

Henry William Clark

1853

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Estate Henry William Case
Township of Howick
County of Oxford

filed 12th Dec 1853

In the Surrogate Court of the County of Orange.

Produce of an affidavit
County of Orange
to wit

I, William Brearley of the Township of French in the County of Orange from an affidavit that you believe the Will now shown to you to be the last Will and testament of the late Henry William Clave late of the said Township Legum declared that you were personally present and did see the said Henry William Clave sign publish and declare the Will now shown to you as and for his last Will and testament And you the said William Brearley do further swear that the name Edward Haycock which appears as a Witness to the said last Will and testament of the said Henry William Clave is the proper handwriting of him the said Edward Haycock who together with you signed his name at the special instance and request of the said Henry William Clave - And you further swear that you believe the said Will to be a true and correct copy of the said Henry William Clave's last Will, that you were personally present and did see the said Henry William Clave sign seal publish and declare the said Will as and for a true and correct copy of the said Will And you further swear that the name Wm Brearley for which appears as a Witness to the said Will of the said Henry William Clave is the proper handwriting of him the said Wm Brearley the younger who together with you signed his name at the special instance and request of the said Henry William Clave And you likewise further swear that you really believe that the said Henry William Clave at the signing of the said Will and before was of sound mind memory and understanding.

Sworn before me at Rock Bottom in the
County of Orange this 12th day of December
A.D. 1753

To help you God.

W. Lapham

Wm Brearley

Judge of the Surrogate Court
County of Orange.

In the Surrogate Court of the County of Oxford

Province of Canada }
County of Oxford } in the County of Oxford ^{videlicet} ~~in~~ the late Henry William Clare
to wit } late of the said Township of Norwich, the executor named
in the last Will and Testament of the late Henry William Clare
late of the said Township of Norwich, Esquire, deceased do swear
that you believe the ^{and codicil thereto} will, now shown to you to be the last will
and testament ^{and codicil} of the said Henry William Clare, deceased. That
you will pay all the debts of the said deceased so far as the goods
and Chattels rights and credits of the said deceased shall extend and
by law you are bound - that you will exhibit a full true and
perfect inventory of the goods and Chattels rights and credits of
the said deceased in the Registry Office of the Surrogate Court
of the said County when you shall be thereunto lawfully
required. You further swear that the goods and Chattels rights
and credits of the said deceased at the time of his decease
amounted to the sum of One hundred and forty one pounds
thirteen shillings and nine pence or thereabouts.

In help you God

Sworn before me at ~~Montreal~~
in the County of Oxford this
twentieth day of December A.D. 1853 }
N. Tappinhere }
Judge of the Surrogate
County of Oxford }

Louisa Clare

In the Surrogate Court of the County of Oxford

Province of Canada }
County of Oxford } You Augustus Bready of the Township of Norwich
Esq. } in the County of Oxford yeoman, the Executor named
to-wit } in the last will and Testament of the late Henry Mellicam

Clare late of the said Township of Norwich, Esquire deceased
do swear that you believe the ^{said, and said} will, now shown to you to
be the last will and testament, ^{and codicil} of the said Henry Mellicam Clare
deceased - that you will pay all the ~~debts~~ debts of the said
deceased so far as the goods and chattels, rights and credits of
the said deceased shall extend and by law you are bound
that you will exhibit a full true and perfect inventory
of the goods and chattels, rights and credits of the said deceased
in the registry office of the Surrogate Court of the County
of Oxford when you shall be thereunto lawfully required
You further swear that the goods and chattels, rights and
credits of the said deceased at the time of his decease
amounted to the sum of One hundred and forty one pounds
thirteen shillings and nine pence or thereabouts

So help you God

Sworn before me at Woodstock
in the County of Oxford this
twelfth day of December A.D. 1853

Augustus Bready

W. Lapin
Judge Surrogate Court
County of Oxford

In the Surrogate Court of the County of Otsego

Province of Canada
County of Otsego
to wit

William Bearley of the Township
of Norwich in the County of Otsego
Yeoman maketh oath and saith
that the late Henry William Chase late
of the Township aforesaid Esquire de-
ceased departed this life at Norwich
aforesaid on or about the fourteenth day
of October last

Sworn before me at Woodstock
in the County of Otsego
this twelfth day of December A.D. 1853

Wm. Bearley

W. Lapinotier

Judge of the Surrogate Court
of the County of Otsego

To His Honor William Lopenotiere, Esquire, Judge
of the Surrogate Court of the County of Oxford

The Petition of Louisa Calare ^{Widow} wife of the late Henry William
Clare late of the Township of Norwich in the County of Oxford and
Augustus Brearley of the said Township of Norwich Heron
Executrix and Executor named in the last Will and Testament
and Codicil of the late Henry William Clare late of the said Township
of Norwich, Esquire, deceased.

