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2nd December 1843

Bill of John Cummings
of Woodstock.

Pro, coram me
30th April
1845
J. Arnold (2)

IN THE SURROGATE COURT.

PROVINCE OF CANADA,
DISTRICT OF BROCK,
WOODSTOCK, TO WIT:

YOU *William Lapentiere*
of the *Town* of *Woodstock*

in the District of *Brock* and Province of Canada, *Southern* one

of the subscribing witnesses to the last Will and Testament of the late *John Cummings*
of the *Town* of *Woodstock*

in the District of _____ and province aforesaid *Western*

Deceased, do swear that you were personally present and did see the said *John Cummings*

sign, seal, publish and declare the *paper writing*
now shown to you as his last Will and Testament; and you the said *William Lapentiere*
do further swear that the names *J. W. Keast*

which appear as Witnesses to the last Will and Testa-
ment of the said *John Cummings* are the proper handwriting of the said
J. W. Keast

who together with you
signed the names 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
John Cummings at the signing of the said last Will and Testament was of
sound mind, memory and understanding.

So Help You GOD.

Sworn before me at Woodstock, this *30th*
day of *April* 184*6*

J. Arnold (Surr)

W. Lapentiere

by the two first chosen, or by the one afterwards chosen. shall be
final and binding, and the part or share so allotted to each of
my said sons or their heirs shall be the share he or they is or are to be
entitled to under this my Will as fully and effectually as if I had
given such part by name to each of my said sons or their heirs.

And Whereas some time since I purchased from *Henry Smyth Chamberlayne*
Esquire Lot Number twenty five in the twelfth Concession of the said
Township of *Town* in the names of three of my said sons namely
Robert Hughes Cummings John Cummings and Thomas Cummings

This is the last Will and Testament of me John
Cummings of the Town of Woodstock in the District of Brack in
the Province of Canada Esquire. I give and devise unto my wife
Ann Cummings for and during her life Lots Numbers One and
Two in the Eleventh Concession of the Township of Joria in the County
of Oxford in the said District, and from and immediately after her
decease I give and devise the same unto my four sons Robert Hughes
Cummings John Cummings Thomas Cummings and Nicholas Brink
Cummings and to their heirs in fee simple, subject however to the
charges hereinafter made on the same, Equally to be divided between
them share and share alike, and in case my said sons or their
heirs cannot agree amongst themselves as to the manner in which the
same shall be divided or the part each should take for his share
I hereby direct that they my said sons or their heirs shall nominate
two disinterested competent persons being Farmers to divide the
same between them, and in case such two cannot agree about such
division, I direct that such two Farmers shall nominate some third
person being a disinterested Farmer who shall proceed to divide the
same amongst my said sons; and such division whether made
by the two first chosen, or by the one afterwards chosen, shall be
final and binding, and the part or share so allotted to each of
my said sons or their heirs shall be the share he or they is or are to be
entitled to under this my Will as fully and effectually as if I had
given such part by name to each of my said sons or their heirs.
And Whereas some time since I purchased from Henry Smyth Chamberlain
Esquire Lot Number twenty five in the twelfth Concession of the said
Township of Joria in the names of three of my said sons namely
Robert Hughes Cummings John Cummings and Thomas Cummings

and advanced and paid all of the said purchase money which
has yet been paid thereon, now it is my desire that if my said
son Nicholas Brink Cummings shall be minded and desirous
to contribute and pay an equal share of the balance which may
be due for the said Lot to the said Henry Smyth Chambers at the
time of my decease he shall be entitled to an equal share of the
said Lot Number twenty five with my said other Sons and that
the same shall be held by him in fee simple, but should my said
sons Robert Hughes Cummings John Cummings and Thomas
Cummings refuse to permit the said Nicholas Brink Cummings to
assent either by working on the said Lot or otherwise, to pay an equal
share of the balance due for the said Lot, then I do hereby direct them
the said Robert Hughes Cummings John Cummings and Thomas Cummings
to pay to the said Nicholas Brink Cummings one fourth part of the
money advanced and to be advanced by me for the payment of the same
And I do hereby charge the said Lots Number one and two
which the said Robert Hughes Cummings John Cummings and
Thomas Cummings may be entitled to, with the payment of the
same to the said Nicholas Brink Cummings after the decease
of my said wife Ann Cummings. I do hereby also direct my said
sons out of the residue of my personal Estate to purchase a
Town Lot in the said Town of Woodstock in fee simple, and thereon to
erect three separate and distinct Dwelling Houses of frame, of the
following dimensions namely Eighteen feet wide by twenty four
feet in length of one story in height, and to have two bed rooms and a
sitting room in each and a small cellar under each house, and
when built and finished in a proper manner. I hereby direct my
said sons to execute a deed of conveyance in fee simple to each of my
said Daughters of a Dwelling house and a third of the said Town

Let and in case my said residue shall be insufficient for the
erection of the said houses and the purchase of the said lot, I
do in that event hereby charge my said lots numbers one and
two with the deficiency, or the whole in case there shall be no
residue, after the decease of my said wife. but if the residue
of my said personal Estate shall be sufficient then I direct the
said Dwelling houses to be erected and conveyed as aforesaid to my
said Daughters within three years next after my decease. I also
give and bequeath unto my said Wife all the live and dead stock
on my said lots numbers one and two and all my household
furniture. And I do hereby nominate and appoint my said Wife
Executive and my said sons Executors of this my will. All
the residue and remainder of my personal Estate after payment
of my just debts funeral and testamentary Expenses and the erection
of the said Dwelling Houses and the purchase of the said lot
I give and bequeath unto my said sons in equal Shares And I
do hereby revoke all former Wills and Codicils heretofore by me
at any time made and do declare this to be my last Will and
Testament. In Witness whereof I have hereunto set my hand
and seal this second day of December in the year of our Lord
one thousand eight hundred and forty three.

Signed sealed published and declared by the
above named John Cummings as and for his
last will and testament in our presence also
at his request in his presence and in the
presence of each other of us, have hereunto
subscribed our names as witnesses thereto
the words "shares of my said" having been first
interlined between the fifteenth and thirteenth lines
of the second page from the top.

John Cummings

W. Laporture of Woodstock, Minn.

IN THE SURROGATE COURT.

District of Brock, Canada West.

WOODSTOCK, }

TO WIT: }

John
Robert Austin Cummings

Of the Township of *Woodstock* District of *Brock* and Province
aforesaid, maketh oath and saith that

John Cummings late of the
Town of Woodstock aforesaid Yeoman

departed this life on or about the *Seventh* day of *April*
in the year of our Lord one thousand eight hundred and *Forty Five* - and that to
the best of *his* knowledge and belief, as far as *he* hath 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 *three hundred*

Pounds Currency.

Sworn before me at Woodstock, this *13th* day of *October* 18*45*

John Arnold

John Cummings

Surrogate. District of Brock.

IN THE SURROGATE COURT.

PROVINCE OF CANADA,

DISTRICT,

Woodstock, to wit:

YOU

of the

James Cummings of the Town of Woodstock & Nicholas South Cummings all

and Province of Canada, in the *County of Frontenac* do swear that you are the persons named in the last Will and Testament of the late *John Cummings*

of the *Town* of *Woodstock* in the *Scott* District, and Province aforesaid. *Yeoman* deceased as Executor thereto, 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, this *thirteenth*

day of *October* 184*7*. *The same*

having been first read over and explained in the presence of deponents, the meaning of which they seemed perfectly to understand

John Arnold Sur.

James Cummings
mark.

John Cummings
Thomas Cummings
Nicholas B. Cummings