

1853

155

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

Wales Sutton late of the Township
of Norwich in the County of Oxford
Yeoman deceased.

Petition

to exhibit and prove Will
and Codicil.

filed 12th May 1853.

H. Van Kesteren
Registrar

To the Hon^{ble} William Lapham Esq^r. Judge of the
Singular Court of the County of Oxford.

The Petition of Eliza Ann Sutton the Township of Norwich in the County of
Oxford Widow of Caleb Sutton late of the Township of Norwich in the County
aforesaid Myman deceased and Jacob S Deuel of the Town of Hartford
in the State of New York Myman Executor and next of Kin of the said
Will and Testament and Coheir Memmoraiced of the said Caleb Sutton

Annibly Sheweth

That the late Caleb Sutton late of the Township of Norwich in the County of
Oxford Myman deceased on the fiftenth day of March last duly made and
published his last Will and Testament in writing and thereby appointed an
Executor and Abner H Deuel of the Town of Hartford in the State of New
York Myman Executor and Coheir Abner Sadtell and on the twenty sixth
day of March aforesaid duly made and published a verbal testament and on the
first day of April last departed this life at Norwich aforesaid without
having granted the said Will and Testament. And that at the period of the
decease of the said testator he was possessed of diverse goods and chattles
Rights and Credits all within the County aforesaid amounting in the whole
the sum of two hundred and fifty Pounds — — —
at the amount so far as your petition have been entitled to ascertain all
within the County of Oxford. That your petitioners as such hecure and executor
and coheir of the said Will and Testament on themselves
the brother of the said Abner H Deuel therefore humbly pray you
Hon^{ble} will be pleased to permit them to exhibit and prove the said Will
necessary to the said Abner H Deuel the right heaffe to come in and prove
the said Will. And your petitioners as in duty bound will ever pray.

Woodstock 12th May 1780.

Eliza Ann Sutton
Jacob S Deuel

Whereby the foregoing Petition I have that Probate be granted to the
petitioners with leave to Abner H Deuel to come in & prove the said Will
Dated this 12th day of May 1780

W. Lapham
Judge of the Singular Court
County of Oxford

I Caleb Sutton of the Township of Norwich in the County of Oxford in the Province of Canada (Wid) being sensible of the uncertainty of this life, and being weak in body, but of sound mind, memory and judgment do make and Publish this my last Will and Testament in manner and form following. *viz*

In the first place; I will that my Executors herein after named do pay all my just Debts and Funeral Charges as soon as possible after my decease out of my personal property. Secondly.

I give Devise and Bequeath unto my Beloved Wife Eliza Ann Sutton all my Estate both real and personal to have and to hold to her, and to her heirs and Assigns Forever, save and except one Hundred and twenty five pounds of Lawful Money of Canada, which my said wife shall have the full and entire use of during the term of her natural life, and at the Close of her natural life.

Thirdly I give and Bequeath the said one Hundred and twenty five pounds, as a permanent Fund to the Society of Friends, which said Fund it is my Will shall be placed in the hands of Friends which compose the meeting for sufferings now held in the City of New York, under name of Orthodox Friends, and it is my Will that the said Friends so composing the said Meeting for

Supporters shall after receiving the said fund, invest
the same safely so that they may receive the interest
on the same yearly in each and every year, for this
express purpose. Viz. That when any Minister of the
Gospel, or Member of the said Society of Friends, in limited
circumstances as to earthly possessions, who may feel
themselves drawn in Gospel Love to visit Foreign
lands, The said Friends having the particular Charge
of the said fund and interest, shall and may at all
times when any such Minister of the Gospel as before
mentioned, shall set out on such a religious visit,
pay over unto such Minister the interest that is at
that time in their hands or any part of it at their
discretion, And if at any time there should be any of
the said interest remaining on hand, The said Friends
having charge of the same may apply it to other worthy
Objects of Charity, And that it may be more expressly
understood, it is my Will that this Request is to be
confined to those only who profess, and hold forth the
plain, and the same Doctrines as our ancient fore-fathers
in the Gospel of our Lord and Saviour Jesus Christ
among whom were George Fox, Robert Barclay,
William Penn, Isaac Pennington, and others, as if
named, and are united in Gospel love and Fellowship
with our Dear Friends of London Yearly Meeting
(England)

Lastly: I do nominate constitute and appoint my
beloved Wife Eliza Ann Sutton to be my Executrix, and
my Brothers in Law Abner H. Deuel and Jacob S. Deuel
Both of the Town of Hartland in the state of New York
Gentlemen, to be my executors, in trust, to put this my last
will and Testament in force according to the true intent
and meaning thereof

Signed, Sealed, Published and acknowledged as
and for my last will and Testament the fifteenth day
of the third Month in the Year of our Lord one thousand
eight hundred and fifty three, hereby revoking all
former wills that have been ^{by me} made

And we being present at the
request of the testator and in the
presence of each other have
Subscribed our names as
Witnesses thereto
William Hulet
Elizabeth Hobbs

Caleb Sutton

I Caleb Sutton of the Townships of Norwich in the
County of Oxford in the Province of Canada having
reconsidered the Disposal of my Property as mentioned
in my last will and Testament Do make and
publish this as a Codicil to my last will

Whereas in that my last Will I did Bequeath
one hundred and twenty five pounds of Lawful
Money of Canada for certain Charitable purposes
I now give and bequeath one Hundred and twenty
five pounds of Lawful Money of Canada in addition
to the before mentioned legacy to be paid over to the
same persons and to be applied for the same purposes
as is therein mentioned, and at the same time, and that
it may be understood I will that my Beloved Wife Eliza
Ann Sutton shall have the whole benefit of the same
during her natural life.