Humbly Sheweth

That the late Henry William Clare of the Township aforesaid
Esquire, deceased, departed this life at Norwich aforesaid on or
about the fourteenth day of October now last past having first
on the nineteenth day of November one thousand eight hundred and fifty
duly made and published his last Will and Testament in writing and
afterwards on the second day of May in the year one thousand eight hundred
and fifty three added a codicil thereto in writing, whereby he appo-
inted your petitioners Executrix and Executor of his said Will

That the deceased at the time of his death was possessed of
or entitled to divers goods and chattels rights and Credits all within
the County of Oxford amounting in the whole to the sum of one hundred
forty one pounds thirteen shillings and ninepence or thereabouts so far as
your petitioners have been enabled to ascertain. That your petitioners
are desirous of taking on themselves the duties of Executrix
and Executor of the said Will and Codicil and establishing and proving the
same. Your petitioners therefore humbly pray you honor will be
pleased to permit them to exhibit

and prove the said will and codicil. And your petition
as in duty bound will ever pray.

Dated 12th December 1853

Louisa Clare
Augustus Barclay

On reading the foregoing petition I do order that Probate be granted to the Petitioners
Louisa Clare and Augustus Barclay.

12 Dec 1853

W. Suppression

Judge Superior Court
C. M. P.

169

filed 12th Dec 1853

Whereas I Henry William Clare of Norwich in the County of Oxford, Province of Canada, having made and duly executed my last Will and Testament in writing, bearing date the nineteenth day of November one thousand eight hundred and fifty.

Now I do hereby declare this present writing to be a codicil to my said Will, and direct the same to be annexed thereto and taken as part thereof. And I do hereby direct that the child now in its Mothers womb, after the decease of my wife, shall be entitled to its share of whatever property my said wife may take under my Will, share and share alike with my other children. In witness whereof I the said Henry William Clare have to this Codicil set my hand and seal, this second day of May in the year of our Lord one thousand eight hundred and fifty three.

Signed, sealed and published by the said Henry William Clare as and for a Codicil to be added to, and to be considered as a part of his last Will and Testament in the presence of us who have subscribed our names in his presence.

Wm. Brearley
Wm. Brearley Jr.

Henry William Clare

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This is the last Will and Testament
of me Henry William Clare, of the Township
of Norwich, County of Oxford, Canada West.

Firstly I direct that all my just debts
and funeral expences be paid and satisfied
by my Executors herein after named, as soon
as conveniently may be after my decease.
And secondly I give devise and bequeath
unto my dear Wife all and every my house-
hold furniture, linen and wearing apparel
books, plate, China, horses, carriages, Coaches,
and also all and every sum and sums
of money which may be in my house or due
to me at the time of my decease, and also
all other securities for money whatsoever
unto my dear Wife to and for her own use
and benefit absolutely. And as to all
the rest residue and remainder of my Estate

and effects whatsoever and wheresoever
both real and personal, whether in possession
reversion, remainder or expectancy. I give
devise and bequeath the same unto my
Mr. Wolfe's Brother Augustus B. Carby upon trust
to permit and suffer my dear Wife to have
the use and enjoyment of the same during
the term of her natural life, and from and
after her decease upon trust to sell and dis-
pose of the same and every part thereof and
to divide the proceeds arising from such
sale or sales unto and among all and
every my Children both sons and daughters
who shall be living at the time of the
decease of my said Wife in equal shares
and proportions and the issue of such

of them as shall be dead (such if any
nevertheless taking only the share which their
deceased parent would have been entitled
to in the event of such parent surviving
my said Wife) to and for their own use
and benefit absolutely. And I nominate
constitute and appoint my said Wife and
Augustus Bearley to be my executors to this
my Will in Witness whereof I the said Henry
William Clare have to this my last Will and
Testament set my hand this 19th day
of November the thousand eight hundred and fifty.

Signed by the said Testator

H. W. Clare, and acknowledged Henry William Clare
by him to be his last Will and
testament in the presence of us, present at the same
time, and subscribed by us as Witnesses in
the presence of the said testator and of each other.

Wm. Bearley
Edward Waycott