

44

W. Will

of

Mr. Alexander Coopers

Received and filed this
6th day of March 1860

James Perkins

Register
Cant. Court of 1860

— Hugh Richardson
— Conveyance
— Woodstock

Affidavit of Execution of Will.

In the Surrogate Court, of the _____ County

of *Deput*

In the goods of *Alexander Lopp*
deceased.

I *William Dorgan* of the Town
of *Woodstock* in the County of *Deput Galloway*
make oath and say:

That I knew *Alexander Lopp*
late of *Eastford in Dartmouth County* deceased.

That on or about the *eight* day of *January* in
the year of our Lord one thousand eight hundred and *forty nine* I was present
and did see the said *Alexander Lopp* sign and declare the
paper writing hereunto annexed, as and for the last Will and Testament of the
said *Alexander Lopp*

That I, deponent and *Robert Reuell*
of *Woodstock* *Esquire*
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 *Robert Reuell*
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 *Woodstock*
in the County of *Deput*
this *sixth* day of *March*
A.D., 1860

William Dorgan

Mr. Richard
Commissioner for taking affidavits in
the Queen Bench in and for the
County of Deput

my decease and upon the death of my said wife I desire that
said trustees or the survivor of them or the executors administrat-
ors or assigns of such survivor as soon as they or he conveniently
can to turn the said securities into money and to pay the money
the produce thereof as follows: First the sum of one hundred
dollars

Alexander Lopp

Alexander Cope of the Township
of East Zorra in the County of Oxford in the Province of Canada
Farmer being of sound and disposing mind and memory
do make and publish this my last Will and Testament
in manner following

First I commend my soul to God and my body
I commit to the earth to be decently interred at the discretion
of my executors hereinafter named and as to such worldly
estate whereof I may die possessed and seized I give and
dispose thereof as follows

First I give and bequeath to my wife Elizabeth Cope
such of my household furniture as she may desire to take and
one cow to be chosen by her out of my stock

Secondly I give and bequeath all the residue of my
household furniture (if any) and all my other personal property
to William Joseph Cope of the Town of Woodstock in the said
County Iron Foundry and Joseph Turner of East Zorra afore-
said Farmer my trustees herein named and the survivor of
them and the executors administrators and assigns of such
survivor) So and for and upon the following trusts intents and
purposes That is to say to convert such part thereof as
may not be in money into money in such manner as they or
he may see fit and out of the proceeds thereof in the first place
to pay my funeral expenses and my first debts (and I hereby
charge my personal estate hereby bequeathed to the said William
Joseph Cope and Joseph Turner with the payment of the said
funeral expenses and debts) and in the next place to invest
and keep invested the residue thereof in such good securities
as my said trustees or the survivor of them or the executors admin-
istrators or assigns of such survivor may from time to time see fit
reserving the interest thereon yearly. And I direct my said trustees
or the survivor of them or the executors administrators or assigns
of such survivor to pay the interest arising therefrom to my said
wife during the term of her natural life the first payment of such
interest to be made to my said wife within fourteen months after
my decease. And upon the death of my said wife I direct my
said trustees or the survivor of them or the executors administ-
rators or assigns of such survivor as soon as they or he conveniently
can to turn the said securities into money and to pay the money
the produce thereof as follows: First the sum of One Hundred

