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In the matter of the
Estate of John Emerson

✓

Received and filed this
24th day 1860

James M. Smith
Registrar

In the Superior Court

of the County of

to the Surrogate^{Count} of the County of Alfred

The Petition of Jacob Choate of the Township of
West Alfred in the County of Alfred Farmer John Walker
Marsh of West Alfred aforesaid Clerk and Seneca Lewis
also of West Alfred aforesaid Farmer

Humbly Sheweth

That John
Cruin late of the Village of Beachville in the said
County of Alfred Gentleman deceased died on or about
the twenty fifth day of September in the year of our Lord one
thousand eight hundred and fifty nine, at the said Village
of Beachville and that the said deceased at the time of
his death had his fixed place of abode at the Village of
Beachville aforesaid and had at such time personal and
real estate in the said County of Alfred. That the
said deceased in his life time duly made his last Will
and Testament bearing date the fifteenth day of July
one thousand eight hundred and fifty eight and codicil
thereto bearing date the seventeenth day of September 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 he in any way did possessed of or
entitled to and for and in respect to which a probate of the
said Will and Codicil thereto is to be granted are of or
about the value of Ten thousand eight ^{hundred} dollars to the best of
your petitioners knowledge and belief. Wherefore your
petitioners pray that Probate of the said Will and Codicil
thereto of the said deceased may be granted to them by this
honourable Court.

Dated the seventh day of January in the year
of our Lord one thousand eight hundred
and sixty.

Jacob Choate
John Walker
Seneca Lewis

In the Surrogate Court of the County of Afford

In the Goods of John Drwin Deceased

I Richard Allard of the Village of Ingersoll in the County of Afford Attorney at Law Take oath and say

1 That I knew John Drwin late of the Village of Beachville in said County of Afford deceased; that on or about the fifteenth day of July in the year of our Lord one thousand eight hundred and fifty eight I was present and did see the said John Drwin sign and declare the paper writings hereunto annexed as and for the last Will and Testament and Codicil thereto of the said John Drwin

2 That I & his deponent together with Samuel Edwin Taylor of Ingersoll aforesaid and Andrew Brown Senior of the same place 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

3 That I & his deponent together with James Fairbairn of the Village of Beachville aforesaid did subscribe our names as witnesses to the execution of the Codicil to said Will at the request of the said Testator and in presence of each other

4 That the several names subscribed as witnesses to the execution of the said Will are of the proper hand writing of this deponent and the said Samuel Edwin Taylor and Andrew Brown Senior respectively

5 That the several names subscribed as witnesses to the execution of the Codicil to said Will are of the proper hand writing of this deponent and James Fairbairn respectively

Sworn before me at Ingersoll in said County of Afford this 11th day of January A. D. 1860

Richard Allard

J. M. Carey

A Commissioner in & for the County of Afford

place of abode, &c.

In the Surrogate Court, of the County

of *Oxford*

RO In the goods of *John Sewin of the Village of Boachville*
in the County of *Oxford*
deceased.

I *John Walker Marsh* of the *Parish of St. James*
of *West Oxford* in the County of *Oxford Clerk*
make oath and say:

That I am *one of* the Executors named in the last Will and Testament
and the Codicil thereto of the said *John Sewin*
deceased.

That said deceased died on or about the *nearly 15th* day of *September*
in the year of our Lord one thousand eight hundred and *seventy nine* at *Boachville*
in the County of *Oxford* and that the said deceased at the time of his death had his
fixed place of abode at *Boachville* in the said County of
Oxford.

Sworn at *Ingersoll*
in the County of *Oxford*
the *16th* day of *January* } *Walker Marsh*
A.D., 18*60* before me.

Wm. Olland

A Commissioner in R.R. &
in aid for the County of Oxford

The Surrogate Court of the County of Oxford.

For the Goods of John Crumie Deceased.

I Jacob Choate of the Township of West-Oxford in the County of Oxford & armed I John Walker Marsh of the Township of West-Oxford of record Clerk and G. Seneca Lewis also of the aforesaid Township of West-Oxford & armed make oath and say and first

I Jacob Choate for myself make oath and say
1 That I believe the paper writings hereto prefixed to contain the true and original last Will and Testament and codicil thereto of John Crumie late of the Village of Beachville in the said County of Oxford

2 That I am one of 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 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 and secondly

I John Walker Marsh for myself make oath and say

1 That I believe the paper writings hereto prefixed to contain the true and original last Will and Testament and codicil thereto of John Crumie late of the Village of Beachville in the said County of Oxford.

