

No 2

27th Jan^y 1841

Last will &
Testament

of
Elizabeth Hammer

Probate granted

27th Jan^y 1841

to Dr Gurnsey Hammer

A just and Perfect Inventory of all and singular
 The Goods and Chattels Rights and Credits of
 Elizabeth Handmore Late of the Township of Busford
 Deceased, Taken and Appraised by us the Subscribers
 this Eighteenth Day of May, in the year of our
 Lord one thousand eight hundred and forty
 and is as follows To-wit

Cash in hand	2	4	3/4
Notes of hand	"	10	"
one Note against John Benjamin, Southwell	1	1	3
one Bedstead and Bedstead Molding	6	5	"
one Do Do Do	5	0	"
one do do do	9	"	"
one do do do	7	10	"
a quantity of Bedding	3	"	"
two Tables ^{elaborate} elaborate Chairs	2	2	6
two chests & one trunk	1	11	0
one family bible & a quantity of other books	2	4	6
two pair of andirons & one clock	3	11	3
three smothering Saws two candlesticks for book, &c.	"	9	6
one Cupboard and a quantity of dishes	1	10	"
a quantity of hollow ware	1	7	6
one Churn and two pails	0	5	3
one grand stove & one transom	1	2	6
one framing square drawing knife two ^{or} or	0	11	3
two iron stages one pair of Bell rings ^{or} or	0	8	6
three Chaises one set of Shamroo teeth	0	17	6
one coopers Sinter one tin horn	0	2	0
two Cwt of flour flour	1	0	0
a quantity of pork	1	0	0
a quantity of Oats corn and peas	2	13	1/2
one fanning mill & Cutting Box	1	15	0
one hand saw tenent saw & Iron shovel	0	8	9
one set of two horse harness whiffle trees & two straps ^{of} of	9	17	6
if bells ^{of} of	0	7	5

In the Surrogate Court
You David Gurnsey Hammer of the
Township of Benford in the County of
Essex in said District & Province Step Son
of the late Elizabeth Hammer of said Township
County & District Widow deceased, do swear that
you are one of the persons named in the last
will and Testament of her the late Elizabeth
Hammer as one of the Executors thereof by the
Title of the Son of the said Elizabeth Hammer
altho in reality only her Step Son. That you
believe the paper now shewn to you to be the last
will and Testament of the said deceased. That
you will pay the debts and legacies of the said
deceased so far as the goods and Chattels of the said
deceased shall extend and the Law shall
bind you. and that you will exhibit a full
true and perfect Inventory of all and every
the goods and Chattels Right and Credits
of the said deceased together with a full &
true account into the Registry of the said
Surrogate Court when you shall be there
lawfully required. So help you God

Sworn before me at
Woodstock this twenty seventh
day of January 1811

John Arnold Sur

In the Surrogate Court

Province of
Upper Canada

District of Brant

Woods Mill Court

You Samuel McIntosh of the Township of
Burgoyne in the District and Province aforesaid.
You of the Subscribing Witnesses to the last
Will and Testament of the late Elizabeth Hammer
of the said Township District and Province aforesaid
deceased Do swear that you were personally
present and did see the said Elizabeth Hammer sign
by affixing her mark thereto Seal publish and declare
that the Paper now shewn to you as her last Will
and Testament and you the said Samuel Mac
Intosh do further swear that the names William
Simpson and Samuel McIntosh which appear
as witnesses to the last Will and Testament of
the said Elizabeth Hammer on the paper handwriting of
them the said William Simpson & Samuel
McIntosh who together with you signed your
names in the presence of the said Testatrix at
her special Instance and Request and you likewise
further swear that you verily believe that the said
Elizabeth Hammer at the signing of the said
last Will and Testament by affixing her mark
thereto was of sound mind memory & under-
standing and that the same was read to and
understood by her the said Elizabeth Hammer
before she so affixed her mark thereto.