Alexander Cope



dollars

dollars to my son William Cope or his personal representatives or
and the residue thereof after deducting the said one hundred
dollars hereby directed to be paid to the said William Cope to be
divided equally between my sons William John Joseph and
Alexander share and share alike and in the event of the death
of any of them my said sons William John Joseph or Alexander
before the division among them of the said residue of the proceeds
of my said personal property as lastly mentioned then I direct
my said trustees or the survivor of them and the executors
administrators and assigns of such survivor to pay the said
share of the son or sons so dying to his or their respective personal
representatives In the next place I devise all my real estate
being composed of the East half of Lot Number Nine in the
Eleventhth concession of the said Township of East Ferris and all
other my real estate to the said William Joseph Cope and
Joseph Turner my said trustees and the survivor of them
and the heirs and assigns of such survivor to upon and for
the uses trusts intents and purposes hereinafter mentioned
and expressed of and concerning the same namely First
to apportion out of the same a piece of land of thirteen acres
and to permit my said sons William and Joseph or their
respective heirs each to occupy five acres of the said thirteen
acres And my daughter Mary Will or her heirs to occupy three
acres of the said thirteen acres during the lifetime of my
said wife Secondly during the lifetime of my said wife
to let or rent the residue of the said lands on such terms as to
my said trustees shall seem fit And to reserve the rent agree-
eds to be paid therefor half yearly and the same rent to pay
over to my said wife without any diminution for her sole use
during the term of her natural life Thirdly on the decease
of my said wife or as soon as conveniently may be thereafter
to sell the said East half of Lot Number Nine and all other my
real estate in such manner as to my said trustees or the survi-
vor of them or the heirs or assigns of such survivor shall seem
best and either for cash or upon credit or partly for cash and
partly upon credit and either at public auction or by private
contract or partly by the one and partly by the other and either
in one lot or in several parcels and to deal with the proceeds
of such sale or sales in the following manner In the first place
to deduct thereout the sum of four hundred dollars and to deal
with

Alexander Cope

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with

with the same as hereinafter directed And whereas
I have directed my said trustees to pay to my said son
William Copp the sum of One Hundred dollars out of
my personal estate in manner aforementioned and
whereas the residue of my personal estate charged
with that sum may be insufficient to pay the same or
some part thereof and I am desirous that my said
son William shall receive the said sum of one hundred
dollars I direct my said trustees in the next place
to deduct out of the proceeds of the sale of my
said real estate the said sum of One hundred
dollars or as much thereof as may be necessary
and if my said personal estate may be deficient in
order to make up the said sum of One hundred
dollars for my said son William and to pay the
same or as much thereof as he may not have received
out of my said personal estate to my said son
William in the manner hereinbefore directed
And in the next place to pay the interest if
any arising from the residue of the proceeds of
the sale of my said ^{real} personal estate as long as the
same may be received to my said sons William
John Joseph and Alexander and my daughters
Mary Hill and Susannah King or their respective
personal representatives in the following propor-
tions namely Two tenth parts thereof to each of
my said sons or their respective personal repre-
sentatives and one tenth part thereof to each of
my said daughters or their ^{respective} personal representatives
The same to be paid to my daughters for their own
separate use only and free from the control of
their respective husbands And in the next place
to invest the said residue of the said proceeds of
the said sale of the said real estate in the
purchase of such other lands as to my said trustee
or the survivor of them or the heirs or assigns of such
survivor shall see fit and to buy such lands either
for cash or upon credit or partly for one and partly
for the other and to permit my sons William John
Joseph and Alexander and my daughters Mary
Alexander Copp (3) Mary

Mary Hill and Susannah King for the terms of their respective natural lives to occupy the said lands so to be bought as aforesaid in the following proportions namely my sons William John Joseph and Alexander to have respectively Two tenth parts in value of the land to be bought as aforesaid according to the price to be paid therefor and my daughters Mary Hill and Susannah King each to have one tenth part in value of the said lands so to be bought as aforesaid according to the price to be paid therefor the said land to be bought, and apportioned as aforesaid to be apportioned solely by my said trustees or the survivor of them or the heirs or assigns of such survivor they or he having regard to the value of the said land as aforesaid according to the price to be paid therefor as aforesaid And I direct my said trustees or the survivor of them or the heirs or assigns of such survivor to convey in fee simple the respective share of each of my said children in the said land to be bought and apportioned as aforesaid unto the respective heirs of the said child occupying the same or to have the same as aforesaid immediately on the determination of each of the said respective life estates hereby lastly directed to be created And in case of the death of any of my said sons or daughters before the creation of the said respective life estates or any of them then I direct my said trustees or the survivor of them or the heirs or assigns of such survivor to convey in fee simple to the heirs or heirs of the son or sons daughter or daughters so dying the lands which would have been possessed by or apportioned to such son or sons daughter or daughters in case he she or they had survived until after the apportionment thereof as aforesaid And I direct my said trustees or the survivor of them or the heirs or assigns of such survivor on the respective occupancy of my said sons William John Joseph and Alexander on the said lands hereby directed to be bought as aforesaid to pay to each of them my said four sons respectively the sum of One hundred dollars and in case of the death of any of my said four sons before the division of the said Four Hundred dollars then I direct the heirs of the son or sons so dying to receive the share or shares of the said Four Hundred dollars which such son or sons would have received had he or they been alive at the time of the division of the said Four Hundred dollars Provided always and it is my will and I do hereby direct that it shall and may be lawful to and for the several trustees constituted or to be constituted by virtue of this my

