

178

Probate  
of the last-  
Will and Testament  
— of —  
Tracy Ludington  
deceased

# In the Surrogate Court of the County of Oxford.

Province of Canada,  
County of Oxford,  
TO WIT:

By the Tenor of these Presents, I *William Lapointe* Surrogate of the County of Oxford  
aforsaid, make known to all whom it doth or may concern, that on the day of the date hereof, before me at Woodstock, in the said County, was proved  
and approved the last Will and Testament *and Codicil* of *Fanny Ludington* late of the  
*Township* of *Blunford* in the County of Oxford, and Province of Canada, *deceased*, a true transcript  
whereof is hereinbefore written, by means whereof the approbation and insinuation of the said last Will and Testament *and Codicil* and  
committing the Administration of all and singular the Goods and Chattels, Rights and Credits which were of the said deceased; and also the Auditing  
of the Accounts, Calculations, Reckonings and final admission of the same, to me is manifestly known to belong; and Administration of all and singular  
the Goods and Chattels, Rights and Credits of the said deceased mentioned in the said last Will and Testament *and Codicil* of the said  
*Fanny Ludington* is committed to *William Wilson and Joseph B. Ellison* both  
*of the Town of Woodstock in the County of Oxford*

in the said last Will *and Codicil* named the said *William Wilson and Joseph B. Ellison*  
well and truly administering the Goods and Chattels, Rights and Credits of the said deceased, and making a true and  
perfect Inventory thereof, and exhibiting the same into the Registrar's Office of the said Court, within six months from the date hereof, and rendering a  
true account, calculation and reckoning, when thereunto lawfully required.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed hereto, the Seal of the Court, at Woodstock, this *twenty third* day  
of *June* in the year of our Lord, one thousand eight hundred and *fifty four*

*J. S. Van Sledright*  
Registrar.

*W. Lapointe*  
Judge of the Surrogate Court, of the  
County of Oxford.

In the Surrogate Court of the County of Oxford.

Canada  
Oxford  
1812  
Probate of the last Will and Testament of Tracy Ludington of the Township of Blandford in the County of Oxford Yeoman, Deceased.

This is the last Will and Testament of one Tracy Ludington of the Township of Blandford in the County of Oxford Yeoman, I hereby give and devise unto my Executors herein after named the East half of the North half of Lot Number seven in the Eleventh Concession of the Township of Blandford aforesaid containing by admeasurement Fifty acres be the same more or less to hold the same unto and to the use of the said Executors their heirs and assigns. And I give and bequeath all my goods and chattels farm Stock money and securities for money debts and other personal Estate and effects of what kind so ever unto the said Executors their Executors administrators and assigns. And I declare that my said real and personal Estate are so devised and bequeathed upon the trusts intents and purposes and subject to the powers provisions and declarations hereinafter expressed and declared of and concerning the same respectively that is to say upon trust that my said Executors or the Executor for the time being of this my Will do and shall with all convenient speed after my decease call in and convert into money my said personal Estate. And do and shall at such time as they may think it best to do so, absolutely sell or dispose of my said Land above described by public Auction or by private contract for such price or sum of money as my said Executors or Executor shall seem reasonable and for promoting such sale do and shall enter into make and execute all such contracts covenants agreements conveyances deeds matters and things which to them shall seem reasonable. And I declare that the receipts of the said Executors or executor for the time being of my Will for any money payable under this my Will shall effectually discharge the person or persons paying the same from being answerable or accountable for the non application or non application thereof or any part thereof or from being obliged to see to the application thereof or any part thereof or to inquire into the necessity or propriety of any sale or mortgage that may be made by virtue of this my Will and that no person purchasing my said Land or any part thereof shall be obliged to ascertain or inquire into the necessity or propriety or expediency of any such sale. And I declare that the said Executors or executor for the time being shall stand and be possessed of and interested in the money to arise from the sale or sales hereinbefore decided to be made of my said Land or to arise and be produced from my said personal Estate which I have decided to be converted into money and of and in the rents issues and profits thereof until the same shall be converted into money upon trust to pay the same in such real securities in Canada as they shall think proper and out of the income arising therefrom to pay and apply so much thereof as they may think necessary for the maintenance <sup>and education</sup> of my children Warren Gregory Ludington, Tracy Ludington and Allie Ludington; and to pay to the said Warren Gregory Ludington and Tracy Ludington when and as they shall respectively attain the age of twenty one years one third each of the principal sum

