

No 1270

Application Certificate  
affidavit & W. ce  
of  
Robert Smith

Filed 16 Sep<sup>r</sup> 1891

In the Surrogate Court OF THE COUNTY OF HALDIMAND

In the Goods of *Robert Smith*

Deceased,

UPON READING THE APPLICATION of *Robert Smith, James Sempleton and Agnes Smith*

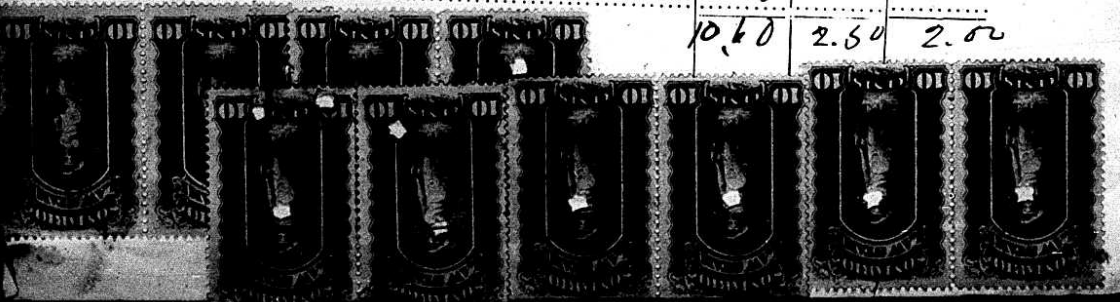
the affidavits and papers filed in support thereof, and the Report of the Registrar thereon I DO ORDER that *provale* issue to the Applicant

Dated at Chambers, this *17* day of *September* A. D. 189*1*

*M. C. Jeffrey*  
Surrogate Judge.

MEM. OF FEES PAYABLE ON THE ABOVE.

PROCEEDINGS.	FEES OF		IN STAMPS.
	REGISTRAR.	JUDGE.	
Application.....	\$ c.	\$ c.	\$ c.
Receiving and entering application.....	50		50
Forwarding notice of application to Surrogate Clerk.....	25		
Certificate of Surrogate Clerk.....			50
Receiving and entering Certificate of Surrogate Clerk.....	25		
Preparing all the necessary affidavits, including attendance.....	1 00		
<del>Every Bond.....</del>	<del>1 00</del>		
<del>Preparing Instrument of Renunciation with affidavit of Execution.....</del>	<del>1 00</del>		
Submitting Papers with report thereon to Judge.....	50		
Grant—value to personalty \$ 850.....	1 50	2 00	50
Recording Will, or letters of administration and guardianship, 10c. a folio <i>14</i> folios.....	<i>1 40</i>		
For grant or letters under seal.....	75		50
Transcript of Will, 10 cts. a folio <i>11</i> folios.....	<i>1 10</i>		
Notice of grant to Surrogate Clerk.....	25		
Certified Copy of Will for Surrogate Clerk—folio.....	<i>1 10</i>		
Certificate.....	50		
Attending and entering every order or minute.....	50	50	
Swearing deponents (only charged when actually sworn by Registrar), 20c. each.....	<i>1 00</i>		
Drawing Special Order for 10c. a folio.....			
Writing letters, 25c. each.....	<i>25</i>		
Recording Guardianship Bond.....			
Postages—No.....	<i>25</i>		
	<i>10 60</i>	<i>2 50</i>	<i>2 50</i>



Unto the Surrogate Court of the County of  
Haldimand

THE PETITION OF Robert Smith Jr of the Township  
of Amherst in the County of Haldimand Farmer  
James Templeton of the same place Farmer  
and Agnes Smith of the same place. Widow

## HUMBLY SHEWETH:

That Robert Smith  
late of the Township of Amherst in the County of  
Haldimand. Farmer deceased, died on or about the 27<sup>th</sup>  
day of July in the year of our Lord one thousand eight hundred and  
nearly one at his residence in the Township of  
Amherst in the County of Haldimand and that the said  
deceased at the time of his death had his fixed place of abode at the said Township  
of Amherst in the said County of Haldimand

That the said deceased in his lifetime duly made his last Will and  
Testament bearing date the 27<sup>th</sup> day of  
February in the year of our Lord one thousand eight hundred and  
nearly one

That your petitioners are the <sup>and executrix</sup> executors named in the said Will.

That the value of the personal estate and effects of the said deceased which  
he in any way died possessed of or entitled to, and for or in respect to which  
a Probate of the said Will is to be granted, or of, or about  
the value of Eight Hundred fifty dollars to the best of  
your Petitioners knowledge and belief.

Wherefore your Petitioners pray that Probate of the said Will  
of the said deceased may be granted to them by  
this Honorable Court.