Alexander Coffey (H)

will

will and to and for each and every of them their and every
of their heirs executors and administrators respectively by
and out of all or any of the monies hereinafter mentioned to
deduct and reimburse to themselves and himself and to
allow to his and their co-trustees from time to time respectively
all such costs charges damages and expenses as they and
every or any of them shall be put unto pay suffer or sustain
for or by reason of any of the trusts hereby in them reposed
or in management or execution thereof or for or by reason of
any other matter or thing in anywise relating thereto and that
none of the said trustees their heirs executors or administrators
shall be answerable or accountable for any more money than
what they shall respectively receive by virtue of the trusts
aforesaid nor shall any of them be charged or chargeable with
or accountable for the receipt and the receipts of the other of them
but each for his own acts receipts and wilful defaults only
nor shall they or any of them be answerable or accountable for
the insufficiency or deficiency of any security or securities
Whereon the said monies or any part thereof shall or may
be invested nor of any banker agent or any other person or
persons who shall or may be employed or entrusted by them
or any of them in the management or disposition of all or
any of the said sums or sums of money nor shall ^{they} any or
either of them be answerable or accountable for any involuntary
loss of all or any of the said sum or sums of money but
shall be acquitted and saved harmless in respect of all
such acts matters and things as shall be done by them
respectively in pursuance hereof in the execution or manage-
-ment of the several trusts hereby in them reposed unless
the same shall happen through their or his own wilful neglect

Provided likewise and I do also direct that in case any
or either of them the said trustees or trustee or any of future
trustee or trustees shall happen to die or be desirous to be
discharged from or neglect or refuse to act in the trusts
hereby created at any time or times before the same
trusts shall be finally performed or otherwise determin-
-ed then it shall and may be lawful to and for the sur-
-vivor or survivors of them and the executors administrators
and assigns of such survivor by any writing or writings
under his or their hands or seals or hand or seal and to be

Alexander Coth (5)

attested

attested by one or more than one credible witness from time
to nominate or appoint any other person or persons to be a
trustee or trustees in the stead or place of the trustee or
trustees so dying or desiring to be discharged or refusing
or declining or becoming incapable to act as aforesaid
and that when and so often as any such new trustee
or trustees shall be nominated ^{and} appointed as aforesaid
all the trusts estates monies and premises which shall
then be vested in the trustee or trustees so dying or desiring
to be discharged or refusing or declining or becoming incap-
able to act as aforesaid either solely or jointly with the
other trustee or trustees shall be thereupon with all conven-
ient speed conveyed assigned and transferred in such
manner and so as that the same shall and may be
legally and effectually vested in the surviving or contin-
uing trustee or trustees or if there shall be no continuing
or surviving trustee or trustees then in such new trustee or
trustees and upon the said trusts as are hereinbefore de-
clared of or concerning the same trust estates monies and
premises respectively or such of them as shall and may be
subsisting and capable of taking effect and that any
such new trustee or trustees shall and may in all
things act and assist in the management carrying on
and execution of the trusts to which they shall be so
appointed in conjunction with the other then surviving
or continuing trustee or trustees and if there shall
not then be any such surviving or continuing trustee
or trustees then by themselves as fully and effectually
and with all the same power and powers authority and
authorities of consent approbation discretion calling in
laying out and investing compounding compromising
giving and signing effectual indemnifications and
discharges to purchasers mortgagees or others and all
other powers and authorities whatsoever to all intents
and purposes whatsoever as if or they had been originally
in and by this very will appointed trustee or trustees
for the purposes for which such new trustee or trustees
their or his heirs executors or administrators in or to whose
place such new trustee or trustees respectively shall
come and succeed and is enabled to do or could
Alexander Coffey (S) or