A true and correct copy of the original bequeathed by the testator

is invested or that may have accumulated under the provisions hereinafter contained  
the remaining third of the said principal and accumulation hereinafter mentioned to  
said daughter Abbe Ludington on her attaining the said age or her marriage if she do  
marry before she attains the said age. And I hereby direct my said Executors or the Executor  
for the time being of this my will if after the maintenance and Education of my said children,  
there shall be any money remaining from the said Revenue arising from the said sums so decided  
to be invested as aforesaid, to invest the said sum of money so remaining in such securities  
as they may think proper which said sum of money I direct shall be paid to my said children  
at the same times and in the same proportions as the principal sum to arise from the sale of  
the said Land and <sup>personally</sup> heretofore decided to be sold. Provided always and I hereby declare  
that if either or any of my said children <sup>living four</sup> shall die before they attain the age of twenty one year  
or my said daughter shall die before she shall attain the said age without leaving lawful  
issue that the share of the said child so dying shall belong to and to be paid to the survivors  
or survivor And I hereby appoint William Wilson and Joseph B. Ellison both of the  
Town of Monticello in the County of Oxford Shocumakers Executors of this my will. And  
I appoint my friend Stephen B. Vose of the Township of East Ferris in the County of Oxford  
Guardian of my said children and I hereby revoke all former wills and testaments by  
me at any time heretofore made and declare this to be my last will and Testament.  
In witness whereof I the said Tracy Ludington have to this my will set my hand  
and seal this seventeenth day of February in the year of our Lord one thousand  
Eight hundred and fifty four.

Digned sealed published and declared by Tracy  
Ludington the Testator in the presence of, present  
at the same time who have signed our names as  
Witnesses thereto in his presence and in the presence  
of each other

(Signed)

Tracy Ludington

(Seal)

James Kenton  
G. J. Lapointe

8/21

This is a Codicil to be annexed to and considered as apart of the Will of me  
Tracy Sudington Whereas by my Will bearing date the seventeenth day of  
April one thousand Eight hundred and fifty four, I gave and devised to  
my Executors named in the said Will the East half of the North half of Lot Number  
seven in the Eleventh Concession of the Township of Island pond paper tract  
for sale as therein mentioned which said piece of Land I have since sold  
I therefore direct the said Executors shall stand possessed of the proceeds of  
the said sale upon the same and the like trusts as they would have of the  
money arising from the said sale had they sold the said Land  
under the terms of the said Will. In witness whereof I have to this  
Codicil to my said Will set my hand and seal this seventeenth day of  
April in the year of our Lord one thousand eight hundred and  
fifty four

Truly collected  
with the original Will  
of Tracy Sudington  
Esquire

Signed sealed published and declared by  
Tracy Sudington in the presence of us present  
at the same time who have signed our names as  
Witnesses thereto in his presence and in the  
presence of each other

