

87.

Daniel Butch late of the
Township of West Oxford
and District of Brock
(Grosvenor) deceased.

Affidavit of Executor and
Executor to identity of Will

Filed 3^o Feb 1849

W. Registrar

Province of Canada,
District of Brock
To Wit:

In the Surrogate Court

You Abigail Burtch of the Township of West Oxford
and You William Tople of the same Township in the District
of Brock Yeoman

do swear that you are the Persons named in the last
Will and Testament of the late Daniel Burtch late of the
Township of West Oxford in the Brock District, deceased
as Executor and Executor in fact, that you believe the
Paper now shown to you to be the said last Will and
Testament of the said Deceased, that you will pay all the
debts and legacies of the said Deceased so far as the Goods
and Chattels 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 and Chattels
rights and Credits of the said Deceased together
with a just and true account into the Registry
of the said Surrogate Court when you shall be thereto
lawfully required

So help you God.

Sworn before me at Woodstock in the
District of North this 3 day of February 1849.

W. Laprunkin

Judge Surrogate Court
D^o Brock

Province of Canada
District of Brock
to Wit:

In the Surrogate Court
of the District of Brock.

You Jinks Pelton of the Township of West Oxford
in the District of Brock labour one of the subscribing
Witnesses to the last Will and Testament of the late Daniel Burtch
late of the Township of West Oxford in the District of Brock
in the Province aforesaid do swear that you
were personally present and did see the said Daniel Burtch
sign seal publish and declare the Will now shewn to you
as his last Will and Testament, And you the said Jinks Pelton
do further swear that the name which appears as Witness
to the last Will and Testament of Daniel Burtch is your own
hand writing, and that you signed your Name to the said
Will in the presence of the said Testator and at his special
Instance and request And you likewise further swear
that you verily believe that the said Daniel Burtch at the
signing of the said last Will and Testament was of sound
Mind Memory and Understanding And you further swear
that the said Will was executed by the said Daniel Burtch
in the presence of yourself and Eli Croff
and that you and the said Eli Croff
set and subscribed your Names to the said Will as Witnesses
in the presence of the said Daniel Burtch and that
the Names Jinks Pelton and Eli Croff
set and subscribed thereto are the proper handwriting
of the said Eli Croff
and of yourself

Sworn before me at Woodstock
in the District of Brock this
third day of February 1829.

W. Lapdustine

Judge Surrogate Court
D. Brock

IN THE SURROGATE COURT OF THE COUNTY OF OXFORD.

In the matter of the Estate of Daniel Burtch, late of the Township of West Oxford in the County of Oxford, Yeoman, deceased.

I, Peter McDonald, Registrar of the Surrogate Court of the County of Oxford, do hereby certify that the within annexed instrument is a true and correct copy of the last Will and Testament of the above named Daniel Burtch, deceased, made direct from the original Will on fyle in my office in the City of Woodstock in the County of Oxford fyled in the said Surrogate Court for Probate and upon which, as appears by the records of this Court, Letters Probate of the said Will were duly granted.

In testimony whereof I have hereunto set my hand and the seal of the said Surrogate Court at the City of Woodstock in the County of Oxford on this Seventeenth day of June, in the year of Our Lord one thousand nine hundred and thirty.

50¢
Law
stamp

Surrogate
CT seal

REGISTRAR.

P. McDonald
my hand

of fees
190
50
2.40

and I also give and bequeath unto my said wife the benefit and profits of the remainder of the farm being the north side of the Gravel Road until my Son H. Stewart and Miss Leona of the age of twenty and my Son H. Stewart is then to have the benefit and use of that part of the farm north side of Gravel Road during the natural life of my wife and my Son Lyle to live with my wife to whom I intend to be her next special devise.
After my said wife's death the said Farm being Lot sixteen Broken Road Township West Oxford is to be divided between my two Sons (provided they are of the age of twenty and years) commencing at the Center of said Lot (25) on the old Gravel Road and running North by in the Center to the River thence by Son H. Stewart is to have the West half during his natural life and his heirs and their assigns forever. My Second Son Lyle is to have the East half during his natural life and his heirs and their assigns

In The Name of God Amen.

