

The Last Will and Testament
 of James Davis Late of the
 Township of East Oxford

20th November 1859 to James Davis
 Widow of the deceased Daniel Davis
 and William Ford both of the Township
 of Oxford in the County of Warwick

This is the last will and testament of James Davis of the Township of East Oxford in the County of Oxford and Province of Canada, yeoman, I will and desire that all my just debts, funeral and testamentary expenses be paid by my executors as soon as conveniently may be after my decease, and as to my worldly estate, where with it hath pleased God to bless me, I give and dispose of the same as follows: I give and devise to my beloved wife Jane all my household goods and furniture, plate, linen, and china, for the term of her natural life, to be under her whole and sole control, I do also give and devise to my said wife Jane the entire, exclusive and undivided use of my dwelling house situated in the Township of East Oxford where I now reside to have and to hold the same so long as she remain my widow, I further give, devise and bequeath all my estate, property and effects, real and personal whatsoever and wheresoever, (after the payment of my just debts and necessary expenses as above provided) unto my wife until my youngest surviving child shall attain the age of twenty one years, in trust, for the maintenance and support, as well of myself wife, as also of my said children, until the youngest surviving child shall attain the age of twenty one years, and then I give and desire an annuity of fifty dollars to my said wife in lieu of dower to be paid to her annually out of my estate by the heirs thereto which said annuity of fifty dollars

shall remain as a rent charge on my estate for the natural life of my said wife; I further give, devise and bequeath to each of my five daughters viz. Elizabeth, Sarah Jane, Mary, Helen Patience and Priscilla Anne respectively the sum of two hundred dollars to be paid to each of them, when the youngest surviving child shall attain the age of twenty one years, to be paid out of my estate by the heirs thereto; And my will further is that the residue of my estate real as well as personal shall be equally divided between my two sons James Henry and William share and share alike after the aforesaid commitments shall have been completed with and the aforesaid bequests duly liquidated. And my will further is that the said annuity hereby granted to my wife shall be paid to her half yearly, and in case the said annuity given to ^{my} wife as aforesaid, shall at any time be behind and unpaid in the parts and proportions aforesaid for the space of thirty days after any such part or proportion shall become due, it shall be lawful for her to enter upon the premises chargeable with such part or proportion, and distrain for such part or proportion, and all costs or charges incurred by nonpayment thereof. And my further will is that should my personal estate and effects prove insufficient for the payment of my just and lawful debts or through any unforeseen misfortune for the maintenance of my wife and children (during the minority of said children) then it shall be

lawful for my executors, either by mortgage of
property or otherwise or for their discrediting
seem to them best under the circumstances, as
to not as shall be necessary in such emergency
and yet to be held as altogether harmless.

And my will further is, that in the event of
my wife's second marriage, the annuity here
before given to her, as also every other bequest
and devise herein contained shall from
thenceforth cease. And I nominate and ap-
point my true and worthy friends Daniel
Davis and William Force Sen^r together with my
wife to be the executors of this my will, hereby
revoaking all former wills. In witness whereof
I the said James Davis have hereunto set
my hand and seal the fourth day of October
in the year of our Lord one thousand eight hun-
dred and fifty eight

Signed, sealed, published and James Davis
declared by the said testator
James Davis as and for his last
will and testament in the presence of
us who at his request and in his pre-
sence, and in the presence of each other
have subscribed our names as wit-
nesses thereto.

Thomas Scott Sen^r

Henry Lamport

Simon Shepherd

Office of the Surrogate Clerk.

In the Goods of James Davies
deceased, named in a certain Notice of Application for a grant of
Probate dated the Ninth day of November
A. D. 1854 as late of the Township of East Oxford in
the County of Oxford.

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 Fourth day of
October A. D. 1858

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

Dated the Twelfth day of November A. D. 1859

Charles Fitzgibbon

To

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

Surrogate Clerk.