Signed

Tracy Sudington Seal

Ezekiel True  
Alexander True

This is the last Will and Testament  
of me Tracy Ludington of the Township of Blandford in the  
County of Oxford Province. I hereby give and devise unto my  
Executors hereinafter named the East half of the North half of Lot  
number seven in the Eleventh concession of the Township of Blandford  
aforesaid containing by old measurement fifty acres less the same more  
or less. To hold the same unto and to the use of the said Executors their  
heirs and assigns. And I give and bequeath all my goods and chattels  
farm stock money and securities for money debts and other personal estate  
and effects of what kind soever unto the said Executors their Executors  
administrators and assigns. And I declare that my said real and  
personal Estate are so devised and bequeathed upon the trusts intents  
and purposes and subject to the powers provisions and declarations  
hereinafter expressed and declared of and concerning the same respectively  
that is to say upon trust that my said Executors or the Executor for the time  
being of this my Will do and shall with all convenient speed after my decease  
call in and convert into money my said personal Estate. And do and shall  
at such time as they may think it best to do so, or to sell or dispose of  
my said Land above described by public auction or by private contract for  
such price or sum of money as my said Executor or Executors shall deem reasonable  
and for promoting such sale do and shall enter into make and execute all  
such contracts covenants agreements assurances deeds matters and things that  
to them shall seem reasonable. And I declare that the receipts of the said  
Executors or Executor for the time being of my Will for any money payable under  
this my Will shall effectually discharge the person or persons paying the same  
from being answerable or accountable for the non-application or non-application  
thereof or of any part thereof or from being obliged to see to the application  
thereof or of any part thereof or to require in the necessity or propriety of  
any sale or mortgage that may be made by virtue of this my Will. And  
that no person purchasing my said Land or any part thereof shall be  
obliged to ascertain or require into the necessity or propriety or expediency  
of any such sale. And I declare that the said Executors or Executor for the  
time being shall stand and be possessed of and interested in the money  
to arise from the sale or sale hereuntofore directed to be made of my  
said Land or to arise and be paid from my said personal Estate  
which I have directed to be converted into money, and of and with the rents  
issues and profits thereof until the same shall be converted into money.

I do hereby direct to invest the same in such real securities in Canada as they shall think  
 proper and out of the income arising thereupon to pay and apply to much thereof as they  
 shall think necessary for the maintenance, <sup>and education</sup> of my children Maria Gregory Ludington,  
 Tracy Ludington and Abigail Ludington: and to pay to the said Maria Gregory  
 Ludington and Tracy Ludington when and as they shall respectively attain the  
 age of twenty one year one third each of the principal sum to be invested as aforesaid  
 may have accumulated under the provisions hereinafter contained, and the  
 remaining third of the said principal and accumulation hereinafter mentioned to  
 my said daughter Abigail Ludington on her attaining the said age or on her marriage  
 if she shall marry before she attains the said age: And I hereby direct my said  
 Executors or the Executors for the time being of this my will if after the discharge <sup>and education</sup>  
 of my said children there shall be any money <sup>remaining</sup> from the said income arising from  
 the said sums so directed to be invested as aforesaid, to invest the said sum of money  
 so remaining in such securities as they may think proper which said sum of money  
 I direct shall be paid to my said children at the same times and in the same proportions  
 as the principal sum to arise from the sale of the said land and personally  
 hereinafter directed to be sold. Provided always and I hereby declare that if either or  
<sup>any</sup> of my said children <sup>sons</sup> shall die before they attain the age of twenty one year or my  
 said daughter shall die before she shall attain the said age without leaving lawful  
 issue that the share of the said child so dying shall belong to and be paid to the survivor  
 or survivors and I hereby appoint William Wilson and Joseph D. Ellison both of the County  
 of Woodstock in the County of Oxford Jurors Executors of this my will. And I  
 appoint my friend Stephen D. Free of the Township of East Zorra in the County of  
 Oxford Guardian of my said children. And I hereby revoke all former wills and  
 testaments by me at any time heretofore made and declare this to be my last will and  
 testament. In witness whereof I the said Tracy Ludington have written my will  
 with my hand and seal this twentieth day of February in the year of our Lord one  
 thousand eight hundred and fifty four.