The thirtieth day of October in the Year of our Lord one thousand Eight hundred and forty Eight

I Daniel Burtch of the Township of West Oxford in the County of Oxford in the Brook District Yeoman being through the Blessing of God in a Sound state of mind and memory but Calling to mind the frail tenure of this life and that it is appointed to all men once to die do make and ordain this my last Will and testament

That is to Say I give bequeath and dispose of the property to which I am or may become entitled in the manner and proportions here following Namely,

First I give and bequeath to my beloved wife Abigail During her Naturel life a part of Lot Sixteen being the South Side of the Gravel road Broken front Cossession West oxford together with the houses and buildings therento belonging for and in Consideration of the Maintainance of Ester my Daughter and Henruntta untill they become of the age of twenty one or Join in matrimony also I bequeath unto Livi Lawrance his maintance and support from the preceeds of the Farm during his natuary Life I also Give and bequeath unto my said wife the benifit and proffit of the remainder of the farm being the North Side of the Gravel Road untill My Sons H Steward And Livi becoms of the age of twenty one My Son H Steward is thin to have the benifit and use of that part of the farm North Side of Gravel road during the naturel life of my wif and My Son Livi to live with my wife to whom I Recomend to his most especial notice,

After My Said Wifes death the Said Farm being Lot Sixteen Broken front Cossession West oxford is to be divided between My two Sons (providid they are of the age of twenty one years) Commencing at the Center of said Lot (16) on the old Stage road and running Northely in the Center to the river thames My Son H. Stewart is to have the West half during his Naturel Life and his heirs and their assigns forever My Second Son Livi to have the East half during his Naturel Life and his heirs and their assigns

forever with the Exceptions herinafter named that is to say I reserve five acres on the north Side of Gravel Road and West Side of thams Street Commencing twenty feet from John Eshelby barn and running Westerly four Chains thence northerly twelve Chains paralell with thanes Street thence Easterly four Chains to thames Street thence Southerly twelve Chains to the place of beginning Finally I give and bequeath unto my Dear Daughters Lawry, Abigal, Elizabeth, Ester, Henrietta two town Lots each in the Vilage of Centerville to be given to them at the age of twenty one out of the five acra reserved above, the oldest to take the front & rear lots nearest to gravel road and so on according to age untill the whole obtain their potion the remainder to be sold by my executors for the benifit of My Wife and schooling of the three yongest of the famly Each lot to Contain one fifth of an acre he if any of My Sons or daughtirs Should die without an heir the property Shall revert to the living potions of the family Eaquly

all My personal property I give unto my Wife during hir natural life and then to be divided as she deems proper also I Will that a Lot I own in the thirteenth Conassion of Zora East half of Said Lot twenty third Shall be Sold by my Executors for the benifit of the Famly at priasant Schooling Clothing and and general use

And I hereby appoint my Will beloved wife and trusty Friend Pellum C Teeple My Sole executors of this my Last will and testament And I do hereby utterly disalow revoke and disannul all and every other former testament wills Legacies bequests and executors by me in any way before named willed and bequeathed retifying and confirming this my and no other to be my last will and testament in witness whereoff I have herento set my hand and Seal the day and year first above writtin I will that my Dear Daughter Mary Jane shall have one pound five Shilings to be paid one month after my Disease - Sevnteen lines from top these words is inserted (and their assgna) in two places, Daniel Burtch (seal)

Signed Sealed published pronounced
and declared by the said Daniel Burtch
as his last will and testament in the presence
of us the Subscribers

ELI CROSS

JENKS PELTON

of the County of Oxford in the State of Vermont
a true and correct copy of the last
will and testament of the said Daniel Burtch.

affairs in the City of Woodstock in the County of Oxford
Vt. to the said surrogate Court for Probate and upon
which as appears by the records of this Court Letters
of Administration were granted.

and have heretofore set by said and
said Court at the City of Woodstock
in the County of Oxford in this Seventeenth day of June, in
the year of our Lord one thousand nine hundred and thirty.

REGISTRAR

In The Name of God Amen.

The thirtieth day of October in the Year of our Lord one thousand Eight hundred and forty Eight

I Daniel Burtch of the Township of West Oxford in the County of Oxford in the Break District Yeoman being through the Blessing of God in a Sound state of mind and memory but Calling to mind the frail tenure of this life and that it is appointed to all men once to die do make and ordain this my last Will and testament That is to Say I give bequeath and dispose of the property to which I am or may become entitled in the manner and proportions here following Namely,

First I give and bequeath to my beloved wife Abigail During her Natural life a part of Lot Sixteen being the South Side of the Gravel road Broken front Concession West Oxford together with the houses and buildings thereto belonging for and in Consideration of the Maintainance of Ester my Daughter and Henruntsa untill they become of the age of twenty one or Join in matrimony also I bequeath unto Livi Lawrence his maintance and support from the proceeds of the Farm during his natuary Life I also Give and bequeath unto my said wife the benefit and proffit of the remainder of the farm being the North Side of the Gravel Road untill My Sons H Steward And Livi become of the age of twenty one My Son H Steward is thin to have the benefit and use of that part of the farm North Side of Gravel road during the natural life of my wife and My Son Livi to live with my wife to whom I Recommend to his most especial notice,

