

1853.

157

In the Surrogate Court
of the County of Oxford
Province of Canada.

William Smith late of the
Township of East Zorra in
the County of Oxford Yeoman
deceased

Petition
of Executors to exhibit and
prove Will.

filed 15th March 1853.

J. G. Vautour
Registrar.

To William Lupton Esquire Judge of the Superior Court
of Oxford

The Petition of John Smith, Grafton Smith and ^{John Morgan} William Wilson
all of the Township of East Zorra in the County of Oxford Sheweth. Executors
named in the last Will and Testament of the late William Smith late of the
said Township of Zorra deceased.

Assembly Sheweth

That the late William Smith late of the Township of East Zorra
in the County of Oxford Sheweth duly made and published his last Will and
Testament in writing and bearing date on or about the Eighth day of June in
the year of our Lord one thousand eight hundred and fifty two, and departed this
life at East Zorra aforesaid on or about the twenty fourth day of
October last without having altered or in any way revoked his said Will

That the said testator at the time of his decease was possessed of diverse goods
and chattels right and credits all within the County aforesaid amounting
in the whole so far as your Petitioners have been able to ascertain to the sum of
two hundred and twenty one pounds actual but that by the said Will your
Petitioners were appointed Executors of the said Will - Your Petitioners on account
of exhibiting and proving the said Will and taking on themselves the duties of
such Executors. Your Petitioners therefore humbly pray you Honors will be pleased
to permit them to exhibit and prove the said Will. And your Petitioners as
in duty bound will ever pray.

Woodstock 15 March 1853.

John Smith

Grafton Smith

John Smith

Grafton Smith

John M. Wilson

On reading the above petition I do order that Probate of the Will of
William Smith be granted to the Petitioners.

W. Lupton

Judge Superior Court
County of Oxford

15 March 1853

In the name of God, Amen: I William Smith
of the Township of East Yorra in the County of
Oxford and Province of Canada of the age of thirty
one years, being of sound mind and memory,
do make, publish, and declare, this my last
will and testament, in manner following, that
is to say;

First I give and bequeath to my wife Kesia Smith, the
possession, use and profits arising from all my
personal and real estate, until Susan, Robert,
and William Smith my children or the survivor
of them arrive at the age of twenty one years; to
be accepted and received by her in lieu of dower;
also upon the arrival of which period, I bequeath
to her yearly the sum of twenty pounds, to be
paid out of my real estate, so long as she
remain, unmarried; but this yearly allowance
is to cease in the event of her marrying. —
but if my wife shall die during the nonage of
any of my said children, I hereby dispose of
and commit their tuition, and custody, as also
the entire control and management of all my
estate, real and personal for their behoof,
to my executors, hereinafter nominated and
appointed, until my said children or the survivor
of them arrive at the age of twenty one years.

Second I give and bequeath to my daughter Susan Smith
the sum of fifty pounds, to be paid to her when
she arrives at the age of twenty four years.
which sum is to be paid from my said
real estate

Third I give and bequeath to my sons Robert Smith
and William Smith, jointly, or the survivor
of them, their heirs and assigns, all that
over

tract or parcel of land situate and being
East 1/2 of Lot No. twenty, in the fourteenth concession
of the Township of East York, County of Oxford,
Province of Canada, together with all hereditaments
and appurtenances thereto belonging, or in any
wise appertaining to have and to hold the premises
above described to the said Robert Smith and
William Smith, jointly, or the survivor of them,
their heirs and assigns forever subject however
to the beforementioned encumbrance, viz. the
conditional yearly sum of twenty pounds to my wife
Hesiah Smith, and also fifty pounds to my daughter
Susan Smith, -

lastly I hereby appoint John Smith, farmer, residing on
West 1/2 of Lot No. 20 in 14th Concession; Grafton Smith
Farmer, residing on West 1/2 of Lot No. 21 in 13th Concession
and John M. Wilson, Farmer, residing on West 1/2
of Lot No. 16, in 16th Concession, all of the Township
of East York, County of Oxford, Province of Canada
to be the executors of this my last will and testament
in witness whereof I have hereunto set my hand
and seal this eight day of June in the year of
our Lord one thousand eight hundred and fifty two

William Smith

The above instrument, consisting of one sheet, was at the date
thereof, signed, sealed, published, and declared, by
the said William Smith as and for his last will
and testament in presence of us, who at his request,
and in his presence, and in the presence of each other
have subscribed our names as witnesses thereto

