

18. D. E. R. P. W. R. E.

W. D. L. L.

From

David Nichols

To his

Family

A Memorial of the
decease of wife is 18th in
the legitto Office for the
County of Oxford the 8th
day of July A. D. 1845. at
the hour of 3. O'clock P. M.
In Liber B. fol 132 / 133
Memorial No 636

James Burgess

6. - P. - 1845 - 16 -

Proved before me this 4th day of
April 1845 in the presence of
Joseph & Linnette

W. Lupton
Squire Judge 1845

The Last Will and Testament of David Nichols of the Township of Norwich County of Oxford and District of Brock in Canada West
I David Nichols Considering the uncertainty of this mortal life and being of sound Mind and Memory (blessed be the Almighty God for the Same) do Make and publish this My last will and Testament in Manner and form following (that is to say)

First I give and devise unto My beloved wife Abigail Nichols the whole of My real and personal estate during her mortal life then to be divided as I shall hereinafter

Secondly I give and devise unto My two Daughters Matilda Nichols and Lucrecia Nichols Thirty acres of land and the Buildings that stand on the same where I now live that is to say the thirty acres consists of the front of Lot N^o Fifteen extending the whole width of said Lot N^o Fifteen in the Third Concession of Norwich and width to make the Thirty acres complete to have and to hold the same themselves their heirs and assigns forever and one lumbered two horse wagon one Span of horses and harness for the same and two Cows, It is my wish that my two Daughters goe or Mediateley after My Death into possession of said property that I have given them and My beloved wife to live with them two Daughters of mine Matilda & Lucrecia Nichols during her mortal life then

Thirdly I give and devise unto Bulee Masterson one acre of Land lying situate on Lot N^o fourteen in the third Concession of Norwich in the County of Oxford in the Brock District in Canada West that is to say commencing at the Northeast corner of Grieschems Jugues Lot running from thence East on the Concession line sixteen rods then read sufficient to make one acre of Land complete to have and to hold the same her self her heirs and assigns forever

Fourthly I give and devise unto two sons James Nichols and Jonathann Nichols the remainder of my home farm that I have not otherwise disposed of that is to say the North half of Lot N^o Thirteen and fourteen that I have not otherwise disposed of and a certain portion of Woodland on Lot N^o fifteen all lying and being in the Third Concession of Norwich in the County of Oxford in the Brock District in Canada West to be Equally divided between my two sons James Nichols and Jonathann Nichols and that portion of Land that I have given when divided unto My son James Nichols I give unto him his heirs and assigns forever, My son Jonathann Nichols to have the East half of Lots N^o Thirteen and fourteen and the half of the Woodland on Lot N^o Fifteen I give unto him during his mortal life and then to be Equally divided between all his surviving sons unto them their heirs and assigns forever, It is my wish that My two sons James Nichols and Jonathann Nichols shall with that portion of land that I have given unto them and return unto My beloved wife Abigail Nichols