2 That I am one of 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 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 and thirly

~~And~~ I Seneu Lewis for myself make out to and say
1 That I believe the paper writings hereto prefixed to contain the true and original last Will and Testament and Codicil thereto of John Druein late of the Village of Beachville in the said County of Oxford

2 That I am one of 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 so far as the same will therunto extend and the law binds 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

Generally sworn by the above named executors Jacob Choate

John Walker Braish and

Seneu Lewis at the Village of

Ingersoll in the County of

Oxford this 23rd day of April

A.D. 1860 Before me

Rocky Allard

Jacob Choate

John Walker Braish

Seneu Lewis

All Commissioners for taking Affidavits in B. R. &c
in and for said County of Oxford

Office of the Surrogate Clerk.

In the Goods of John Erwin
deceased, named in a certain Notice of Application for a grant of
Probate dated the seventeenth day of January
A. D. 1860 as late of the village of Beachville in the
County of Oxford, Gentlemen,

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 fifteenth
day of July A.D. 1858 and Council thereto dated the
Seventeenth day of September A.D. 1858

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 Seventeenth day of January A. D. 1860

Charles Fitzgibbon

Surrogate Clerk.

To

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

In the Surrogate Court, of the County

of *Windsor*

In the goods of *John Edwin of the Village of*
Brookville in the County of Windsor deceased.

John Walker Marsh of the Township of *West Windsor*
in the County of *Windsor* Clerk make oath and say that I am *one*
the Executor named in the last last Will and Testament *and the*
Creditor of the said *John Edwin* — 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 *and Creditor is* —
to be granted, and for about the value of *Five thousand*
eight hundred — dollars.

Sworn at *Ingersoll*
in the County of *Windsor*
the *16th* day of *January*
A. D., 18 *60* before me,

Rock d. Oland

Walker Marsh

A Commissioner &c in 1860
in and for the County of Windsor

Honourable Court
Dated the *seventh* day of *January* in the year
of our Lord *one thousand eight hundred*
and sixty —

John Chubb
Walker Marsh
Lucius Lewis

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This is the last will and Testament of me John Erwin of Beachville in the County of Oxford Gentleman. I give and devise to my daughter Mary part of my property in the Village of Beachville being a frontage of twenty two feet off the South side of said property adjoining Barbarins property and widening in rear as far as the Charles property to hold to her my said daughter Mary, her heirs and assigns for ever. I also bequeath to my said daughter Mary, the Bed, Bedstead, and Bedding, and all the furniture in one Bedroom of my House at Beachville as the same have been already presented by me to her. I give and devise to my son William Jos Erwin, all that pine lot consisting of Twenty five acres, being part of lot Number eight in the fifth Concession of West Oxford, to hold to him my said son William Jos his heirs and assigns for ever. I also bequeath to my said son William Jos, my Gold Watch. I bequeath my fowling piece to my son George Chisholm Erwin. I bequeath to my daughter Margaret now Margaret Harris my Silver Tea pot, Sugar Bowl, and Cream Jug. I bequeath my Bay horse Colt to my Grandson William Inman. I give, devise, and bequeath until my youngest Child shall attain the age of twenty one years or marry my Village property at Beachville purchased of Green, (after taking off part hereinafore devised to my daughter Mary) together with fifteen acres off the end of the East half of lot Number Eighteen, in the Second Concession of the Township of North Oxford southward.

John Erwin

Witness
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impairment of waste, and all my household
furniture, and four cows, to Jacob Choate of the
Township of West Oxford in the County of Oxford Farmer.

John Walter Marsh of the Township of West Oxford
aforesaid, Clerk, and Seneca Lewis of the Township of
West Oxford aforesaid Farmer. Their heirs executor
and administrators upon Trust, that they the said
Jacob Choate, John Walter Marsh, and Seneca Lewis,
or the survivors or survivor of them, do allow my wife

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Maria Jane to have the use of the said land, and
to Cut wood for firing off same, and of the furniture
Plats, plates, and chairs, and
and Cows, until my Youngest Child shall attain
Twenty one years or shall marry, provided my said
wife shall so long continue my widow, for the
purpose of affording a home to her my said wife
Maria Jane, and all her children by and the said
John Brown, and also to my said daughter Mary,
whilst my said daughter Mary remains unmarried;
and in case my said wife shall not remain my
widow so long, or shall die before that my Youngest
Child attains Twenty one years or marries, then

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upon Trust in case of marriage, either to continue to
allow my said wife, the use of the said lands, furniture
Plats, plates, and chairs, and
and Cows for the purposes aforesaid or to make
such other disposal of the same until my Youngest
Child is Twenty one years old or marries, as they
my said Trustees shall think most to the advantage
of my children by said wife, and also my said
daughter Mary, provided my said daughter Mary
remains so long unmarried; and in case of the
death of my wife, to use same for the benefit of
my children by said wife, and my daughter Mary

