

52

In the hands of Hugh  
Ruggess deceased

Probate granted  
D. S. to Drum  
1866

Received and filed this  
14<sup>th</sup> July A.D. 1866

James Smith

Register Surogate  
Court of the County of Oxford

the Surrogate Court of the County of Bedford  
for the Goods of Hugh Burgess deceased

I Thomas Burgess of the Township of East Green  
in the County of Bedford Vermon make oath, and say that  
I am one of the executors named in the last will and  
testament of Hugh Burgess deceased.

That the said personal estate and effects of  
the said deceased which he in any way did possess  
of or entitled to and for and in respect of which  
probate of the said last will is to be granted are  
of or about the value of three hundred dollars

Sworn before me at Woodstock  
in the County of Bedford this 14th  
day of July A. D. 1860

James Perkins

Notary Public, Bedford

of  
Thomas Burgess



In the Surrogate Court of the County of Oxford  
In the goods of Hugh Burgess  
deceased

I Thomas Burgess of the Township of East Zorra  
in the County of Oxford Do swear make oath and say  
that I believe this paper writing hereunto presented to contain  
the true and original last will and testament of Hugh  
Burgess of the Township of East Zorra in the County of Oxford  
Yours and that I am one of the Executors therein named  
and that I will faithfully administer the personal estate  
and effects of the said testator by paying his just debts and  
liabilities contained in his will so far as the same will there-  
unto extend and the law binds me and that I will exhibit  
a true and perfect inventory of all and singular the per-  
-sonal estate and effects rights and credits of the testator  
and render a just and true account of my administration  
whenever required by Law so to do

Sworn before me at Woodstock in  
the County of Oxford this fourth day  
of July 1865

James Smith

Clk. Com. Ct.

Co. Oxford

Thomas Burgess



In the Surrogate Court of the County of Suffolk  
In the goods of Single Minges

Deceased  
I Thomas Burgess of the Township of East  
Green in the County of Suffolk have made  
oath and say that I am one of the Executors  
named in the last will and testament of the said  
Single Minges deceased

That said deceased died on or about  
the twenty sixth day of December in the year of our  
Lord one thousand eight hundred and fifty seven  
at East Green aforesaid and that the said deceased  
at the time of his death had at the time of his death  
his final place of abode at East Green in the County of  
Suffolk

Sworn before me at Woodstock  
in the County of Suffolk this 14<sup>th</sup>  
day of July A. D. 1860

James Smith

A Com. C. T. C. C.

Thomas Burgess



Unto the Surrogate Court of the

County of *Surford*

The Petition of *Thomas Burgess* of the Township of *East Gore* in the County of *Surford* Queen an and *Richard Lee* of the Township of *East Gore* of and wife of *John B Lee*

HUMBLY SHEWETH

That *Hugh Burgess* late of the Township of *East Gore* in the County of *Surford* Queen an deceased, died on or about the *twenty* day of *December* in the year of our Lord one thousand eight hundred and *fifty-seven* at *East Gore*

in the County of *Surford* and Province of Canada, and that the said deceased at the time of his death had a fixed place of abode at *East Gore* in the said County of *Surford*

That the said deceased in his life time duly made his last Will and Testament, bearing date the *twenty fourth* day of *December* one thousand eight hundred and *fifty seven*

That your Petitioners *and an acting* are the execut ors named in the said Will That the value of the personal estate and effects of the said deceased which he in any way died possessed of or entitled to, and for and in respect to which a Probate of the said Will is to be granted, are of or about the value of *three hundred* dollars to the best of your Petitioner's knowledge and belief, Wherefore your Petitioners prays that Probate of the said Will of the said deceased may be granted to *them* by this Honorable Court.

Dated the *Eleventh* day of *July* 18 *60*

Signs in presence of *James R. [unclear]*

*Thomas Burgess*  
*Richard Lee*  
*marks*



This is the last Will and Testament of me  
Hugh Burgess of East Terra in the County of Oxford  
and Province of Canada Yeoman. I Order and direct my  
Executors to pay and discharge all my just debts. I Give and  
bequeath to my Daughters Rachel, Ursula and Jane a  
Five pounds each. I nominate and appoint my Brothers  
William Burgess and Thomas Burgess and my Mother  
Rachel Free Trustees and Executors and Executrix of this  
my Will. I Give devise and bequeath to my said Trustees  
and Executors and Executrix All my Household and personal  
Estates and Effects Upon the Trusts and for the intents and  
purposes following (that is to say) Upon Trust to permit and  
suffer my Wife to reside and dwell in my dwelling house  
during the term of her life and my two Daughters Ursula  
and Ann until they attain the age of twenty one years respectively  
And by and out of my personal Estate and the annual  
proceeds and profits of my Real Estate to provide for and  
maintain in a proper and decent manner my said Wife and  
two Daughters and to supply them with sufficient Clothing  
and other necessaries And Order and direct my said  
Trustees unless they shall see cause to the contrary to permit  
and suffer my Son John Burgess to occupy and cultivate  
my Farm and to have the use of my Live Stock and Farm  
Inplements and to allow him to retain the profits thereof  
or so much thereof as they my said Trustees shall think  
right and proper (subject as aforesaid) But in case my said  
Trustees shall be of opinion that it will not be advisable  
or beneficial to permit my said Son to occupy my said Farm  
then I authorize and empower my said Trustees to cultivate  
and manage the said Farm themselves or to let the same or  
any part thereof on Lease or otherwise (subject to my Wife  
and my daughters interest therein as aforesaid) at such rent or