or might have done under and by virtue of this my will
if then living or continuing to act in the trusts hereby
reposed in them And I particularly recommend
and request that such substitution or nomination
of a new trustee may be made on the death or
resignation of any of the said trustees. And I
do hereby revoke all former wills and codicils
by me at any time heretofore made And lastly
I do hereby nominate and appoint the said
William Joseph Copp and Joseph Turner exec-
utors of this my will.

In witness whereof I the said Alexander
Copp to this my last will and testament contained
in seven sheets of paper affixed together have to
the first six - sheets thereof set my hand and to
this seventh and last sheet thereof set my hand
and seal this eighth - day of January
One thousand Eight hundred and fifty nine -

Signed, sealed and declared

by the said Alexander Copp as and
for his last will and testament in
the presence of us who in his presence
and in the presence of each other at
his request have subscribed our
names as witnesses hereto

Alexander Copp

Robert Mevett
of Woodstock - Gentlemen
William Morgan
of Woodstock Gentlemen

In the Surrogate Court, of the _____ County of

of *Oran*

In the goods of *Alexander Cobb*
deceased.

I *Thomas Croft* of the *Township*
of *East Genesee* in the County of *Oran* *Declarer*
make oath and say:

That I knew *Alexander Cobb*
late of *East Genesee* *deceased*.

That on or about the *eleventh* day of *February* in
the year of our Lord one thousand eight hundred and *fifty nine* I was present
and did see the said *Alexander Cobb* sign and declare the
paper writing hereunto annexed, as and for the last Will and Testament of the
said *Alexander Cobb*.

That I, deponent and *William Carr*
of *West Oran* in *Saratoga* *County* *Genesee*
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 *William Carr*
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 *Woodstock* in
Saratoga this *6th* day of *March* } *Thomas Croft*
A.D., 18*60*

King Richard Jr
a Commissioner for taking
affidavits in the *Genesee*
Branch in and for the County
of *Oran*

the body of the *Will* be null and void; na
(*First* to apportion out of the same a piece
of *thirteen* acres and to permit my said
William and *Joseph* or their respective
to occupy *five* acres of the said *thirteen* a
Alexander Cobb

A Codicil

Be it known to all men by these presents that I Alexander Copp of the Township of East Gorra in the County of Oxford, Farmer have made my last Will and Testament in writing bearing date this eleventh day of February one thousand eight hundred and fifty nine. I the said Alexander Copp by this present Codicil, do ratify and confirm my said last Will and Testament; and I do direct my executors, administrators and assigns that after my decease to dispose or sell the whole of my real Estate, and the proceeds to be invested as stated in the body of my will. And I further direct my executor, administrators, and assigns, that in case of the death of my son Joseph Copp, his Widow shall enjoy the benefits of his share as long as she remains his Widow, or as long as she takes proper care of his Children. And I further direct my trustee that the annexed clause copied from the body of the Will be null and void; namely (First to apportion out of the same a piece of land of thirteen acres and to permit my said sons William and Joseph or their respective heirs each to occupy Five acres of the said thirteen acres.

Alexander Copp
And

And my daughter Mary Hill or her heirs to occupy three acres of the said thirteen acres during the life time of my said wife

In Witness whereof I the said Alexander Copp to this my last will and testament contained in seven ^{sheets} with the addition of two sheets of paper affixed together, have to the first six sheets thereof set my hand, and to this seventh and last sheet together with these two additional sheets, thereof set my hand and seal this eleventh day of February one thousand eight hundred and fifty nine.