William Wilson Township of East York witness
Jas. Summers : East York witness

You Grafton Smith of the Township of East Jones
in the County of Oxford in the Province of Canada
Yeoman do swear that you believe this Paper writing
now shewn you to be the true last Will and
Testament of William Smith late of the Township
of East Jones in the County of Oxford and Province
aforesaid Yeoman deceased, that you will well
and faithfully administer all and singular the
Goods, Rights, Credits and Chattels of the said
deceased, according to the contents of his said Will;
that you will pay all such debts as the said
deceased owed at his death, so far as such Goods
Rights Credits and Chattels will therewith extend
and the law requires; and that you will make
a true, full, and perfect Inventory of all and
singular the Goods Rights Credits and Chattels
of the said deceased, and exhibit the same
into the Registry of the Surrogate Court of the
County of Oxford when you shall be thereto
lawfully required. You further swear that
the Goods and Chattels Rights and Credits
of the said deceased at the time of his death
did not in the whole exceed the sum of
three hundred Pounds. ^{Shelton} Grafton Smith

Given before me at Montreal in the
County of Oxford this fifteenth day
of March 1853

W. Lafontaine
Judge Surrogate Court
County of Oxford.

Province of Canada In the Surrogate Court
County of Oxford of the County of Oxford.

You William Wilson of the Township of
East Zoua in the County of Oxford and Province of
Canada German one of the subscribing Witnesses to
the last Will and Testament of the late William Smith
late of the Township of East Zoua in the County of
Oxford and Province aforesaid German, deceased,
do swear that you were personally present and did
see the said William Smith sign, seal, publish
and declare the Will now shewn to you as his
last Will and Testament, and you the said William
Wilson do further swear that the names, Job
Summers, and William Wilson which appear as
Witnesses to the last Will and Testament of the said
William Smith are the proper hand writing of
him the said Job Summers and yourself,
and that the said Job Summers and you
signed your names in presence of the said Testator
and at his special instance and request
you further swear that you verily believe
that the said William Smith 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
in the County of Oxford
this fifteenth day of March
1870.

William Wilson

W. Suprenant
Judge Surrogate Court
County of Oxford.

You *John Smith*
of *East Zorra* _____ of the *Township*
_____ in the County of *Oxford*
_____ in the Province of Canada, *you* do swear that you
believe this paper writing, ~~hereto annexed~~, ^{now shown you} to be the true last Will and
Testament of *William Smith* _____ late of the
Township of *East Zorra* _____ in the County of *Oxford*

_____ and Province aforesaid, *you* deceased, that you
will well and faithfully administer all and singular, the Goods, Rights,
Credits and Chattels of the said deceased, according to the contents of
his said Will: that you will pay all such debts as the said deceased
owed at *his* death, so far as such Goods, Rights, Credits and Chattels
will thereunto extend and the law requires; and that you will make a
true, full, and perfect Inventory of all and singular the Goods, Rights,
Credits and Chattels of the said deceased, and exhibit the same into
the Registry of the *Surrogate Court of the County of Oxford* when you shall be
thereunto lawfully required, *you* further swear that the late *William Smith*

deceased this life at East Zorra aforesaid on or about the twenty fourth
day of October last past and that the So HELP YOU GOD.
Goods and Chattels, Rights and Credits
of the said deceased at the time of his death
did not in the whole exceed the sum of
three hundred Pounds.

John Smith

Shown before me, at *Woodstock*
in the County of *Upper Canada*, this }
fifteenth day of *March* 18*73*

W. Suprenant
Judge Single Just
County of *Oxford*

You John M Wilson of the Township
 of East Zoua in the County of Oxford
 in the Province of Canada, Herman do swear that you
 believe this paper writing, ~~hereto annexed~~, to be the true last Will and
 Testament of William Smith late of the
Township of East Zoua in the County of Oxford
 and Province aforesaid, Herman deceased, that you
 will well and faithfully administer all and singular, the Goods, Rights,
 Credits and Chattels of the said deceased, according to the contents of
his said Will: that you will pay all such debts as the said deceased
 owed at his death, so far as such Goods, Rights, Credits and Chattels
 will thereunto extend and the law requires; and that you will make a
 true, full, and perfect Inventory of all and singular the Goods, Rights,
 Credits and Chattels of the said deceased, and exhibit the same into
 the Registry of the ~~Suzrogate Court of the County of Oxford~~ ^{of the County of Oxford} when you shall be
 thereunto lawfully required. You further swear that the Goods
and Chattels, Rights and Credits of the said deceased at
the time of his death did not in the So HELP YOU GOD.
whole exceed the sum of
three Hundred Pounds.

John M Wilson

before me, at Windsor
 in the County of Regina, this }
fifteenth day of March 1853

W. LaPrudiere
Judge Suzrogate Court
County of Regina.