in some suitable interest bearing security, the income of which I direct to be employed in the maintenance of my family lot in the Cemetery of the bank of the river about a half a mile south of Batchellerville, and the fence and monuments thereon; where my Father and Mother and brothers and sisters are buried. (Note: this cemetery is now under the reservoir and the graves have been moved.)

Second. I give and bequeath to said trustees the sum of five hundred dollars to be used by and for the benefit of said Church at Batchellerville as said trustees shall determine.

Third. I give and bequeath to my cousin Walter Noyes son of my late Uncle Faber Noyes and Aunt Lucy, of Batchellerville, the sum of one thousand dollars.

Fourth. I give, devise and bequeath all the rest and residue of my estate, both real and personal to my beloved daughter Katherine Batcheller: and I hereby appoint and designate my said daughter Katherine Batcheller sole Executrix of this my last Will and Testament. In case of her death or inability to discharge the duties of Executrix, I do hereby appoint and designate Ledyard Cogswell, Esquire, President of the New York State National Bank of Albany, New York, the Executor of this will and testament and in case of said Ledyard Cogswell's failure to qualify or to discharge the duties of Executor, I do then and in that case, appoint and designate his son Ledyard Cogswell junior as Executor hereof.

Fifth. In case I survive my daughter Katherine Batcheller and by inheritance or otherwise I become the sole owner of the house and premises and the furniture and other contents of said house, located at number twenty Circular Street Saratoga Springs, and known as the Batcheller villa and being our family residence, then and in that case, I give, devise and bequeath said house, and premises and all the furniture, books, pictures and other articles and things in said house, and premises the furniture, pictures and other objects which may belong to me, whether in storage in the ___ Storage in Albany in my house or elsewhere in Alexandria, Egypt, in trust to the following designated trustees and their successors forever; to wit: the Regents of the University of the State of New York: the Justice of the State Supreme Court residing in or nearest to the Village of Saratoga Springs, and the Superintendent of the Public Schools of the Village of Saratoga Springs, to have and to hold the same for the purpose of a library, reading room and lecture rooms and art collection and museum: to be used for the benefit of the public under such conditions and regulations which such trustees shall establish, but no fee or charge shall

be required for access to and the use and enjoyment of said building and contents; said building to be known as the "Batcheller Memorial" and shall be designated by an appropriate bronze tablet attached to the front of said building, having the words "Batcheller Memorial." Said house and designated bequest are devised and bequeathed upon the absolute condition that the same are to be kept in good state of repair, all taxes and assessments paid and discharged, the building adequately insured-also all other insurable objects against loss by fire. Said building and objects, are never to alienated or divested from the purpose designated, nor joined with or merged with any other reading room library or "athenaeum" or other institution whatever: but to be forever kept and employed exclusively for the specific objects herein designated. I desire and it is my will that this clause be taken and construed to carry out ratify and adopt as my own will and language, a similar provision in the Will of my daughter Katherine Batcheller, executed by her as of the date; our joint and several wishes being to create a "Memorial" as designated, inviolate, inalienable and perpetual.

Sixth. In case I survive my daughter Katherine Batcheller, after paying all legacies and legal charges against my estate, I give, devise and bequeath all the rest and residue of my estate to the said trustees to be used and employed by them as follows, viz: At the time of the [section missing] maintenance of said "Memorial" in the manner and for the purposes herein set forth and in pay of cost of said bust.

Seventh. In case of the death of both myself and my said daughter Katherine Batcheller nearly at the same time that no other provision should be made, I order and direct that our bodies be deposited in the Batcheller Mausoleum at Saratoga Springs, (my daughter on the left and my body in the center at the bottom of the vault.) That the inscription with the dates be completed on the entrance door, and after my name the words: "A Judge in Egypt," be inscribed.

This being accomplished, I order and direct that the Mausoleum be closed by placing before the door another door of stone; without hinges finished by bronze "tags" which shall be so constructed as to fall into slots in the jams when the stone is put in place. A design of the this stone (which is at least eight inches in thickness) should be found filed with the Executrix of this instrument as prepared by Brezee and Mallory, Architects, Saratoga Springs. When this is stone is in place it should contain also the word "closed."

This instrument consisting of parts of two sheets of "legal cap" and nearly seven pages thereof is executed by me as my last Will and Testament at Saratoga Springs, this thirty-first day of July in the year of our Lord One thousand nine hundred and seven.

Geo. S. Batcheller. L. S.

Signed, published and declared by the testator George. S. Batcheller to be his last will and testament, in our presence, who at his request and in his presence and in the presence of each other, have subscribed our names hereto as witnesses this the thirty first day of July one thousand nine hundred an seven (1907).

R. G. Smyth, Saratoga Springs, N. Y.

O. A. Day, Saratoga Springs, N. Y.

Wm. S. Ostrander
Surrogate

SARATOGA COUNTY:SS

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

Recorded, August 1, 1908

George O. Tuck
Clerk
Clerk Surrogate's Court