

No. 182

In Re Sweeney Pumping Mill

aff of James Sweeney
of Minneapolis Mill

Filed 19 September 1857

J. G. Sandilott
Clerk

In the Surogale Court of the County of Oxford.

Canada
County of Oxford
to wit

You James Stevens of the Township of Norwich in the County of Oxford Merchant one of the subscribing witnesses to the last Will and Testament of Lucy Binger late of the said Township Widow deceased do swear that you were personally present and did see the said Lucy Binger sign seal publish and declare the Will now shewn to you as and for her last Will and Testament - and you the said James Stevens do further swear that the names Aham Kennard and James Stevens which appear as witnesses to the last Will and Testament of the said Lucy Binger are the proper handwriting of them the said Aham Kennard and James Stevens and that the said Aham Kennard together with you signed his name in the presence of the said Testatrix and at her special instance and request. And you likewise further swear that you verily believe that the said Lucy Binger at the signing of the said last Will and Testament was of sound mind memory and understanding.

So help you God.

James Stevens

Subscribed before me at Woodstock this 19th day of September A.D. 1854

Subscribed before me at Woodstock in the County of Oxford this 19th day of September A.D. 1854.

W. Laprotiere
Judge Surogale Court County of Oxford

In the Name of God Amen.
I Lucy Burgar of the Township of Norwich,
County of Oxford, and Province of Canada (West)
Widow and sole Executrix of the late Peter Burgar
being at the present time of sound and disposing mind,
Memory, and understanding, and taking into Consideration
the uncertainty of Mortal Life, Do make this My last
Will and Testament, in manner following, that is
to say

First, I will that all My just Debts,
and Funeral Expenses, shall be paid as soon as
conveniently may be after My Decese.

Secondly, I
give devise and bequeath to My beloved Children
My Son, Nelson, Robert, Lucy, Delia, Elizabeth, and
Mary, One Acre of Land, situate on the South West
Corner of Lot No. Twenty one, in the eight Concession
of the said Township of Norwich, together with Building
Houses, Out Houses, Privileges, Hereditaments and Appurtenances
whatsoever thereto belonging, the same to be sold in
three Years after My Decese, the Land and Money
to be sold of or for, with half the pay down, the
other half to be paid in two Years in payments
as My Executors see fit and the Proceeds to be

equally divided with My Children above named
and if either of the above named Children
shall die before the Division takes place, then
the Proceeds shall be equally divided amongst them
+ their Wives, Be it to be known that at the age of twenty
five or at this present age and if the Writ of
it cannot be obtained then sale of it can be
put off several Months longer until the writ
of it can be obtained.

Thirdly. I will that the
payments of the half share of Land Westward of
that lot that I signed in to Edward Silents
be given to Wilson when they are due, all household
furniture and some Property belonging in the House and
in My Janes House, I give to My Daughters above
named, My Clothing to buy and sell, all mortgages
+ debts, debts of hand, Monies, and My five shares in the
Woodstock and Woodwick Plantations and great Branch is to
be laid out in manner following, viz. I will that My
Children shall be kept in school until the time of sale,
also that the Graves of John, Peter, Peter, Richard, William
Abraham Prager and Myself have Tomb Stones put at
their Graves, the above named some Stones, take what is commonly
called Marble and to be put in the Graves in the course of
one Year after My Decease, the remainder to be equally

divided between My seven Children above named
I will that all loose Property is to be given to them
as fast as they become of age and all but land Property
+ and that is to be given to them as fast as they become
of age, and if any of them shall need their shares before
they are of age by sickness or misfortune I will that it shall
be given to them as they need it.

Fourthly. I nominate,
Constitute, and appoint John H. Cornwells, Esq.
Carter, and Robert Cornwells to be My Executors and
Guardians over My Minor Children.

Wigned with My Hand, and sealed with My Seal,
this 25th Day of July in the Year of Our Lord one
thousand Eight hundred and fifty four

Witness present,
Abraham Richards }
James Stevens } Lecky Berger

In the name of God, Amen.

I, Lucy Burgar of the Township of Norwich, County of Oxford, and Province of Canada (West), Widow, and sole executrix of the late Peter Burgar, being at the present time of sound and disposing mind, memory and understanding, and taking into consideration the uncertainty of mortal life, do make this my last will and testament, in manner following, that is to say:

First. I will that all my just debts, and funeral expenses shall be paid as soon as conveniently may be after my decease.

Secondly. I give, devise and bequeath to my beloved children, viz., John, Nelson, Rolph, Lucy, Delia, Elizabeth and Mary one acre of land situate on the South West corner of Lot No. Twenty-one, in the eight concession of the said Township of Norwich, together with buildings, houses, outhouses, privileges, hereditaments, and appertanences whatsoever thereunto belonging, the same to be sold in three years after my decease, the land land may be sold in lots, with half the pay down, the other half to be paid in two years in payments as my executors see fit, and the proceeds to be equally divided with my children above named, and if either of the above named children shall die before the division takes place, then the proceeds shall be equally divided amongst those then living, Rolph to have his at the age of twenty-five or at his marriage, and if the worth of it cannot be obtained, the sale of it can be put off several months longer until the worth of it can be obtained.