Fifthly I Give and Devise unto two sons James Nichols and Jonathans Nichols the remainder of my home farm that I have not otherwise disposed of that is to say the North half of Lot N^o Thirteen and fourteen that I have not otherwise disposed of and a certain portion of Woodland on Lot N^o fifteen all lying and being in the Third Concession of Norwich in the County of Oxford in the Brock District in Canada West to be Equally divided between my two sons James Nichols and Jonathans Nichols and that portion of Land that I have given when divided unto My son James Nichols I give unto him his heirs and assigns forever, My son Jonathans Nichols to have the East half of Lots N^o Thirteen and fourteen and the half of the Woodland on Lot N^o Fifteen I give unto him during his mortal life and then to be Equally divided between all his surviving sons unto them their heirs and assigns forever, It is my wish that My two sons James Nichols and Jonathans Nichols shall with that portion of land that I have given unto them and return unto My Beloved wife Abigail Nichols the one Equal third part that may grow or chance to grow on the same and if any son does not comply with My request then it is my wish that my wife to employ any person that she chooses to work the same, and furthermore I Will and ordain that My two sons James Nichols and Jonathans Nichols shall pay over to my Executors the sum of one hundred and seven pound ten shillings that is to say James Nichols to pay fifty pound and Jonathans Nichols to pay fifty seven pound ten shillings and if my sons does not comply with my request and pay said sum of money as I have directed within the space of Three Years from and after the Death of My Beloved wife Abigail Nichols then I hereby authorize and empower My Executor hereby to sell of the lands that I have given them and Make A deed for the same to the amount of one hundred and seven pound ten shillings and if My sons does comply and pay said sum as I have directed they shall have the privilege of paying the same in Stocks or grain and furthermore I Will and ordain that my beloved wife Abigail Nichols shall have the one half of all the fruit that may grow on the before said lands during her mortal life and then for the space of ten Years from and after her Death David Nichols Matthew Nichols and Lawrence Nichols to have the one half of the above named fruit that may chance to grow on the above named premises to be Equally divided between them

Sixthly I Give and Devise unto My son David Nichols during his mortal life and then to all his surviving sons the south half of Lot N^o Eighteen in the second Concession of Norwich County of Oxford in the Brock District in Canada West be the same more or less one hundred Acres of land unto his sons their heirs and assigns forever, likewise unto my son David one Cow and two oxen Item

Seventhly I Give and Bequeath unto My four Daughters Mary Gwile Sarah Woolley Louisa and Oliver Condon to each of them the sum of twenty five pound in Stocks or

chooses to work the same, and that more or less and that James Nichols and Jonathan Nichols shall pay over to my Executors the sum of one hundred and seven pound ten shillings that is to say James Nichols to pay fifty pound and Jonathan Nichols to pay fifty seven pound ten shillings and if my sons do not comply with my request and pay said sum of money as I have directed within the space of three years from and after the death of my beloved wife Abigail Nichols then I hereby authorize and empower my Executors hereby to sell of the lands that I have given them and make good for the same to the amount of one hundred and seven pound ten shillings and if my sons do comply and pay said sum as I have directed they shall have the privilege of paying the same in stock or goods and furthermore I will and order that my beloved wife Abigail Nichols shall have the one half of all the fruit that may grow on the aforesaid lands during her mortal life and then for the space of ten years from and after her death David Nichols Matthew Nichols and Lavina Nichols to have the one half of the above named fruit that may grow on the above named premises to be equally divided between them

Sixthly I Give and Devise unto My son David Nichols during his mortal life and then to all his surviving sons the south half of Lot N^o Eighteen in the second Concession of Norwich County of Oxford in the Parish District in Canada West be the same more or less one hundred Acres of land unto his sons their heirs and assigns forever likewise unto my son David one Cow and two oxen &c

Seventhly I Give and Bequeath unto My four Daughters Mary Curtis Sarah Woolley Louisa Lancaster and Olive Gonydon to each of them the sum of twenty five pound in stock or goods as it may be paid over to my Executors from my two sons James & Jonathan Nichols from the death of my beloved wife within the space of three years then said legacies to become due &c

Eighthly I have given unto my granddaughter Lavina Belhad seven pound ten shillings what is my intent to give &c

I Give and Bequeath unto my son John Nichols two pound ten shillings &c

I Give and Bequeath unto my son Shubel Nichols the sum of ten shillings &c

I have given in lands what is my intent to give unto my two sons John & Shubel Nichols

Lastly after the death of my beloved wife and all settled up if anything might remain what ever it might be I will and order my Executors to equally divide it between my

one Cow and two oxen & them
Seventhly I Give and Bequeath unto My said Daughters Mary Curle Sarah Woolley Louie
Lancaster and Olive Congdon to each of them the sum of twenty five pound in stock or
grain as it may be paid over to my Executors from my two sons James & Jonathan
Nichols from the death of My beloved wife within the space of three years then
said legacies to become due them.