Witness
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John Brown

provided my said daughter Mary remains so long unmarried; And from and after the time when my youngest child shall attain the age of Twenty one Years or marry; I give devise and bequeath the said remaining Village property at Beachville and the

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Said household furniture, ^{Plats, Linn, and Chims} and Cows to my said wife Maria Lane, to hold to her, her heirs executors adminis-

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trators and assigns for ever; And I give and devise ^{that} the said fifteen acres in the Township of West-Corford to my son William Ino Erwin, to hold to him my

said son William Ino Erwin, his heirs and assigns for ever. I devise all my real Estate except what I have hereinbefore devised by this my will, unto the said Jacob Choate, John Walker Marsh and Seneca Lewis, their heirs executors and administrators respectively, upon Trust that they the said Jacob Choate, John Walker Marsh, and Seneca Lewis or the survivor of them, or the heirs, executors or administrators respectively of such survivor, shall as soon as conveniently may be, sell the same, either together or in parcels, and either by public Auction or private Contract, and may buy in and resell any Contract for sale, and resell without being responsible for any loss occasioned thereby, and execute and do all such assurances and acts for effectuating any such sale, as they or he may think fit. I bequeath all my personal property except what I have hereinbefore bequeathed by this my will, unto the said Jacob Choate, John Walker Marsh and Seneca Lewis their executors and administrators upon Trust that they the said Jacob Choate, John Walker Marsh, and Seneca Lewis or the survivors or survivor of them

Witness
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John Erwin

shall as soon as Conveniently may be, Call in Sell
and Convert into Money such part of my said
personal Estate as shall not Consist of Money, and
I declare that the said Jacob Choate, John Walter
Marsh and Seneca Lewis, and the survivors and
Survivor of them, and the heirs executors or administrators
of such survivor, shall out of the monies to arise from
the sale of my said real Estate, and from the Calling
in sale and Conversion into Money of such part of
my personal Estate as shall not Consist of Money,
and the money of which I shall be possessed at
my death, pay all expences attending such sale
or sales, Calling in or otherwise my funeral and
Testamentary expences, and my debts, (including any
Mortgage or Mortgages upon any part of my real
Estate) and shall invest the residuum of the said
Monies in the names or name of them the said
Jacob Choate, John Walter Marsh and Seneca
Lewis or the survivor of them or the executor or
administrator of such survivor hereinafter called the
Trustees or Trustee, on such securities, and in such way
and manner, as they may think best and advisable;
And I declare that the said Trustees may pay the
said securities at their or his discretion, and shall
pay the annual income of the said Trust funds to
my said wife so long as she shall Continue my widow
for the benefit support, maintenance, and education of
her my said wife and all her Children by me the
said John Erwin, and also of my said daughter
Mary Whitst, and so long as she my said daughter
Mary remains unmarried, but in Case of her Marriage
all her interest in said annual income to Cease.)

John Erwin

Witness
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until my youngest child shall attain the age
of Twenty one years or marry, and in case
my wife shall not remain my widow so
long, then either at their or his discretion to continue
to pay the said income to my said wife for
the purposes aforesaid or to apply the said
income for the maintenance support and
education of all the children of my said wife
by me the said John Erwin, and also of
my daughter Mary, whilst and so long as
she my said daughter Mary remains unmarried,
in such way and manner as to them or him
shall seem best, and also so to act in case
of my wife's death before the above mentioned
period, and in case of my said daughter Mary
marrying before my youngest child attains
Twenty one years or marries, then I direct
my said Trustees or Trustee to pay to my
said daughter Mary, out of the said Trust
funds, Fifty pounds, for her own absolute use,
and from and after the period when my youngest
child shall attain the age of Twenty one years
or marry, then upon Trust that they my said
Trustees or Trustee do divide the said Trust monies
equally between my wife Maria Jane if she shall be then living
and shall have so long remained my widow, and all my
children that may be then living, or that may have
died, leaving issue then living, share and share alike,
so nevertheless that the issue of any deceased child
of mine, only take their parents share amongst them,
but in case my wife shall not be then living, or
shall not have so long remained my widow, then

