

1854

The Last Will and
Testament of
John Clutch Esq.

Probat. in. M. J. per test. 6
February A.D. 1854

W. Supbentice
Judge of the Court
of Probate of the County of [unclear]

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John Clutch
[unclear]
[unclear]

I John Hatch of the Town of Mendon in the County of Oxford Esquire do hereby
Revoke all Wills, Codicils and other Testamentary Dispositions made by me at any time
heretofore and do hereby declare this to be my last Will and Testament.

I Give and Bequeath all and singular the household Goods Furniture Plate Linen
China Books Pictures Quills Tools Farming Stock Implements of Husbandry which
I may be possessed of at the time of my decease unto my dear wife Sally Hatch to and
for her own proper and absolute use and benefit, I Also Give Devise and Bequeath
unto my Daughter Elizabeth Adams the wife of Robert Adams of the Township of Eastford
Haverill All that parcel or tract of Land comprised of 100 Acres more or less in the
North Corner of the said Township of Eastford containing two hundred acres,
more or less, which said 100 Acres with the said Elizabeth Adams her heirs and
assigns for ever I further Give Devise and Bequeath unto my son John Hatch all that
parcel or tract of Land comprised of the East half of 100 Acres more or less in the
Corner of the Township of Eastford aforesaid to have and to hold the same to the
said John Hatch he heirs and assigns for ever.

And all and singular the rest residue and Remainder of the property of which
I shall be possessed at the time of my decease or over which I have a disposing power
whether the same concerns wholly or in part of Estate or Household or for years, Books
Stock, Money out upon Security, at Interest or Mortgage, or otherwise, or
other debts or whatsoever other sort or kind the same may be I Give Devise and
Bequeath the same and every part thereof unto my two sons Joseph Hatch and
James Hatch and Henry Peers of the Township of Eastford Haverill and their heirs,
Executors Administrators and assigns upon Trust that the said Joseph Hatch James
Hatch and Henry Peers or the survivors or survivor of them or the heirs Executors
Administrators or assigns of the survivor at their discretion, but during the life of
my said wife with her consent and approbation in writing sell dispose of and
Convey the said freehold property either together or in parcels, by public auction or
private Contract as to them shall seem best unto any person or persons who shall
be willing to become the purchaser or purchasers thereof or of any part thereof for
the most money that can be reasonably gotten for the same and to make and
execute all such Deeds, Surrenders Conveyances and assurances in the law as shall
be necessary and proper for perfecting the sale and Transfer thereof, and also that my
said Executors or Assigns for the same being make sale of all my personal Estate not
heretofore disposed of such time as they may see fit and call in and compel
payment of such parts thereof as shall consist of money out upon Security at Interest
or otherwise and also get in all the debts owing to me at the time of my decease
in such manner as may think expedient, and for that purpose it shall be

John Hatch

Charge and I do hereby authorize and empower them my said Trustees and the
Survivors or Survivors of them and the heirs Executors administrators or assigns of each and
every of them to compromise or compound any debt sum or sums of money which may be owing
to me at the time of my decease and to give or allow such reasonable time by way of
indulgence for the payment of the same or any part thereof, and to take and accept
such security or assurance for the payment as they or he or her or his discretion
shall think fit and the receipt or receipts of them or him for the payment of any debt
as for the purchase money of the whole or any part of my said freehold property shall in
all cases be a sufficient and effectual discharge and discharge, for such sum or sums
as shall thereon be repaid to have been received until the person or persons paying
the same shall not afterwards be obliged to see to the application thereof or be answer-
able for the loss misapplication or nonapplication of the same or any part thereof or to
engage into the expending or property of any date that may be made under or by
virtue of the power or powers in my said Trusts or Trustee. And by my Will and
Charge and I hereby declare and Direct that my said Trustee and the survivors or
Survivors of them and the heirs Executors administrators and assigns of such Survivor
shall stand and be possessed of and hold the money arising from such portions
of my said freehold Estate as they with their consent and approbation of my said
Wife as aforesaid may during her life sell and dispose of any of all other monies
arising or to be gotten under or by virtue of this my Will or placed in the said place
to pay all my debts and funeral Expenses and after full payment and satisfaction
thereof then I direct to pay lay out and invest the same in the purchase of Government
Securities or Bank Stock of the Province or in the purchase of a good real security
at Interest in the Name of them the said Trustee, or other Trustee or Trustee, who may
be appointed under the power or power hereinafter contained for that purpose
with full power to charge and vary the said Funds and Securities during the life
of my said Wife with her consent and approbation in writing. And by my Will and
Charge further Direct and Declare that the said Joseph Hatch James Redd and
Henry Benn and the Survivors or Survivors of them and the heirs Executors administrators
or assigns of such Survivor shall stand be possessed of my said freehold property
and of such part thereof as may remain unpaid and of all Securities for money
and of all Securities on Mortgage which I may be possessed of at the time of my death
and of all such monies secured as aforesaid and of all other monies arising
or gotten under this my Will and of the Rents issue and profits Interest
Dividends and annual produce thereof I direct to pay to my said Wife