THIRDLY. I will that the payment of the half acre of land Northward of said lot that I signed over to Edward Gile^{Ed}, be given to Nelson when they are due, all household furniture and loose property belonging in the house and in my Tavern House I give to my daughters above named, my clothing to Lucy and Delia. All mortgages, rents, notes of hand, monies and my five shares in the Woodstock and Norwich Plankrd and gravel road, is to be laid out in manner following, viz: I will that my buildings shall be left *insured*

until the time of sale, also that the graves of John Pitzer,
Peter, Richard, Susan, Abram Burgard^{and} myself have tombstones
put at their graves, the above named tombstones to be what is
commonly called marble, and to be put in the graves in the
course of one year after my decease, the remainder to be equally
divided between my seven children above named. I will that all
loose property is to be given to them as fast as they become of
age and all out land property, and that is to be given to them
as fast as they become of age, and if any of them shall need
their shares before they are of age by sickness or misfortune
I will that it shall be given to them as they need it.
Fourthly. I nominate, constitute and appoint, John H. Cornwell,
George W. Carder and Robert Cromwell to be my executors, also
guardians over my minor children.

Signed with my hand, and sealed with my seal, this 25th day
of July in the year of our Lord one thousand eight hundred and
fifty four.

Witnesses present

Sgd. Abram Kinnard

Sgd. Lucy Burgar (seal)

Sgd. James Stevens

Surrogate Court County of Oxford

Province of Canada } You George Washington Carder of the
County of Oxford } Township of Norwich in the County of
to wit } Oxford Shall swear that the will

now shown to you to be the true last will and Testament of Lucy Benjamin late of the Township of Norwich in the County aforesaid deceased and that you will pay all the debts and Legacies of the deceased so far as the goods shall extend and the Law shall bind you and that you will exhibit a true full and perfect Inventory of all and every the goods rights and credits of the Deceased together with a just and true account in the Registry of the Surrogate Court of the County of Oxford when you will be lawfully called thereunto.

You also Swear that you believe the whole of the goods Chattels and Credits of or belonging to the said Lucy Benjamin at the time of her death did not in value exceed the value of sum of one hundred and ^{fifty} ~~seventy~~ pounds and you also swear that the said Lucy Benjamin died in the said Township of Norwich on or about the twenty fifth day of August last

Sworn before me at Woodstock
in the County of Oxford this 19th
day of September A.D. 1854

In help you God
George W. Carder

W. Lapointe
Judge Surrogate Court
County of Oxford

Province of Carolina }
County of Oxford }
to wit }
Surrogate Court County of Oxford
You John Haupt Cornell of the Township
of Norwich in the County of Oxford one
of the executors of the last Will and
Testament of my Wife Widow

Deceased do solemnly sincerely and truly declare and
affirm that you believe ^{with my ability to you} this to be the last will and
Testament of my Wife Deceased and that
you will pay all the debts and legacies of the deceased
so far as the goods shall extend and the laws shall
bind you and that you will exhibit a true full
and perfect inventory of all and every the goods rights
and credits of the deceased together with a just and true
account in the Registry of the Surrogate Court of the County of Oxford
when you shall be lawfully called thereunto. You also ^{affirm} that you believe
the whole of the goods chattels and credits ~~of~~ belonging to the said my Wife
at the time of her death did not in ~~value~~ value exceed the sum of
one hundred and ~~twenty~~ ^{fifty} pounds. And you also affirm
And so you affirm

affirmed before me at Woodstock in the
County of Oxford this 19 day of September
A.D. 1754
John H. Cornell
Judge Surrogate Court
County of Oxford

To His Honor William Lapendine Esquire, Judge of the
Surrogate Court of the County of Bedford.

The Petition of John H. Cornell of the Township of
North in the County of Bedford Merchant and George W. Carder
of the said Township Physician two of the Executors in the last will
and testament of Lucy Buzgar late of the said Township Widow
deceased.

Amicably Sheweth.

That Lucy Buzgar late of the Township of North in the County of Bedford
Widow deceased this life at North aforesaid on or about the
twenty fifth day of August last having first on the twenty fifth day of
July last duly made in a published her last Will and Testament in writing
wherby she appointed you Petitioners and our Robert Cornwall, executor
of her said will. That the said Robert Cornwall has refused to act as an executor
in the said will and declines from the same. That at the time of the death
of the said Lucy Buzgar she was possessed of or entitled to divers goods and
chattels rights and credits all within the County aforesaid amounting to
the whole so far as you Petitioners have been enabled to ascertain to the sum
of one hundred and sixteen pounds nineteen shillings and eight Pence
half penny or thereabout. That you Petitioners are desirous of proving
the said will and taking on themselves the duties of such executors. Your
Petitioners therefore humbly pray your Honor to be pleased to order that
the said will be proved.

Woodstock 19 September 1854.

John H. Cornell
George W. Carder

on reading the foregoing Petition do order that probate of Lucy
Buzgar's will be granted to the Petitioners. Dated 19 Sept 1854

W. Lapendine
Judge of the
County of Bedford