~~James Davis~~ to be registered pursuant
to the Statute in such cases made and provided, of
a Will. Viz. "This is the last will and testament
of James Davis of the Township of East Oxford in the
County of Oxford and Province of Canada, Yomaner. I
will and desire, that all my just debts, funeral and
testamentary expenses to be paid by my executors as soon
as conveniently may be after my death; and as to my
worldly estate, wherewith it has pleased God to bless me,
I give and devise to my beloved wife Jane all my house-
hold goods and furniture, plate, linen and things for
the term of her natural life to be under her whole and
undivided control. I do also give and devise to my
said wife, Jane, the tenies, exclusive and undivided
use of my dwelling house situated in the Township
of East Oxford Quebec. I now recede to have and to
hold the same so long as she remains my widow. —

I further give, devise and bequeath all my estate, property
and effects, real and personal whatsoever and whereso-
ever, (after the payment of my just debts and necessary
expenses as above provided) unto my wife until and
youngest surviving child shall attain the age of twenty
one years in trust for the maintenance and support,
as well of my said wife as also of my said children,
until the youngest surviving child shall attain the age of
twenty one years and then I give and desire an annuity
of fifty dollars to my said wife in lieu of dower to be
paid to her annually out of my estate by the heirs thereto
which said annuity of fifty dollars shall remain as a
real charge on my estate for the natural life of my
said wife. I further give, devise and bequeath to each
of my four daughters Viz. Elizabeth, Sarah Jane, Mary,
Wileen Patience and Priscilla Anne, respectively, the sum
of two hundred dollars, to be paid to each of them, —
when the youngest surviving child shall attain the

any of twenty one years, to be paid out of my estate
by the heirs thereto. — And my will further is that the
residue of my estate real as well as personal shall be
equally divided between my two sons James Henry and
William Thors and heirs alike after the aforesaid —
covenants shall have been complied with and the aforesaid
bequests duly liquidated. And my will further is
that the debt annually hereby granted to my wife
shall be paid to her half-yearly, and in case the said
annuity given to my wife as aforesaid, shall at any
time be behind and unpaid in the parts and proportions
aforesaid for the space of thirty days after any such
parts or proportions shall become due, it shall be lawful
for her to enter upon the premises chargeable with such
parts or proportions and distress for such part or
proportion, and all costs or charges incurred by
nonpayment thereof. — And my further will is that
should my personal estate and effects prove insufficient
for the payment of any just and lawful debts, or through
any unforeseen misfortunes for the maintenance of my
wife and children (during the minority of such children)
then it shall be lawful for my executors, either by mortgage
of property or otherwise, as in their discretion may seem
to them that under the circumstances so to act as shall
be necessary in such emergency, and yet to be held as alto-
gether harmless. And my will further is that on the
death of my wife's second marriage, the annuity there-
on before given to her, as also every other bequest and
debt herein contained shall from thenceforth cease. —
And I nominate and appoint my trusts and worthy
friends Daniel Davis and William Corcoran together
with my wife to be the executors of this my will, hereby
providing

all former wills. In witness whereof I the said
James Davis have hereunto set my hand and seal
the fourth day of October in the year of our Lord one
thousand eight hundred and fifty eight.
Signed sealed published and
declared by the said testator
James Davis as and for his
last will and testament, in
the presence of us who at his
request, and in his presence
and in the presence of each
other, have subscribed our
names as witnesses thereto,

the Surrogate Court of the

County of *Onondaga*

The Petition of *Jane Davis* of the Township of *East Onondaga*
in the County of *Onondaga* widow of *Jane Davis* deceased
Daniel Daniels and *William Force* both of the Township
of *Onondaga* in the County of *Onondaga*

HUMBLY SHEWETH

Jane That *Jane Davis*
late of the Township of *East Onondaga* in the County of
Onondaga deceased, died on or about the *twentieth*
day of *November* in the year of our Lord one thousand eight hundred and
fifty eight at the Township of *East Onondaga*

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

That the said deceased in his life time duly made his last Will and Testa-
ment, bearing date the *fourth* day of *October*
one thousand eight hundred and *fifty eight*

That your Petitioners are the executors named in the said Will
That the value of the personal estate and effects of the said deceased which
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 and thirty dollars
dollars to the best of your Petitioner's knowledge and belief,
Wherefore your Petitioners pray that Probate of the said Will of
the said deceased may be granted to them by this Honorable Court.