Signed, sealed and declared

by the said Alexander Copp as and for his last will and testament in the presence of us who in his presence and in the presence of each other at his request have subscribed our names as witnesses hereto

Alexander Copp

Thomas Cross
William Carr

Probate

Surrogate Court of the _____ County of Oxford

Petition of William Joseph Cobb of the Town of Woodstock in the County of Oxford Ironfounder and Joseph Turner of East Zama in said County Farmer

HUMBLY SHEWETH

That Alexander Cobb late of the Township of East Zama in the County of Oxford Ironfounder deceased, died on or about the fifteenth day of July in the year of our Lord one thousand eight hundred and fifty three at the Township of East Zama apex

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

That the said deceased in his life time duly made his last Will and Testament, bearing date the eight day of January one thousand eight hundred and fifty nine and added a Codril thereto duly published menting bearing date the Eleventh day of February one thousand eight hundred and fifty nine

That your Petitioner s are the executor 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 and Codril is to be granted, are of or about the value of Four thousand

_____ dollars to the best of your Petitioner's knowledge and belief, Wherefore your Petitioner prays that Probate of the said Will and Codril of the said deceased may be granted to them by this Honorable Court.

Dated the 28th day of February 1860

William J. Cobb
Joseph Turner

Office of the Surrogate Clerk.

In the Goods of Alexander Copp
deceased, named in a certain Notice of Application for a grant of
Probate dated the Twentieth day of February
A. D. 1860 as late of the Township of East Ferris
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 the Will bearing date the 28th day
of January A.D. 1859 and Codicil thereto bearing
date Eleventh day of February A.D. 1859

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 Ninth day of March A. D. 1860

Charles Fitzgibbon

Surrogate Clerk.

To

The Registrar of the Surrogate Court,
County of Oxford
Woodstock
Ont.

In the Surrogate Court
County of Oxford

In the goods of Alexander Copp deceased

I Joseph Turner of the Township of East Zorra in
the County of Oxford Sworn make oath and say:

That I am one of the Executors named in the last Will
and Testament of Alexander Copp of the said Township
of East Zorra deceased

That said deceased died on or about the fifteenth
day of July in the year of our Lord one thousand Eight
hundred and fifty five at East Zorra aforesaid and
that the said deceased at the time of his death had
his fixed place of abode at East Zorra in the said
County of Oxford

Sworn at the Town of Massstock
in the County of Oxford this
seventh day of March A.D. 1860
before me

M. B. Beach

Joseph Turner

A Can. Cant. of Oxford

In the Surrogate Court, _____ Count *y g d p u*

of

In the goods of *alexander opp* deceased.

William Joseph Opp of the town of *Woodstock* in the County of *Deput* *Sanford* make oath and say that I am one of the Executors named in the last last Will and Testament of the said *alexander opp* deceased.

That 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 Probate of the said Will is _____ to be granted, are of or about the value of *Three hundred* dollars.

Sworn at *Woodstock* in the County of *Deput* the *6th* day of *March* A. D., 18*60* before me,

} *William J. Opp*

Wm. Richardson

Commissioner taking affidavits in the Queen's Bench in and for the County of Deput

oath, place of abode, &c.

In the Surrogate Court,

County of *Orford*

of *Orford*

In the goods of *Alexander Coff*

deceased.

I, *William Joseph Coff* of the town of *Woodstock* in the County of *Orford* do make oath and say:

That I am *one of* the Executors named in the last Will and Testament of the said *Alexander Coff* deceased.

That said deceased died on or about the *fifteenth* day of *July* in the year of our Lord one thousand eight hundred and *eighty nine* at *Eastford* and that the said deceased at the time of his death had his fixed place of abode at *Eastford* in the said County of *Orford*

Sworn at *Woodstock*

in the County of *Orford*

the *6th* day of *March*

A.D., 18 *80* before me.

William J. Coff

Wm Richard Jnr
Commissioner for taking affidavits
in the Queen Bench in and for the County
of *Orford*