Eighthly I have given unto my granddaughter Lewina Belchard seven pound ten shillings which is
my intent to give them.

I Give and Bequeath unto my son John Nichols two pound ten shillings them.

I Give and Bequeath unto my son Shubel Nichols the sum of ten shillings them.

I have given in hand what is my intent to give unto my two sons John & Shubel Nichols.

Lastly after the death of my beloved wife and all settled up if anything might remain
what ever it might be I will and ordain my Executors to equally divide it between my
said Daughters Mary Curle Sarah Woolley Louie Lancaster & Olive Congdon
to be Equally Divided between them and Shubel Nichols Executors and
Enoch Woolley and Joseph Lancaster Executors of this My Last Will and Testament
hereby revoking all former Wills by me Made In witness whereof I have unto set my
hand and seal this Sixth Day of June in the year of our Lord one thousand
Eight hundred and forty five.

Signed Sealed published and Declared by the above named David Nichols to be
his last Will and Testament in the presence of us who have hereunto Subscribed
our Names as Witnesses in the presence of the testator.

John C. Conright
Jacob S. Emond

David Nichols

This is a true Inventory of the Goods and Chattels of
 the late David Nichols Deceased of the Town of Norwich
 County of Oxford District of Brock and Province of Canada
 list made this seventh day of July in the year of our Lord
 One Thousand Eight Hundred and Forty Five by John C.
 Emugh and James Dennis

	£	s	d
1 Lumber Waggon	13	0	0
1 Set Double Harrow	1	5	0
5 Cows	17	10	0
1 Bay Horse 14 yrs Old	17	10	0
1 pr 3 yr Old Steers	7	0	0
1 Bay Horse 10 yrs Old	10	0	0
2 2 yr Old Heifers	11	5	0
1 pr Hindes Steers 2 yrs Old	4	0	0
3 Yearlings	3	15	0
2 2 yr Old Heifers	11	0	0
1 2 nd Lough Oxen	3	9	
14 Harrow Suth	8	0	
1 Slough	1	5	0
1 Wrapping Chain	3	9	
2 Oxen + 1 Cow	16	5	0
1 Farming Mill	5	0	0
12 Sheep	3	0	0
2 Spails Kettles & 5 gal pot & Cauldron	11	5	0
1 Dining Table	17	6	
2 Stands	10	0	
1 pr Bulgards	7	6	
1 Corner Cupboard	15	0	
5 Feather Beds Bedding & Bedsteads	20	0	
1 pr Andersons & Jumps	10	0	
1 Tenant Saw Hand Saw	1	0	0
10 Sitting Chairs	10	0	
1 Square Cupboard	5	0	
2 Glass Hatchels	15	0	
1 Block	10	0	
3 Balves	1	10	0

John C. Emugh }
 James Dennis } Appraisers

IN THE SURROGATE COURT.

PROVINCE OF CANADA,
DISTRICT OF BROCK,

YOU *John C Emueh*
of the *Township of Norwich*

WOODSTOCK, TO WIT:

in the District of *Wrook* and Province of Canada, *Tanner* one
of the subscribing witnesses to the last Will and Testament of the late *David*
Nichols of the *Township of Norwich*
in the District of *Wrook* and province aforesaid *Tanner*

Deceased, do swear that you were personally present and did see the said *David*
Nichols sign, seal, publish and declare the *Paper writing*
now shown to you as his last Will and Testament; and you the said *John C*
Emueh do further swear that the names *Jacob S Esmond*

which appear as Witnesses to the last Will and Testa-
ment of the said *David Nichols* is ^{are} the proper handwriting of ^{him} the said

Jacob S Esmond who together with you
signed ^{his} their names 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
David Nichols at the signing of the said last Will and Testament was of
sound mind, memory and understanding.

So Help You GOD.