Dated the

9<sup>th</sup> day of September A.D. 1891

Robert Smith Jr  
James Templeton  
Agnes Smith



OFFICE OF THE SURROGATE CLERK.

In the Goods of Robert Smith  
deceased, named in a certain Notice of Application for a Grant of Probate.  
dated the 11<sup>th</sup> day of September  
A.D. 1891, as late of the Township of Meida in the  
County of Haldimand, Farmer.

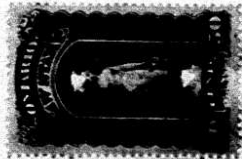
I, SIR JAMES LUKIN ROBINSON, the Surrogate Clerk, do hereby certify that no Notice of Application, in respect of the estate of the said deceased, has been received by me from any of the Registrars of the Surrogate Courts (in Ontario) save the above, from the Surrogate Court for the  
County of Haldimand for a  
grant of Probate of the Will bearing date the 27<sup>th</sup> day of February A.D. 1891.

And I further certify that no Caveat, or copy of Caveat, against the grant of Probate or Administration on the estate of the deceased, has been lodged with or received by me.

Dated the 15<sup>th</sup> day of September A. D. 1891.

To  
The Registrar of the Surrogate Court of the  
County of Haldimand  
Baynoga

James Robinson  
Surrogate Clerk.



James Robinson

In the Surrogate Court of the County of Haldimand

In the Goods of Robert Smith <sup>late</sup> of the Township of Aeneida in the County of Haldimand <sup>Deceased.</sup> Farmer

I Agnes Smith of the Township of Aeneida in the County of Haldimand make oath and say that I am the Widow

of the said Robert Smith deceased

That the said deceased died on or about the 27<sup>th</sup> day of July in the year of our Lord one thousand eight hundred

and ninety one at his residence in the said Township of Aeneida in the County of Haldimand and that the said deceased at the time of his death had his fixed place of abode at the Township of Aeneida in the said County of Haldimand

Agnes Smith

Sworn at Aeneida in the County of Haldimand the 27<sup>th</sup> day of September A.D. 1891 before me

John H. [Signature]

[Signature]

In the Surrogate Court of the County of Haldimand.

In the Goods of Robert Smith <sup>late</sup> of the Township of Ananda in the County of Haldimand Farmer DECEASED.

I, Agnes Smith of the Township of Ananda in the County of Haldimand make oath and say:

That I am the widow

of the said Robert Smith deceased

That the personal Estate and Effects of the said deceased which he in any way died possessed of or entitled to and for and in respect to which letters of Probate are ~~Eight Thousand and~~ <sup>eight thousand</sup>

to be granted are of or about the value of Eight Thousand and fifty Dollars

That the Real Estate of the said deceased which he in any way died possessed of or entitled to is of or about the value of Eight Thousand Dollars

Sworn before me, at Ananda in the County of Haldimand the 9th day of September A. D. 1871 Agnes Smith John D. [Signature]

A

# This is the Last Will & Testament

of me *Robert Smith* of *Onida Township*  
in the County of *Haldimand* and Province of  
*Ontario* *James* made this *Twenty seventh*  
day of *February* in the year of our Lord one thousand ei, ht  
hundred and *Ninety one*

I **Revoke** all former Wills or other Testamentary Dispositions  
by me at any time heretofore made and declare this only to be  
and contain my last Will and Testament

I **Direct** all my just debts funeral and Testamentary expenses  
to be paid and satisfied by my Execut<sup>ors</sup> hereinafter named as  
soon as conveniently may be after my decease

I give, devise and bequeath all my Real and Personal  
Estate of which I may die possessed in the manner following,  
that is to say:— I give and devise unto my son  
*Robert Walker Smith* the north half of Lot  
number fourteen in the third concession of  
*Onida* containing one hundred acres more  
or less subject to the payment of four hundred  
dollars to be paid to my daughter *Mary Agnes*  
*Smith* should she live to the age of twenty one  
years. I give and devise to my executors and  
administrators hereinafter named in trust Lot number  
15 in the third concession of *Onida* containing two  
hundred acres more or less and direct that they  
shall cultivate and work the same until my sons  
*James B. Smith* and *David John Smith* shall have  
attained the age of twenty one years respectively  
and apply the proceeds thereof in the maintenance  
of my wife and minor children and in building  
and repairing as to them may seem best and upon  
my said son *James B. Smith* attaining the age  
of twenty one years I give and devise unto my  
said son *James B. Smith* the north half of said  
Lot fifteen and upon my said son *David John*  
*Smith* attaining the age of twenty one years the  
south half of said Lot fifteen for their own  
absolute use and benefit forever subject however  
to the payment of four hundred dollars by my  
said son *James B.* to my daughter *Mary Agnes*  
*Smith* and also subject to the payment of four  
hundred dollars by my said son *David John*  
*Smith* to my said daughter *Mary Agnes Smith*  
should she live to attain the age of twenty one  
years. I direct that my wife *Agnes Smith*