Signed sealed published and declared by Tracy  
 Ludington the Testator in the presence of us, present  
 at the same time who have signed our names as  
 witnesses thereto in his presence and in the presence  
 of each other

Tracy Ludington

James R. Antine  
 J. J. Lupton

This is also deed to be amended to and considered as a part of the bill of  
the Tracy Ludington Whereas by my bill bearing date the Seventh day  
of April one thousand eight hundred and fifty four I gave and devised to my  
executors named in the said bill the East half of the North half of Lot Number  
Seven in the Eleventh Concession of the Township of Bradford upon trust for  
sale as therein mentioned which said piece of Land I have since sold.  
I therefore desire the said Executors shall stand possessed of the proceeds  
of the said sale upon the same and the like trusts as they would have  
of the money arising from the said sale had they sold the said Land  
under the terms of the said bill In Witness Whereof I have to this Council  
in my said bill set my hand and seal this Seventh day of April in the  
Year of our Lord one thousand eight hundred and fifty four

Signed sealed published and declared by  
Tracy Ludington in the presence of us present  
at this same time who have signed our names  
as witnesses thereto in his presence and in the  
presence of each other

Tracy Ludington

Ezekiel Green

Alexander Tru

In the Surrogate Court of the County of Oxford.

Province of Canada,

COUNTY OF OXFORD,

TO WIT:

You

*Joseph B. Ellison*

of the Town

of

*Windsor* in the County of *Upper Canada*

the Executor named in the last Will and Testament *and Codicil* of the late

*Fray Ludington* late of the said Town *Upper Canada* deceased, do

swear that you believe the Will *and Codicil* now shewn to you to be the last

Will and Testament *and Codicil* of the said *Fray Ludington* that you will

pay all the Debts and Legacies of the said deceased, so far as the Goods and Chattels, Rights and

Credits of the said deceased shall extend, and by law you are bound: that you will exhibit

a full, true, and perfect Inventory of the Goods and Chattels, Rights and Credits of the said

deceased, in the Registry Office of the Surrogate Court of the County of Oxford, when you shall

be, thereunto lawfully required. And you further swear that the Goods and Chattels, Rights

and Credits of the said deceased at the time of his death amounted to the sum of *four hundred and*

*seventy five pounds ten shillings and five pence* *nothing*

So HELP YOU GOD.

*Joseph B. Ellison*

Sworn before me at *Windsor*  
of Oxford, this *10* day of *August*

in the County }  
A. D. *1854* }

*W. Sapsford*

Judge of the Surrogate Court,  
County of Oxford.

In the Surrogate Court of the County of Oxford.

Province of Canada,

COUNTY OF OXFORD,

TO WIT:

You *William W. Coar*

in the County of *Regina* of the Town

of

the Execut<sup>ors</sup> named in the last Will and Testament *and to wit* of the late *John Alexander* late of the said Township of *Regina* deceased, do swear that you believe the Will *and to wit* *John Alexander* now shewn to you to be the last Will and Testament *and to wit* of the said *John Alexander* that you will pay all the Debts and Legacies of the said deceased, so far as the Goods and Chattels, Rights and Credits of the said deceased shall extend, and by law you are bound: that you will exhibit a full, true, and perfect Inventory of the Goods and Chattels, Rights and Credits of the said deceased, in the Registry Office of the Surrogate Court of the County of Oxford, when you shall be, thereunto lawfully required. And you further swear that the Goods and Chattels, Rights and Credits of the said deceased at the time of his death amounted to the sum of *four hundred and seventy five pounds five shillings and five pence* *as thereunto*.

So HELP YOU GOD.

*Wm W Coar*

Sworn before me at *Regina* of Oxford, this *12* day of *April*

in the County }  
A. D. 1857 }

*J. J. Buchanan*

Judge of the Surrogate Court,  
County of Oxford.

Provincia Hispanica  
County of Oxford  
10<sup>th</sup> Mil.