After My Said Wifes death the Said Farm being Lot Sixteen Broken front Concession West Oxford is to be divided between My two Sons (providid they are of the age of twenty one years) Commencing at the Center of said Lot (16) on the old Stage road and running Northely in the Center to the river Thames My Son H. Stewart is to have the West half during his Natural Life and his heirs and their assigns forever My Second Son Livi to have the East half during his Natural Life and his heirs and their assigns

forever with the Exceptions herinafter named that is to say I reserve five acres on the north Side of Gravel Road and West Side of thams Street Commencing twenty feet from John Eshelby barn and running Westerly four Chains thence northerly twelve Chains paralell with thanes Street thence Easterly four Chains to thames Street thence Southerly twelve Chains to the place of beginning Finally I give and bequeath unto my Dear Daughters Lawry, Abigal, Elizabeth, Ester, Henrietta two town Lots each in the Vilage of Centerville to be given to them at the age of twenty one out of the five acrs reserved above, the oldest to take the front & rear lots nearest to gravel road and so on according to age untill the whole obtain their potion the remainder to be sold by my executors for the benifit of My Wife and schooling of the three yongest of the famly Each lot to Contain one fifth of an acre he if any of My Sons or daughtirs Should die without an heir the property Shall revert to the living potions of the family Equly

all My personal property I give unto my Wife during hir naturel life and then to be divided as she deems proper also I Will that a Lot I own in the thirteenth Concession of Zora East half of Said Lot twenty third Shall be Sold by my Executors for the benifit of the Famly at priasant Schooling Clothing and and general use

And I hereby appoint my Will beloved wife and trusty Friend Pellum C Teeple My Sole executors of this my Last will and testament And I do hereby utterly disalow revoke and disannul all and every other former testament wills Legacies bequests and executors by me in any way before named willed and bequeathed retifying and confirming this my and no other to be my last will and testament in witness whereoff I have herento set my hand and Seal the day and year first above writtin I will that my Dear Daughter Mary Jane shall have one pound five Shilings to be paid one month after my Disease - Sevnteen lines from top these words is inserted (and their assgns) in two places, Daniel Burtch (seal)

Signed Sealed published pronounced
and declared by the said Daniel Burtch
as his last will and testament in the presence
of us the Subscribers

ELI CROSS
JENKS FELTON

I give hereunto my last will and testament
and do hereby give and bequeath unto my wife
Elizabeth Burtch the sum of one hundred
dollars to be paid to her at the death of
myself and she to have and to enjoy the same
unto her death and I do hereby give and bequeath
unto my wife Elizabeth Burtch the sum of one
hundred dollars to be paid to her at the death
of myself and she to have and to enjoy the same
unto her death and I do hereby give and bequeath
unto my wife Elizabeth Burtch the sum of one
hundred dollars to be paid to her at the death
of myself and she to have and to enjoy the same
unto her death

Elizabeth Burtch for and in consideration of the
marriage of her said husband Daniel Burtch and
myself and she to have and to enjoy the same
unto her death and I do hereby give and bequeath
unto my wife Elizabeth Burtch the sum of one
hundred dollars to be paid to her at the death
of myself and she to have and to enjoy the same
unto her death and I do hereby give and bequeath
unto my wife Elizabeth Burtch the sum of one
hundred dollars to be paid to her at the death
of myself and she to have and to enjoy the same
unto her death and I do hereby give and bequeath
unto my wife Elizabeth Burtch the sum of one
hundred dollars to be paid to her at the death
of myself and she to have and to enjoy the same
unto her death

After my said wife Elizabeth Burtch shall have
received the sum of one hundred dollars to be
divided between my two sons (provided they are of the age of twenty
one years) commencing at the death of my said wife and
the said sum shall be divided between my two sons
and my two daughters and my two sons and their
wives and my two daughters and their husbands
during the natural life of the said Elizabeth Burtch
and the said sum shall be paid to her at the death
of myself and she to have and to enjoy the same
unto her death

In the Name of God Amen. The thirtieth day of October in the year of our Lord one thousand eight hundred and forty eight.

I Daniel Burtch of the Township of West Oxford in the County of Oxford in the Province of New Brunswick being through the Blessing of God in a sound State of mind and memory but calling to mind the frail tenure of this life and that it is appointed to all men once to die do make and ordain this my last will and testament That is to say I give bequeath and dispose of the property to which I or may become entitled in the manner and proportions here following Namely,

First I give and bequeath to my beloved wife Abigail During her natural life the part of Lot situate being the South Side of the Gravel road broken front Expressions West of said together with the houses and buildings thereto belonging for well in Consideration of the Maintenance of Ester my Daughter and Henrietta until they become of the age of twenty one or so in matrimony also I bequeath unto Levi Lawrence his Maintenance and support from the proceeds of the Farm during his natural life I also give and bequeath unto my said wife the benefit and profit of the remainder of the farm being the North Side of the Gravel Road until my son Stewart shall live become of age of twenty one My son W Stewart is then to have the benefit and use of that part of the farm North Side of Gravel road during the natural life of my wife and my son live to live with my wife to whom I recommend his most especial notice,