Sworn before me at Woodstock, this *21st* of *John C Emueh*
day of *September* 1845 *Jacob S Esmond*
John Arnold

IN THE SURROGATE COURT.

PROVINCE OF CANADA,
DISTRICT,

YOU *Abagal Nichols*
of the *Township of Norwich* *Western*
and *Enoch Woolley* of *East Norfolk* *Tanner*

Woodstock, to wit:

Wrook in the *District of Wrook*
and Province of Canada, do swear that you are the person named in the
last Will and Testament of the late *David Nichols*

of the *Township of Norwich* in the *Wrook* District, and
Province aforesaid. *Tanner* deceased as *Executor* ^{and} thereto,
that you believe the paper now shown to you to be the said last Will and Testament of
the said Deceased; that you will pay all the debts and legacies of the said deceased so
far as the Goods and Chattels shall extend, and the law shall bind you, and that you will
exhibit a true, full, and perfect Inventory of all and every the goods and chattels, Rights
and Credits of the said deceased, together with a just and true account into the Registry
of the said Surrogate Court, when you shall be thereto lawfully required—

So Help You GOD.

Sworn before me at Woodstock, this *21st* of *Abagal Nichols*
day of *September* 1845 *Enoch Woolley*
Arnold

IN THE SURROGATE COURT.

District of Brock, Canada West.

WOODSTOCK,

TO WIT:

John C. Emery

Of the Township of *Norwich* District of *Brock* and Province
aforesaid, maketh oath and saith that *David Nichols late of*
the Township of Norwich in the District
of Brock and Province of Canada
Lamin

departed this life on or about the *third* day of *June*
in the year of our Lord one thousand eight hundred and *forty five* and that to
the best of *his* knowledge and belief, as far as *he* hath been able to discover
the Goods and Chattels, Rights and Credits of the said deceased, within the said District
of *Brock* did not exceed the sum of *One hundred*
and fifty Pounds Currency.

Sworn before me at Woodstock, this *1st* day of *September 1865*.

John C. Emery

John Arnold

Surrogate. District of Brock.

IN THE SURROGATE COURT.

PROVINCE OF CANADA,

Brick DISTRICT,

Woodstock, to wit:

YOU *Joseph L. Lamerla*
of the *Township* of *Brunch*

and Province of Canada, ^{solemnly in duty and truly affirm and declare me to} do swear that you are ^{of *Brunch* called *Brunch* and that you} the person named in the ^{said} ~~said~~ *last Will and Testament*

of the late *Dand. Nichols late*

of the *Township* of *Brunch* in the *Brick* District, and

Province aforesaid. ^{one of the} deceased as Executor thereto, that you believe the paper now shown to you to be the said last Will and Testament of the said Deceased; that you will pay all the debts and legacies of the said deceased so far as the Goods and Chattels shall extend, and the law shall bind you, and that you will exhibit a true, full, and perfect Inventory of all and every the goods and chattels, Rights and Credits of the said deceased, together with a just and true account into the Registry of the said Surrogate Court, when you shall be thereto lawfully required—

and so on affirm

So Help You GOD.

affirm Sworn before me at Woodstock, this *7th* day of *April* 184*0*

W. Lapsdore
Jesse Surrogate Court
District of Brick

To the Judge of the Surrogate Court, for the District
of Broome

The petition of Joseph I. Lancaster of the
Township of Norwich (Greenwich), Humbly sheweth
That by the last will of David Nichols (deceased) of
the Township of Norwich County, of Oxford District
of Broome & Province of Canada he the said petitioner
is appointed an Executor to said will, and at the time
of the proving of said will he did decline serving in
the capacity of Executor as aforesaid, but others cannot
have subsequently caused him to consent to act as an Executor
in said Estate and he is anxious to be admitted to
be qualified and to take upon himself a share of the
responsibilities of the same

And the petitioner will feel greatly obliged

Joseph I. Lancaster