John Erwin

Witnessed
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A.M.
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only amongst my children in the way and manner
herebefore mentioned; And I declare that the said
Jacob Choate, John Walker Marsh, and Senead
Lewis and the survivors and survivor of them, and
the heirs, executors, and administrators of such
survivor, may at any time or times, before all my
said real Estate shall be sold, let all or any part
thereof, until they shall think it advantageous to
sell the same. And I further declare, that until all
my said real and personal Estate, shall be sold and
converted into money, the said Trustees or Trustee for
the time being thereof respectively, shall apply the
income of such part thereof, as shall for the time
being remain unsold or unconverted, after payment
thereof of all rates, taxes, expenses of repairs, insurance
and other outgoings to the person or persons for the
purpose, and in the manner to whom, and for, and
in which the annual income, of the stocks, funds, shares,
or securities aforesaid would be payable and
applicable, if such real and personal Estate had
then been sold, and the net surplus monies arising
from such sale had been invested as aforesaid -
And I hereby declare that the receipt in writing of
the Trustees or Trustee for the time being, acting in the
execution of any of the Trusts hereof, for the purchase
money of any property sold, or any monies, funds, shares
or securities paid or transferred to them or him in
pursuance hereof, or of any of the trusts hereof, shall
effectually discharge the purchasers or purchaser or other
the person or persons paying or transferring the same there-
from, and from being concerned to see to the application or
being answerable for the non application or misapplication

John Lewis

Witness
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thereof And I hereby declare that if the said Trustees hereby appointed or any of them or any Trustee or Trustees to be appointed as hereinafter is provided; shall die or desire to be discharged, or refuse or become incapable to act, then and so often, the said Trustee or Trustee (and for this purpose any retiring Trustee, shall be considered a Trustee, may appoint any other person or persons to be a Trustee or Trustees in the place of the Trustee or Trustees so dying or desiring to be discharged, or refusing, or becoming incapable to act, and upon every such appointment, the said Trust premises shall be so transferred, that the same may become vested in the new Trustee or Trustees jointly with the surviving or continuing Trustees or Trustee, or solely as the case may require; and every such new Trustee, shall both before and after the said Trust premises, shall have become so vested, have the same powers, authorities and discretions, as if he had been hereby originally appointed a Trustee; And I declare that the Trustee or Trustee, for the time being of this my will, shall be chargeable only with such monies, as they or he respectively, shall actually receive; and shall not be answerable, the one for the other of them, nor for any Banker, Broker or other person in whose hands any of the Trust monies shall be placed; nor for the insufficiency or deficiency of any stocks, funds, shares, or securities, nor otherwise for involuntary losses; And that the said Trustee or Trustee

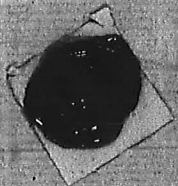
John Crain

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for the time being, may reimburse themselves
 or himself, out of the monies which shall come
 to them or his hands under the Trusts aforesaid,
 all expenses to be incurred in or about the
 execution of the aforesaid Trusts. And I appoint
 the said Jacob Choate, John Walker March and
Seneca Lewis, executors of this my will.
In witness whereof I have to this my last
will and Testament contained in eight sheets of
 paper, set my hand and seal that is to say to the
 first seven sheets thereof my hand, and to this
 eighth and last sheet, my hand and seal this
 Fifteenth day of July, in the Year of
 Our Lord One thousand eight hundred and fifty
 eight

Signed, sealed, published
 and declared by the within
 named John Cowin the said
 Testator, as and for his last will
 and Testament in the presence of
 us who in his presence, at his
 request, and in the presence of each
 other have hereunto subscribed our
 names as witnesses. of the inter-
 lineations on pages two and three
 against which initials are placed
 being first made.

John Cowin



Samuel Edw Taylor Ingersoll
 Andrew Birnie Sen's Ingersoll
 Nathl. Blood. Wm. V. Ingersoll

I John Erwin of the Village of Beachville in
the County of Oxford declare this to be a Codicil
to and to be taken as part of my last will
and Testament bearing date in or about the
month of July now last past Whereas by my
said last will I gave devised and bequeathed
to my dear wife Maria Jane certain property
in the Village of Beachville aforesaid and
made other provisions for her benefit as
therein mentioned Now I do hereby declare that
the property bequeathed and provision for her
benefit so made is intended to be and
shall if taken and accepted by her be and
to be taken by her to be in lieu and bar of
all her Dower and right to Dower and thirds
of in and to any land or property I may die
possessed of and of in any claim to any
part of my real or personal estate here
and except as provided for her benefit
and to the property and effects devised and
bequeathed to her by said will -

In Witness whereof I have to this Codicil to
my last will and Testament set my hand
and seal this seventeenth day of September
in the year of our Lord the thousand eight
hundred and fifty eight

Signed sealed published and declared
by the within named John Erwin
the said Testator as and for a
Codicil to his last will and
Testament in the presence of
us who in his presence at
his request and in the presence
of each other have hereunto
subscribed our names as witnesses

James Macibain
Richard Allard

John Erwin