Shew  
MD

21

shall have a home with my son David after he comes into possession of the south part and that she shall have the use of Parlor and the bedroom off the parlor downstairs and one large bedroom upstairs during the term of her natural life. I give and bequeath to my wife Agnes Smith one suite of Black hair cloth furniture and all the furniture and fixings as at present conigned in that part of my dwelling house of which she is to have a life lease.

As my wife is to have the joint use of my real estate with my minor children until my youngest son attains the age of Twenty one years. I direct that she shall have no dower therein. until after my youngest son comes into possession of his share of my real estate and thereafter I direct that my said wife shall receive two hundred dollars to be paid to her yearly and every year in equal proportions by my said three sons Robert W. James B. and David J. in lieu of dower in all of my real estate. So soon as my son Robert W. wishes to go on his own lands I direct that my executors executrix shall give him from my personal estate three young horses two cows four young cattle, ten sheep, two pigs and sufficient agricultural implements and tools to enable him to farm properly and as soon as my son James B. Smith comes into possession of his lands I direct that my executors shall furnish him from my personal estate with a like number of horses and cattle sheep pigs and agricultural implements to enable him to farm properly and I direct my executors and executrix shall give the balance of my live stock of every kind and the balance of my agricultural implements to my said son David John when he comes into possession of his share of my real estate. I give and bequeath my parlor organ to my daughter Mary Agnes Smith and I give the balance of my household furniture to my wife Agnes Smith.

I further direct that my said executors shall if possible from the revenue of my lands during the time it is held and worked by them in trust pay over a sum of five hundred dollars to each of my sons Robert W. and James B. to be used in the erection of a dwelling house on their respective lands but this sum shall only be paid provided such sum has accrued from surpluses after maintenance of family at the end of the term the lands are held by them in trust.

I give my personal property in trust to my executors and executrix subject to the disposition ~~except~~ of the same as hereinbefore and hereinafter mentioned until my son David J. attains the age of Twenty one years



the Surrogate Court

Sign  
M

All the residue of my estate not hereinbefore disposed of I give devise and bequeath unto <sup>daughter and wife</sup> my three sons & hereinbefore mentioned share and share alike always provided they are the age of twenty one years

And I nominate and appoint Robert Smith (son of my brother George Smith) and my brother in-law James Templeton of Onida and my wife Ogden Smith Guardians of my Infant Children and <sup>and executor</sup> executors of this my last Will and Testament

In Witness whereof I have hereunto set my hand the day and year first above written

Robert Smith

Signed published and declared by the said Robert Smith the Testator as and for his last Will and Testament in the presence of us who both present together at the same time in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses

J. W. Howard  
John [unclear]

Book 27 of February 1899

DEWILL

Robert Smith  
County of Hamilton

Reverend & Co., Law Stationers, 4 Adelaide Street East, Toronto.

JOHN H. SCOTT,  
Comptroller  
HAGERSVILLE

This is the paper containing "Number 2" referred to in our affidavits hereto attached  
Sworn before me at Hagersville in the County of Hamilton this 19th day of Feb. 1899  
Robert Smith J.P.  
James Combleson  
Agnes Smith

In the Surrogate Court of the County of Haldimand

In the Goods of Robert Smith deceased. late of the Township of Greeda in the County of Haldimand Farmer

I, Samuel William Howard of the Village of Hagersville County of Haldimand Clerk make oath and say:

That I knew the said Robert Smith late of the Township of Greeda County of Haldimand Farmer deceased.

That on or about the 27th day of February in the year of our Lord one thousand eight hundred and ninety one present and did see the said Robert Smith sign and declare the paper writing hereto annexed, as and for the Last Will and Testament of the said Robert Smith

That I, deponent and John Heard Scott of the Village of Hagersville in the County of Haldimand Town Clerk,

did subscribe our names as witnesses to the execution of the said Will at the request of the said Testator and in the presence of each other, all present together at the same time; and, lastly, that the several names subscribed as witnesses to the execution of the said Will are of the proper handwriting of this deponent and the said John Heard Scott respectively.

And I, this deponent, further say that I verily believe that the said Testator, at the time of the execution of the said last Will and Testament was of sound and perfect mind, memory and understanding.

Sworn at Hagersville in the County of Haldimand the 1st day of September A.D. 1891, before me.