Signed sealed and Acknowledged
and for a Codicil to my last will and Testament
the twenty sixth day of the third Month in the Year of
of Our Lord one thousand eight Hundred and fifty three
And we being present at his
Request and in presence of each other Caleb Sutton
have subscribed our names as witnesses

William Hulet
Parvatha C Deuel

Province of Canada
County of Oxford
To Wit

In the Surrogate Court
of the County of Oxford

You Jacob S. Deuel of the Town of
Hartland in the State of New York Yeoman do
affirm that you believe the Paper writings now
shewn to you to be the true last Will and Testament
and Codicil of Caleb Sutton late of the Township of
Norwich in the County of Oxford and Province of Canada
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 and Codicil, 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 thereto extend and the law requires; and
that you will make a true 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

And so you affirm

Jacob S. Deuel

affirmed before me at Woodstock in the
County of Oxford this 13th day of May A.D.

1853

W. Lapsdewine

Judge of the Surrogate Court
County of Oxford

Province of Canada
County of Oxford
To wit

In the Surrogate Court
of the County of Oxford

You William Hulet of the Township of
Normid in the County of Oxford and Province
of Canada Woman one of the subscribing Witnesses
to the last Will and Testament and Codicil of
the late Caleb Sutton late of the Township of Normid
in the County of Oxford and Province aforesaid
youman deceased, do Affirm that you were
personally present and did see the said Caleb
Sutton sign Seal Publish and declare the Will
and Codicil now shewn to you as his last Will
and Testament and Codicil and you the said William
Hulet further Affirm that the names William Hulet
and Elizabeth Nobbs which appear as Witnesses to
the last Will and Testament and the names William
Hulet and Jonathan C Devel which appear as
Witnesses to the Codicil are the proper handwriting
of Elizabeth Nobbs Jonathan C Devel and yourself
and that the said Elizabeth Nobbs and yourself
and Jonathan C Devel and you signed your names
in presence of the said Testator and at his
special instance and request. You further
Affirm that you truly believe that the
said Caleb Sutton at the signing of the said
last Will and Codicil was of sound mind
memory and understanding

affirmed before me at Woodville in the
County of Oxford this 12th day of May A.D.
1853

And so you affirm.

William Hulet

W. Lapretrie
Judge of the Surrogate Court
County of Oxford

Province of Canada
County of Oxford
To wit

In the Surrogate Court
of the County of Oxford

You Eliza Ann Sutton of the Township
of Norwich in the County of Oxford and Province of
Canada Widow do affirm that you believe the
Paper writings now shewn to you to be the true
last Will and Testament and Codicil of Caleb
Sutton late of the Township of Norwich in the County
of Oxford and Province aforesaid of man, 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 and Codicil, 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 therunto extend and the Law requires; and
that you will make a true 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 therunto lawfully
required and further you Affirm that the said Caleb
Sutton departed this life at Norwich aforesaid on
or about the first day of April last
and that the Goods and Chattels Rights and Credits
of the said Caleb Sutton at the time of his decease
did not exceed in the whole the sum of three hundred
Pounds

And so you affirm.

affirmed before me at Woodville in the
County of Oxford this 12th day of May
A.D. 1853

Eliza Ann Sutton

W. Lapsdun here
Judge of the Surrogate Court
County of Oxford

Province of Canada
County of Oxford
To wit

In the Surrogate Court County of Oxford

You Abner H Devel
of the Township of
Hartland ^{County of} ~~State of New York~~ ^{and Council} ~~of said County~~ Executor named
in the last Will & Testament, of the late Caleb Sutton
late of the said Township of Norwich
do ^{affirm} swear that you believe the will, now shewn to
you to be the last will and testament, of the said Caleb
Sutton deceased that you will pay all the debts and
legacies of the said deceased so far as the goods 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 rights and credits of the said
deceased together with a just and true account
in the Registry of the Surrogate Court of the County of
Oxford when you shall be thereunto lawfully re-
quired. ~~You further swear that the said Caleb
Sutton died at Norwich aforesaid on or about
the first day of April last. And that the Goods and
Chattels rights and credits of the said deceased did
not in the whole exceed the sum of three hundred
pounds.~~

So help you God,
And so you affirm

The above named deponent

was sworn before me at Woodstock
in the County of Oxford this
and I further certify that the above
affidavit was read by me to the above
deponent who signed the same in my
presence and appeared fully to understand
the meaning thereof
affirmed before me at Woodstock in the County of Oxford
this 17 day of November A.D. 1853

Abner H Devel

Judge of the Surrogate Court
County of Oxford