

From Files in Courthouse of Kingston, NY.

**Will of Daniel Byrnes, Jr.**

**May 27, 1797**

This is the Last Will and Testament of me, Daniel Byrnes of the town of New Windsor in the County of Ulster and State of New York. I do give and devise unto my wife Dinah and her assigns all the one equal.... Half part or moiety of all that lot and land situate in the town of New Windsor aforesaid where there is a grist mill which lot is a part of a tract of one hundred acres of land formerly granted and conveyed by Nathan Smith to Robert Boyd and George Harris and is particularly described in a certain deed of conveyance thereof executed by Isaac Schultz and Mary his wife to me the said Daniel Byrnes which deed bears date the twenty sixth day of July one thousand seven hundred and ninety.

To have and to hold all the one equal undivided half part or moiety of the said lot of land and tenements with the appurtenances unto my said wife Dinah and her assignees during the term of her natural life and from and immediately after her decease.

I give and devise the same one equal undivided half part or moiety of the said lot of and other the tenements and appurtenances aforesaid unto my son Caleb, his heirs and assigns.

To have and to hold the same after the decease of my said wife Dinah unto and to the use of my vaial[sic] son Caleb his heirs and assigns forever.

I do farther give and devise unto my said wife Dinah all that certain farm tract or parcel of land whereon I now live and other tenements hereditaments and appurtenances as the same are described in the deed of conveyance to me. Thereof executed by Hugh Walsh and Catharine his wife, which said deed bears date the eighth day of the eleventh month in the year of our Lord one

thousand seven hundred and ninety four. To have and to hold the said farm tract or parcel of which the tenement hereditaments and appurtenances aforesaid unto her and the said Dinah my wife and her assigners for and during the term of her natural life and from and immediately after her decease I do give and devise the said farm tract or parcel of land with the tenement hereditaments and appurtenances aforesaid unto my said son Caleb, his heirs and assigns to his and their only proper use benefit and behoof forever.

Furthermore I do give and devise unto my said son Caleb one equal undivided half part or moiety of the said lot of land first described in addition to what I have herein before given and devised to him/ and to his heirs and assigns

Together with the Grist Mill Race Way and tail race, and all other the tenements improvements hereditaments and appurtenance thereunto belonging to have and to hold the said one equal undivided half part or moiety of the said lot of land and other the premises aforesaid with the appurtenances subject and charged and chargeable with the payment of such debts which are now due or owing by me and which I have herein after directed and appointed to be paid by my said son Caleb if the personal Estate herein given to him shall be found in sufficient for that purpose to my said son Caleb his heirs and assigns.

All my lands tenement and hereditaments and premises with the appurtenances situate in the borough of Wilmington in the state of Delaware. To have and to hold the said land tenements hereditaments and premises with the appurtenances unto my said sons Caleb and Joshua and to their heirs and assigns tenant in common and not as joint tenants one equal undivided half part or moiety of four thousand acres of land in the State of Virginia, which said lands were granted and conveyed to me in and by a certain deed of conveyance, executed by Joseph Shipley and Mary his wife bearing date the sixteenth day of second month in the year of our Lord one thousand seven hundred and ninety seven and are in the said deed particularly described.

To have and to hold the same undivided half part or moiety of the said four thousand acres of land with the appurtenances unto my said sons Caleb and Joshua, their heirs and assigns forever as tenants in Common as aforesaid and not as joint tenants.

I do farther give and devise unto my said son Joshua and to his heirs and assigns one equal undivided half part or moiety of all that certain tract piece or parcel of land situate in the town of Newburgh in the county of Ulster being part of Lot number eleven in a tract of land formerly granted by Letters patent to Alexander Baird and others together with one equal undivided, half part or moiety of all the houses outhouses buildings grist mills, saw mills and every other kind of water works tenement improvement hereditaments and appurtenances thereunto belonging or in any wise appertaining

To have and to hold the one equal undivided half part or moiety of said tract piece or parcel of land tenements with the appurtenance unto my said son Joshua his heirs and assigns forever (subject however and charged and chargeable with the payment of two hundred and fifty two pounds to George Clinton of the City of New York, being a debt owing from me to the said George Clinton and also with a certain debt owing by me to Daniel Case of the county of Orange.

I do farther give and bequeath unto my said son Joshua my silver watch. I do farther give and devise and bequeath unto my said son Caleb all my mill stones yet unsold except those which are now used in my mills and also all the flour casks in my mills in the town of New Windsor or in any of the buildings thereunto belonging and also monies securities for monies stock debts due by owing to me, or bonds notes or book accounts, in trust however and on condition that my said son Caleb apply the said monies and produce to the said securities stock and debt, due or owing to me toward, satisfying and discharging all my debt due or owing by me except those which are above appointed and directed to be paid by my said son Joshua.

Moreover I do give devise and bequeath unto my said Wife Dinah all my household furniture stock on the farm implements of husbandry and all the rest and residue of my goods chattels and personal Estate of what kind so ever, (herein before not devised and bequeathed or disposed of). To have and to hold the same unto my wife Dinah during her natural life, and from and immediately after her decease I give devise and bequeath the same unto my daughter Lydia, the wife of John Poulteny of the City of Philadelphia and to her Executor Administrators and assigns forever.

And Whereas I have here to fore already sufficiently advanced my sons: William and Joseph by gifts and grants of property I do hereby ratify and confirm such gifts and grants to them here to fore made and I do hereby release and discharge my said sons William and Joseph and each of them and their and each of their heirs Executors and Administrators of from and against all debts damages claims and demands what so ever which I now have or which my heirs executor, or Administrators hereafter can shall or may have for any matter cause or thing what so ever from the beginning of the world to this day.