In Help of you God

Sworn before me at
Woods Mill this twenty seventh
day of January 1840

John A. S. Ed
Surrogate

In the Name of God Amen
I Elizabeth Hamner of the Township of
Burford in the County of Oxford in the District
of Brock formerly London in the Province of
Upper Canada Widow being of sound and
disposing mind and memory do make and
publish this my last Will and Testament
in manner following
First and principally I Commit my soul
to Almighty God and my body I desire
may be decently interred at the discretion
of my Executors hereinafter named, and
as to such worldly estate as God of his
goodness hath bestowed upon me I give
and dispose of as follows

Item

I do order and direct that after payment
of all necessary funeral expences that
my lawful debts (which are small in
amount) be paid and discharged out
of my property

And whereas I am possessor of a Bond
for conveyance of Sixty Acres of Land being
composed of East half of the north half
of Number nine in the Tenth Concession
of the Township of Burford aforesaid
from Joseph Hamilton of Tunstown in
the District of Niagara Physician by his
Attorney or agent Samuel Street of Ram-
ford in the aforesaid District of Niagara
Esquire bearing date the sixteenth of January
(A. D.) one thousand eight hundred and forty
Conditioned for the payment of Sixty three
pounds five shillings and nine pence lawful
money of the said Province to be payed
by the sixteenth day of January one thousand

Eight hundred and forty two with Legal Interest therein annually on the fifteenth day of January in each year, It is my will and desire that the said sum of sixty three pounds five shillings and nine pence with the Interest thereof to be paid out of my goods and Chattels by my Executors hereinafter mentioned or appointed, And I do further will and bequeath to my two Sons James Gilbert and Charles Henry the said above mentioned fifty acres of Land them their Heirs and Assigns forever as Tenants in Common and not as Joint Tenants, ordering and requiring them the said James Gilbert and Charles Henry to pay over to their Sisters Phebe Mary and Rhoda Jane the sum of one hundred and fifty pounds Currency as follows (that is to say) James Gilbert on arriving at the age of Eighteen to pay to my Daughter Phebe the sum of twelve pounds ten shillings and when arriving at the age of twenty one to pay to the afore said Phebe or her heirs Executors Administrators or assigns the sum of thirty seven pounds ten shillings, And that that Charles Henry on arriving at the age of Eighteen do pay to my Daughter Mary her heirs Executors or assigns the sum of twelve pounds ten shillings Currency and on his arriving at the age of twenty one to pay to the aforesaid Mary her Heirs Executors Administrators or assigns the sum of thirty seven pounds ten shillings Currency, And so soon as my Daughter Rhoda Jane shall arrive at the age of Eighteen years then the said James Gilbert and Charles Henry each pay the sum of twenty five pounds to my said Daughter Rhoda Jane

her Heirs Executors Administrators or Assigns
being the residue thereof
and I further do give and bequeath
to my daughters Phoebe Mary and Rhoda
Sane an equal undivided third part
of all my goods and Chattels except as shall
be hereinafter otherwise disposed of to be
paid to them their Heirs or Assigns so
soon after they shall severally arrive
at the age of fourteen years as may be
or should they the said Phoebe Mary
and Rhoda Sane continue longer to reside
with my son David Gurnsey and his wife
Hannah then and in such case the several pay-
ments to be made as soon as may be after they
shall severally leave the residence of my said
son David Gurnsey and his wife Hannah the
said payments to be made in Cash or prop-
erty at the option of my said son David Gurnsey
And I do further bequeath give and devise
that my Executors hereinafter named sell the
small horse now upon the farm and ap-
propriate the proceeds thereof with such
further sum as may be required to the pur-
chase of a young horse as near the age of
a young colt now upon the farm which
Colt will be three years old in the month
of June next and that the said span
of Cattle together with a plough and one
now be given to my two sons above named
James Gilbert and Charles Henry their Heirs
Executors Administrators or Assigns on their sever-
ally arriving at the age of fourteen years
The said property to be given to them
under the consideration or on condition of
their paying to my three Daughters
Phoebe Mary and Rhoda Sane the three