After my said wifes death the said Farm being Lot situate broken front Expressions West of said is to be divided between my two sons (provided they are of the age of twenty one years) Commencing at the Center of said Lot (66) on the old Stage road and running Northward in the center to the river Thames My son W Stewart is to have the West half during his natural life and his heirs forever ^{and their heirs} My second son live to have the East half during his natural life and his heirs and forever with the exceptions hereafter named that is to say I reserve five acres on the North Side of Gravel Road and West Side of the said Street Commencing twenty feet from John Shellys house and running Westward four chains thence Northward four chains parallel with Thames Street thence Eastward four chains to Thames Street thence Southward four chains to the place of beginning

Finally I give and bequeath unto my dear Daughters Sary Abigail Elizabeth Ester Henrietta two town Lots in the Village of Antworth to be given to them at the age of twenty one out of the five acres reserved above the eldest to take the front & rear lots nearest to gravel road and so on according to age until the whole obtain their portion the remainder to be sold by my executor for the benefit of my wife and schooling of the three youngest of the family each lot to contain an eighth of an acre be if any of my sons or daughters should die without an heir the property shall revert to the living portions of the family Finally all my personal property I give unto my wife during her natural life and then to be divided as she seems proper also I will that a Lot I own in the Township of Gore East half of said Lot twenty third shall be sold by my Executor for the benefit of the family at present schooling clothing and and general use And I hereby appoint my well beloved wife and trusty friend Deben Cuple My sole executor of this my last will and

testament And I do hereby utterly revoke and disannul all and every other former testament wills
legacies bequests and executors by me in any way before named willed and bequeathed relating and concerning this my and
no other to be my last will and testament in and upon which I have hereunto set my hand and seal the day and year
first above written I will that my two daughters Mary Anne shall have one pound five shillings to be paid one month after my
decease - - - - - and their heirs (and their heirs) in due time

David Beutler

Signed sealed published pronounced
and declared by the said David Beutler
as his last will and testament in the presence
of us the Subscribers

Elie Cross
Henry Nelson

87
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and of the City of New York
(Printing) New York

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3 February 1819
Wm. Beutler
New York
1819

To His Honor the Judge of the Surrogate Court in and for
the District of Brook.

The Petition of Abigail Burtch of the Township of West
Cooper in the District of Brook widow Executrix and Petitioner
of the last Will and Testament of the late Daniel Burtch, late of the said
Township of Cooper deceased.

Humbly Sheweth

That the said Daniel Burtch departed this life on or about the
Seventeenth day of November now last past at West Cooper aforesaid
and by his last Will and Testament bearing date on the thirtieth
day of October last past appointed your petitioner Executrix
and executrix of the said Will. That the said Daniel at the time
of his decease was possessed of divers goods and chattels rights and
credits amounting to about the sum of £100 — and that the
whole of the said goods and chattels rights and credits are situated
lying and being within the District of Brook. Your petitioner being
desirous of making out herself the Executrix of the said Will as
Executrix and executrix pray your Honor will be pleased to
permit them to exhibit & prove the said last Will and Testament
of the said Daniel Burtch deceased. And your Petitioner as in duty
bound will ever pray

Woodstock 3^o February 1849.

Witness John Allan

Abigail Burtch
Her Mark.

Pellum C. Leiper

Province of Canada
District of Brock
In Wit:

In the Surrogate Court
of the District of Brock.

Mr Abigail Buntch of the Township of West in the
District of Brock and Province aforesaid do hereby make
Oath and swear that Daniel Buntch late of the Township
of West Woodstock in the District aforesaid German deceased
departed this life on or about the seventeenth day of November
in the Year of our Lord one thousand eight hundred
and forty eight and that to the best of his knowledge
and belief as far as he has been able to discover the Goods
and Chattels, Rights and Credits of the said deceased
within the said District of Brock did not exceed the
Sum of Four hundred Pounds

in
Abigail Buntch
Sworn

Sworn before me at Woodstock in the
District of Brock this 3rd day of February 1849

W. Luff

Surrogate Court
of Brock

A True Inventory of all the goods Chattels
Rights & Credits of the late Daniel Burtch
at the time of his death

2 horses
5 cows
1 Morgan double & single
10 Sheep & hogs
house hold
2 feather Beds & bedding
11 Chairs. 2 tables
1 Cooking Stove 1 plow 1 drag
3 Shuger Knives
1 Note of land for six pound five shilling
8 thousand Brick
1 Loom & gears 2 Bedsteads
1 Log Chain

Wrest Oxford April 19th 1849

Executors

Alfred ^{the} Burtch
Jesse ^{merch} C. Burtch