And lastly I do hereby constitute and appoint my two sons Caleb Byrnes and William Byrnes and my friend Nicholas Townsend executors of this my last Will and Testament hereby revoking all other Wills and Testaments by me here to fore made. In Testimony where of I have here unto let my hand and Seal this Twenty Seventh day of the fifth Month in the year of our Lord one thousand seven hundred and and ninty seven. DANIEL BYRNES (I.S.)

Signed sealed published and declared by the Testator and for his last Will and Testament in the presence of us who at his request, in his presence and in the presence of each other have subscribed our names as witnesses thereto: Wm Seymour~~ John Dickinson~~ Wm. Gregg.....

WHEREAS I Daniel Byrnes of the town of New Windsor in the County of Ulster and State of New York have made and duly executed by Last Will and Testament bearing even date with the present writing. Now I do hereby declare these present to bear a Codicil to my said last will and direct this present writing to bear hexed thereto and taken as part thereof In addition to such other Devises Gifts and bequests as in and by my said last Will and Testament I have made to my son Caleb.

I do farther give and bequeath unto him his Executors Administrators and Assigns all such Flour, wheat or the product thereof which I now possess or am entitled to remaining in the City of New York or in my Mill, or store houses situate in the town of New Windsor or elsewhere (except what remains in my Mills at the great pond in the town of Newburgh) In trust however and upon condition that my said son Caleb shall pay and satisfy all such debts claims and demands as are appointed to be paid and satisfied by him in and by my said last Will and Testament In Witness whereof I have here unto set my hand and seal this twenty seventh day of the fifth month of the year of our Lord one thousand seven hundred and ninety seven....

DANIEL BYRNES [L.S.]

Signed sealed published and declared for a Codicil to be annexed to the last will and testament of said Daniel Byrnes, and to be taken as part thereof in the presence of: Wm. Seymour, Wm. Gregg, Thomas (X) {his mark} Price...Miter Connly f..

Be it remembered that on the twenty second day of August in the year of our Lord one thousand seven hundred and ninety seven personally came and appeared before me Joseph Gashiere Surrogate of the said County Merchant and being duly affirmed, on his affirmation declared that he did see Daniel Byrnes sign and seal within written instrument purporting to be the Will of said Daniel Byrnes. Bearing date the twenty seventh day of the fifth month in the year of our Lord one thousand seven hundred and ninety seven and heard him publish and declare the same as and for his last will and testament that at the time thereof the said Daniel Byrnes was of sound disposing mind and memory to the best of the knowledge and belief of him the affirmant and that

John Dickinson and William Gregg together with the affirmanh subscribed the said Will as witnesses thereto in the testator presence: signed: Joseph Gasherie Surrogate Ulster County .

Be it remembered that on the twenty second day of August in the year of our Lord one thousand seven hundred and ninety seven personally came and appeared before me Joseph Gaheerie Surrogate of the said County William Seymour of the town of New Windsor in the said County Merchant and being duly affirmed on his affirmation declared that he did see Daniel Byrnes sign and seal the within written instrument purporting to be a Codicil to be assigned to the last Will and Testament of the said Daniel Byrnes bearing date the twenty seventh day of the fifth month in the year of our Lord one thousand seven hundred and ninety seven and heard him publish and declare the same as and for is Codicil to be annexed to his last will and testament that at the time thereof he the said Daniel Byrnes was of sound disposing mind and memory to the best of the knowledge and belief from the affirmanh and that William Gregg and Thomas Price together with the affirmant subscribed the said Codicil as witnesses theiele in the testators present.----  
Joseph Gasheire Surrogate.

The People of the State of New York by the Grace of God Free and Independant To all to whom the present shall come or may cometh send Greeting Knowye that at Ulster County on the twenty second day of August last past before Joseph Gasheire Esq. Surrogate of our said County the Last Will and Testament & Codicil of Daniel Byrnes deceased. (A copy whereof is hereunto annexed) was proved, and is now approved and allowed of by us and the said deceased having whilst he lived, and at the time of his Death Goods Chattels or Credits within this State by means whereof the proving in and registering the said Will and the granting of Administration of all and singular the goods Chattels and Credits and the Auditing allowing and final discharging the account thereof doth belonging unto us, the Administration of all and singular the Goods Chattels and Credits of the said deceased and any way concerning his Will is granted unto Caleb Byrnes. Executor of the said Will named.

He being first duly affirmed well and faithfully to Administer the name and to make and exhibit a true and perfect Inventory of all and singular the said goods Chattels and Credits and also to render a just and true account thereof when thereunto required In Testimony hereof we have caused the Seal of office of our said Surrogate to be hereunto affixed Witness Joseph Gasheire Esq., Surrogate of the said County at Kingston the fourteenth day of September in the year of our Lord one thousand and seven hundred and ninety seven and of our Independence the twenty second... Joseph Gasheire, Surrogate.

The preceding is a true Copy of the original Will and Codicil of Daniel Byrnes deceased also of the certificates of the proof thereof and also the letters testamentary,-- Note the words said in 17<sup>th</sup> line of 14<sup>th</sup> page, tenements in 25<sup>th</sup> line 14<sup>th</sup> page, are in 7<sup>th</sup> line of 15<sup>th</sup> page, are in 17<sup>th</sup> line of 16<sup>th</sup> page and of 17<sup>th</sup> page inlined and Just in 24<sup>th</sup> line of 16<sup>th</sup> page obliterated. Joseph Gasheire, Surrogate.