In the Singsale Court of the County of Oxford

Daniel Ludington of the Town of Woodstock in  
the County of Oxford do hereby make oath and  
swear that Henry Ludington late of the Township  
of East Zena in the said County of Oxford deceased departed this  
Life at the said Township on or about the twentieth day of May  
last

Sworn before me at the Town of Woodstock  
in the County of Oxford this 9<sup>th</sup> day of  
August A. D. 1854

Daniel Ludington

W. Laprotiere

Judge Singsale Court  
Oxford.

To His Honor William Lapevriere Esquire, Justice of the  
Superior Court of the County of Oxford.

The Petition of William Nelson of Woodstock in the County  
of Oxford Shoemaker and Joseph Bellum of the same place Shoemaker Executors  
of the last will and testament and Executor of Grace Ludington of Woodstock in the  
said County of Oxford deceased.

Sheweth.

That the said Grace Ludington departed this life at the Township  
of East Zina in the County of Oxford on or about the <sup>day of</sup>  
last having on the seventeenth day of February last duly  
made and published her last will and testament and having on the  
seventeenth day of April last duly made and published a codicil  
thereto: That the said Testator by the said will duly approved your  
Petitioner Executors to the said will. That at the time of the death  
of the said Grace Ludington he was possessed of divers goods and  
chattels rights and Credits all within the County of Oxford amounting  
in the whole to the sum of four hundred and fifty four pounds  
Three shillings and six pence as your Petitioner have been enabled to ascertain  
Your Petitioner therefore humbly pray you to be pleased to  
permit them to submit and prove the said will, and your Petitioner  
commodiously bound will here pray.

Woodstock <sup>at</sup> 23 June 1754

In the Surrogate Court of the County of Oxford

Province of Canada

County of Oxford

to wit

Ben Ezekiel Free of the Township of Cent Town  
in the County of Oxford Ontario one of the subscribing  
Witnesses to the Codicil to the last Will and Testament of the  
late Tracy Sedgwick of the Township of Melandrie in the County  
of Oxford Ontario do swear that you were personally present  
and did see the said Tracy Sedgwick sign and publish and  
declare the Codicil now shown to you as and for a Codicil to the  
last Will and Testament And you the said Ezekiel Free do further  
swear that the names Ezekiel Free and Alexandra Free which  
appear as Witnesses to the said Codicil on the paper handwriting  
of the said Alexandra Free and yourself and that the said  
Alexandra Free together with you signed her name 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 Tracy Sedgwick at the signing of the said Codicil was of  
sound mind memory and understanding.

I have before me at Woodstock in the County  
of Oxford this 29<sup>th</sup> day of June 1854

In Witness Whereof  
Ezekiel Free

W. Lapointe

Judge Surrogate Court  
County of Oxford

In the Surrogate Court of the County of Oxford

Provinces of Canada }  
County of Oxford }  
to wit

Yves-Fredrick J. Laprotiere of the town of  
Woodstock, in the County of Oxford Gentleman  
one of the subscribing witnesses to the last Will & testament  
of the late Tracy Ludington of the Township of Blenheim in  
the County of Oxford Yeoman do swear that you were  
personally present and did see the said Tracy Ludington  
sign, seal, publish and declare the Will now shown to you as  
and for his last Will and testament. And you the said Fredrick  
J. Laprotiere do further swear that the names James Kimtrac  
and Fredrick J. Laprotiere which appear as witnesses  
to the said Will of the said Tracy Ludington are the proper  
handwriting of him the said James Kimtrac and yourself  
and that the said James Kimtrac together with you signed  
his name in the presence of the said Testator and at his special  
instance and request. And you likewise further swear that  
you truly believe that the said Tracy Ludington at the signing  
of the said last Will and testament was of sound mind, memory  
and understanding

Sworn before me at Woodstock in the  
County of Oxford this 7th day of June 1854  
I would be me at Woodstock in the County  
of Oxford this 23 day of June A.D. 1854

So help you God

Yves-Fredrick J. Laprotiere

W. Laprotiere

Justice Surrogate Court  
County of Oxford