This my last will and Testament I enjoin upon
my said Son David Gurnsey to use his best
endeavours to preserve and take proper care
of the said property so that the same sh^d
all or may not go to waste unnecessarily
and being strongly desirous to have my
family of Children kept together as long
as possible after my decease I do enjoin upon
each and every one of them to remain so
long with their Brother David Gurnsey or
his wife Hannah as they may find to
be to their respective interests hereby requi-
ring each and every one of them my said
above named Children to of good behavi-
our and to remain and live with their Bro-
ther David Gurnsey and his wife Hannah
untill they shall severally arrive at the
age of fourteen years. Not doubting that
my said Son David Gurnsey and his wife
Hannah will do off in their Power to ma-
ke my said dear Children comfortable and
happy and to their endeavours to see
my several desires carried into effect
Whereas doubt may arise as to the precise
period or time when the said several lega-
cies should or ought to be paid altho
the kind or mode of making the sever-
al payments and in order to prevent diffi-
culties I do desire and direct that my
said Son David Gurnsey shall be at lib-
erty to make the several payments in prop-
erty of a like kind to that left upon the
premises on which I reside consisting of
Horses, cows, young Cattle, Sheep, Hogs, Poul-
try, House hold furniture, Beds and Bedding
ing and Learning Articles, or in money

several Mers of Twelve pounds ten shil-
lings Currency as before mentioned or speci-
fied in this my last will and Testament.
And I do further give, and bequeth to
my son David Gurnsey the old mare now
upon the Farm requiring him the said
David Gurnsey to give in consideration there-
of to my two Daughters Phebe and Mary
the sum of five pounds to be equally
divided between them the said sum of
five pounds to be paid within one year
after my decease.

And I desire that my said son David
Gurnsey shall give to all my said Chi-
ldren a good Common Education as far
as my Property and the advantage of the
Neighbourhood will enable him to do.

And whereas I have a legacy of Fifteen
pounds left me by my late venerable
Father who deceased in the Month of May
Eight hundred and Thirty eight which
Legacy is ordered by his last will and
Testament to be paid to me within three
years after his decease. I do will and bequ-
eth the said above mentioned legacy of
Fifteen pounds shall be paid to my three
Daughters Phebe Mary and Rhoda joint-
ly to share equally them their Heirs Executors
and Assigns.

And I further will desire, and bequeath to
my said son David Gurnsey his Heirs Ex-
ecutors Administrators and Assigns the use and
benefit of all my Property or Chattles to
appropriate the use benefit and proceeds thereof
to his own private use and benefit until he
shall be required to pay over the several legacies
and comply with my other several bequests
according to the true intent and meaning of

as he may find most convenient to him
his Heirs Executors Administrators or assigns
several payments to be made within a reason-
able time after my decease except where
otherwise specially directed.

hereby desiring my Executors hereinafter
named to Cause all the property of or
belonging to my said Estate to be duly
inventoried and the value thereof app-
raised and appraised as soon after my decease
as may be convenient

And I do hereby nominate and appoint
My said Son David Gurnsey Hammer
and Kupel Smith both of the Town-
ship of Burford aforesaid, My Executors
of this my last Will and Testament
enjoining upon them to have the same
Carried into effect according to the true
intent and meaning thereof hereby
and herein Revoking all former wills
by me heretofore made done or executed
In witness whereof I the said Elizabeth
Hammer have to this my last will and
Testament contained in two sheets of
paper to the first thereof having set my
hand and to the last sheet my hand
and seal this fourteenth day of March in
the year of our lord one thousand eight hun-
dred and forty

her
Elizabeth X Hammer
mark

Signed sealed published and subscribed
by the said Testatrix as for and to be

her last will and Testament in the
presence, and at her request, and in the
presence of each other, have hereunto
set our names as witnesses thereof
by her affixing her mark thereto

William Simpson

Samuel McIntosh

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7 6
10 "
7 6
5 3
2 6
11 3
8 6
17 6
2 0
0 0
13 1/2
15 0
8 9
17 6
7 3 6