rents as can be reasonably gotten for the same And upon  
death of my Wife and my said two daughters attaining their  
respective ages of twenty one years then I give devise and  
bequeath my said Freehold and Personal Estates (Subject as  
aforesaid and to the two Legacies hereafter bequeathed) to my  
said son John Burgess his Heirs Executors Administrators  
and Assigns for ever And I hereby bequeath to my said  
daughters Lucinda and Ann Fifty pounds each And I  
order and direct that such Legacies shall be chargeable on  
my Freehold Estate And I declare that the provision hereby  
made for my Wife shall be in lieu and bar of all Power to  
which she may be entitled And in case she shall claim her  
Power then I revoke the bequests hereby made for and on her  
behalf and the same shall be null and void And I hereby  
Order and direct that my said Trustees and Executors shall  
retain and pay themselves out of the monies that shall come to  
their hands all costs charges and expences which they shall  
sustain or be put to in the due execution of this my Will And  
that my said Trustees and Executors shall not be answerable  
one for the other or other of them or accountable for the acts or deeds  
of the others or other of them but each of them only for his or her own  
acts or deeds I hereby revoke all former Wills by me made and  
declare this only to be my last Will and Testament In Witness  
whereof I the said Hugh Burgess have to this my last Will and  
Testament set my hand and seal my hand to the first side thereof  
and my hand and seal to this last side thereof this twenty fourth  
day of December One thousand eight hundred and fifty seven.

Signed sealed published and declared  
by the above named Testator Hugh Burgess  
as and for his last Will and Testament in  
the presence of us who in his presence at  
his request and in the presence of each other  
have hereunto subscribed our names as  
Witnesses thereto

Hugh Burgess

Jos. Delf. East Jones  
Harvey Dibbet D<sup>o</sup>



In the Surrogate Court, of the

County

of *Asford*

In the goods of

deceased.

I *Harvey Dibble* of the *Township*  
of *East Zorra* in the County of *Asford* *Michigan*  
make oath and say:

That I knew *Henry Burgess*  
late of *East Zorra* deceased.

That on or about the *twenty fourth* day of *December* in  
the year of our Lord one thousand eight hundred and *fifty seven* I was present  
and did see the said *Henry Burgess* sign and declare the  
paper writing hereunto annexed, as and for the last Will and Testament of the  
said *Henry Burgess*

That I, deponent and *Joseph Delle*  
of *East Zorra*  
did subscribe our names as witnesses to the execution of the said Will at the  
request of the said Testator and in presence of each other; and lastly, that the  
several names subscribed as witness to the execution of the said Will are of the  
proper handwriting of this deponent and the said *Joseph Delle*  
respectively.

And I this deponent further say that I verily believe that the said Testator at  
the time of the execution of the said last Will and Testament was of sound and  
perfect mind memory, and understanding.

Sworn before me at *Wadsworth*  
this *fourteenth* day of *July*  
A.D., 18 *60*

} *Harvey Dibble*

*James Kenner*

*A. Cam Co*



Office of the Surrogate Clerk.

In the Goods of Hugh Burgess  
deceased, named in a certain Notice of Application for a grant of  
Probate dated the fourteenth day of July  
A. D. 1860 as late of the Township of East York in  
the County of Oxford, Yeoman.

I, Charles Fitzgibbon, the Surrogate Clerk,  
do hereby certify, that no Notice of Application in respect to the Goods  
of the said deceased has been received by me from any of the Registrars  
of the Surrogate Courts in Upper Canada, save the above from the  
Surrogate Court for the County of Oxford for a grant  
of Probate of the Will bearing date the twenty  
fourth day of December A. D. 1857.

And I further certify, that no Caveat or copy of Caveat  
against the grant of Probate or Administration on the Goods of the  
said deceased has been lodged with or received by me.

Dated the seventeenth day of July A. D. 1860

Charles Fitzgibbon

Surrogate Clerk.

To  
The Registrar of the Surrogate Court,  
County of Oxford  
Woodstock  
Ct.