Dated the *month* day of *November* 18 *59*

Jane Davis
Daniel Davis
William Force

In the Surrogate Court,

County of *Y*

of *Orford*

In the goods of *James Davis*
deceased.

I, *James Davis* of the *Township*
of *East Orford* in the County of *Orford* *Verdun*
make oath and say:

That I am the Executor named in the last Will and Testament
of the said *James Davis* of
the Township of East Orford *Verdun* deceased.

That said deceased died on or about the *twentieth* day of *November*
in the year of our Lord one thousand eight hundred and *fifty eight* at *East*
Orford and that the said deceased at the time of his death had
fixed place of abode at *East Orford* in the said County of
Orford

Sworn at *Minister*
in the County of *Orford*
the *1st* day of *December*
A.D., 18*58* before me.

Jane Davis

Jessie Green
a Commissioner of
the said County
of *Orford*

In the Surrogate Court, of the

County of

of *Anson*

In the goods of *James Davis*
deceased.

I *Henry Sampson* of the *Town*
of *Woodstock* in the County of *Anson* *North Carolina*
make oath and say:

That I knew *James Davis*
late of *South Anson* deceased.

That on or about the *fifth* day of *October* in
the year of our Lord one thousand eight hundred and *seventy-eight* I was present
and did see the said *James Davis* sign and declare the
paper writing hereunto annexed, as and for the last Will and Testament of the
said *James Davis*

That I, deponent and *Thomas Scott the Elder*
of *South Anson in the County of Anson* *North Carolina*
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 *Thomas Scott*
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*
this *21st* day of *November* } *Henry Sampson*
A.D., 18 *79*

James Smith

James C. P. O. S.

In the Surrogate Court,

County *Y*

of *Orford*

In the goods of *James Davis*

deceased.

I *Daniel Davis* of the *Township of Newfords*
in the County of *Orford* make oath and say that I am *one*
the Execut^{or} named in the last last Will and Testament
of the said *James Davis* 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 and*
thirty dollars.

Sworn at *Orford*
in the County of *Orford*
the *5th* day of *December* } *Daniel Davis*
A. D., 18*89* before me,
James L. Lacey
a Commissioner *78*
in and for the County
of *Orford*

OF EXECUTOR.

In the Surrogate Court of the County of *Y*
of *Auford*
In the Goods of *James Davis* deceased
I *Jane Davis* of the *Township*
of *East Auford* in the County of *Auford* *Widow*
make oath and say, that I believe the paper writing hereto prefixed, to contain the true and original last Will and Testament of

James Davis late of the *Township* of
East Auford in the County of *Auford* *Yuma* That I am *among* 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 the legacies contained in his will *and testament* so far as the same will thereunto extend, and the law bind me, and that I will exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the Testator, and render a just and full account of my Executorship, whenever required by law so to do.

Sworn at *Misecton*
in the County of *Auford*
the *5th* day of *December*
A.D., 18*59* Before me,

James Davis
Jane Davis

Jamies Buchanan
a Commissioner of
in and for the County
of Auford

OF EXECUTOR.

In the Surrogate Court of the

County of *Y*

of *Asford*

In the Goods of

James Davis

deceased

I *Daniel Davis*

of the *Township*

of *Asford*

in the County of

Brant Township

make oath and say, that I believe the paper writing hereto prefixed, to contain the true and original last Will and Testament of

James Davis late of the *Township* of *Asford* in the County of *Asford* executor therein named

That I am *one of* the

and that I will faithfully administer the personal estate and effects of the said Testator by paying his just debts and the legacies contained in his will *and testament* so far as the same will thereunto extend, and the law bind me, and that I will exhibit a true and perfect inventory of all and singular the personal estate and effects, rights and credits of the Testator, and render a just and full account of my Executorship, whenever required by law so to do.

Sworn at *Asford*

in the County of *Asford*

the *5th* day of *December*,

A.D., 18 *59* Before me,

Daniel Davis

Daniel Davis

Jennings Bowen
a Commissioner of
the Court for the County
of *Asford*