John Hatch

Clutch during her natural life the said Rents issues and profits Interest Dividends
and annual produce or otherwise to permit and authorize her to receive take and
retain the same for her own proper and absolute use and benefit, and to permit and
suffer her to occupy and possess my said freehold property or such part thereof
as may be remaining unseized or any part thereof - And from and after the decease
of my said wife it is my will and intent and I do hereby Direct and Declare
that my said Trustees, the said Joseph Hatch Saml Hatch and Henry Peers,
and the Survivors or Survivor of them and the heirs Executors administrators or assigns
of such Survivor shall stand possessed of said unseized in the said freehold
property, if any shall be then remaining unseized, and in the Trust of said
decease before mentioned and Mortgages which I may be possessed of as aforesaid
and in all the monies estate and effects gotten and held under the my Will and
in the Rents Interest profits and Dividends arising from the same In Trust with
all convenient speed to pay assign transfer and assure the same and every
part thereof absolutely unto between and amongst my children the said John
Hatch Joseph Hatch Saml Hatch Elizabeth Alway, Mary Shepherd wife of the
Reverend Edmund Shepherd of Woodstock approved and Susanah Luce wife of
Hendrey Luce both of Bangor with the exception and except to the declaration
hereinafter contained in equal proportions share and share alike - Except that
it is my will and desire and I hereby Declare that the value of the Land which
I have herein before devised to the said John Hatch and Elizabeth Alway shall
be reckoned for the purpose of the said division as forming part of the
general fund and shall be accounted for to them respectively as part of their
shares thereof - And it is my will and direct and appoints my said Trustees,
in making the said division to reckon the value of the Lands devised to the said
John Hatch at the sum of One thousand pounds, and the value of the Land
devised to the said Elizabeth Alway at the sum of Three hundred pounds -
And in respect that I have hereby conveyed to the said Edmund Shepherd certain
property in the said town of Woodstock with the intention that the same should
be considered as an advance of part of the said wife Mary Shepherds share of
my Estate, and that I have made and may hereafter make advances to my
said son Joseph Hatch for the purchase of the Farm presently occupied by him
it is my will and I hereby Direct and Declare that the sum of three hundred
pounds shall be considered as the value of the property conveyed to the said Edmund

John Hatch

to be reckoned as aforesaid and since he reckoned as so much of the General Fund
and accounted for to the said Mary Shepherd in the final division before mention-
ed as so much of her share thereof and that to her or her heirs I have advanced or
may hereafter advance to the said Joseph Hatch for the purpose aforesaid shall in
like manner be reckoned as part of the general fund and accounted for to him
as part of his share thereof. Provided that in case any of my said children
shall die before the time herebefore appointed for the final division as aforesaid
shall have arrived having issue of his her or their body or bodies living at the
time of his her or their death or deaths or born within due time thereafter then the
share or shares of him her or them so dying and having issue shall go and
belong to his her or their child or children and shall not survive nor belong
to or amongst the rest of my said children or heirs before expressed.
And with regard to the Estates vested or that may be vested in me at the time of
my death by way of mortgage it is my will and I direct that the Trustees or
Trustee for the time being under this my will shall stand and be possessed of
the same in trust to hold or dispose of the same in the manner in which they
ought to be held and disposed pursuant to the trusts herebefore contained
and upon payment of the money secured on the said mortgages, to convey or
assign the Estates in mortgage to the person or persons entitled thereto.
Provided always and I also direct that it shall be lawful to and for the said
Trustees, constituted or to be constituted under this my will by and out of the
said Trust money to reimburse to himself or the trustees, and to allow to his said
heirs or Trustees all such costs charges damages and expenses, as they and every
or any of them shall be put unto pay or sustain for or by reason of any of
the Trusts hereby in them imposed or in the management or execution thereof and
that none of the said Trustees shall be answerable or accountable for any more
money than what they shall respectively receive nor shall any of them be chargeable
or charged with or accountable for the receipt and receipt of the others; but each
for his own acts and receipts and unpaid defaults only nor shall they or any of them
be accountable for the impairment or deficiency of any security or securities,
whereon the said money or any part thereof shall or may be invested unless the
same shall happen through their or his own wilful neglect or default. Provided
also and I do hereby direct that in case any of the said Trustees shall happen to die or
be deemed to be discharged from or neglect or refuse to act in the Trust hereby created
before the said Trusts shall be fully executed then it shall and may be lawful so

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and for the said Sally Hatch in her lifetime and for the survivors or survivor of them the said
Trustees and the heirs Executors or administrators of such survivor legally existing under her
hand or their hands and seals or hand and seal and to be collected by two or more credible
Witnesses from time to time to nominate and 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 neglecting to act as aforesaid, and when so often as any such
new Trustee or Trustees shall be nominated and appointed as aforesaid all the Trust
Estate, monies and premises which shall then be vested in the Trustee or Trustees,
so coming to act from the causes aforesaid either solely or jointly with the other Trustee
or Trustees shall be thereupon with all conveniences speed conveyed assigned and
transferred in such manner and so as that the same shall and may be legally and
effectually vested in the said new Trustee or Trustees either solely or jointly with the
continuing Trustee or Trustees upon the said Trust as are herein declared of and con-
cerning the same or of such of them as shall then be subsisting and capable of taking
effect and that any such new Trustee or Trustees shall and may in all things have
the same powers and authorities to all intents and purposes whatsoever as if he or they
had been originally in and by this will appointed - And I declare that the provision
hereby made for my said wife shall be accepted of by her in lieu and full
satisfaction of all such and other real or personal Estates or any parts
of my real Estate - And Lastly I hereby nominate and appoint my said dear
wife Sally Hatch and the said Joseph Hatch James Hatch and Henry Peers,
Executors and Executors of the my last will and Testament -
In witness whereof I the said John Hatch to the my last will and Testament
contained on five sheets of paper agreed together have to the first four sheets thereof
set my hand and to the fifth and last sheet thereof my hand and seal this
tenth - day of November in the year of our Lord One thousand eight hundred
and fifty three -

John Hatch

Signed sealed published and Declared by the said
John Hatch as said 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, here to
James Simpson of Woodstock Junr
John Greig of Woodstock Esquire