S. W. Howard.

~~Samuel William Howard~~  
A Commissioner  
S. W. Howard  
Notary Public

In the Surrogate Court of the County of Haldimand.

In the Goods of Robert Smith late of the Township of Queida in the County of Haldimand Farmer deceased.

I Robert Smith Jr of the Township of Queida in the County of Haldimand, Farmer make oath and say:

That I believe this paper writing hereto prefixed and marked "A," contains the true and original last Will and Testament of Robert Smith late of the Township of Queida in the County of Haldimand Farmer

Decedent That I am one of the Executors therein named, and that I will faithfully administer the personal estate and effects of said Testator, by paying his just debts, and the legacies contained in his Will, so far as the same will thereunto extend, and the law bind me; AND that I will exhibit a true and perfect inventory of all and singular the personal estate and effects rights and credits of Testator, and render a just and full account of my Executorship whenever required by law so to do.

Robert Smith Jr

Sworn at Queida in the County of Haldimand the 9th day of September A D 1891, before me.

[Signature]

A Commissioner, &c.

In the Surrogate Court of the County of *Haldimand*

In the Goods of *Robert Smith* late of the Township of *Arvida* in the County of *Haldimand* Farmer deceased.

I *Agnes Smith* of the Township of *Arvida* in the County of *Haldimand* Widow make oath and say:

That I believe this paper writing hereto prefixed and marked "A," contains the true and original last Will and Testament of *Robert Smith* late of the Township of *Arvida* in the County of *Haldimand* Farmer deceased That I am an *Executrix*

Executor therein named, and that I will faithfully administer the personal estate and effects of said Testator, by paying his just debts, and the legacies contained in his Will, so far as the same will thereunto extend, and the law bind me; AND that I will exhibit a true and perfect inventory of all and singular the personal estate and effects rights and credits of Testator, and render a just and full account of my Executorship whenever required by law so to do.

Sworn at *Arvida* *Agnes Smith*  
in the County of *Haldimand*  
the *9<sup>th</sup>* day of *September*  
A D 18*97*, before me *[Signature]*  
A Commissioner, &c.

In the Surrogate Court of the County of  
Halden

In the Goods of Robert Smith <sup>late</sup> of the  
Township of Apsara in the County  
of Halden Farmer deceased.

I James Templeton  
of the Township of Apsara in the  
County of Halden Farmer make oath and say:

That I believe this paper writing hereto prefixed and marked "A," contains the true and  
original last Will and Testament of Robert Smith

late of the Township  
of Apsara in the County of Halden Farmer

That I am one of the  
Executors therein named, and that I will faithfully administer the personal estate and  
effects of said Testator, by paying his just debts, and the legacies contained in his Will,  
so far as the same will thereunto extend, and the law bind me; AND that I will exhibit a  
true and perfect inventory of all and singular the personal estate and effects rights and  
credits of Testator, and render a just and full account of my Executorship whenever  
required by law so to do.

James Templeton

Sworn at Apsara  
in the County of Halden  
the 9<sup>th</sup> day of September  
A D 1891, before me

*[Signature]*  
A Commissioner, &c.

# In the Surrogate Court of the County of Haldimand

In the Lands and Goods of *Robert Smith late of the said Township of Apsalona in the County of Haldimand Farmer* Deceased

**Inventory and Valuation** of the Real and Personal Estate and Effects, Rights and Credits of the said deceased.

### GENERAL DESCRIPTION OF PROPERTY.

VALUE OR AMOUNT.

Household Goods and Furniture.....	—	—
Farming Implements, &c.....	100	00
Stock in Trade.....	—	—
Horses.....	400	00
Horned Cattle.....	200	00
Sheep and Swine.....	150	00
Book Debts and Promissory Notes.....	—	—
Money Secured by Mortgage.....	—	—
Moneys Secured by Life Insurance.....	—	—
Bank Shares and other Stocks.....	—	—
Securities for Money.....	—	—
Cash on Hand.....	—	—
Cash in Bank.....	—	—
Farm Produce of all Kinds.....	—	—
Other Property not before mentioned (if any).....	—	—
Real Estate.....	8000	00

I, *Agnes Smith* of the Township of *Apsalona* in the County of *Haldimand* make oath and say, THAT I am *the widow of the said Robert Smith, deceased* That the above is, to the best of my knowledge, information and belief, a true Inventory and Valuation of the Real and Personal Estate and Effects, of the said deceased at the time of *his* death, so far as I can at present ascertain.

Sworn at *Apsalona*  
in the *County of Haldimand*  
the *Ninth* day  
of *September* A.D. 18*91*  
before me

*Agnes Smith*

*John A. Smith*  
A Commissioner, &c.

In the Surrogate Court OF THE COUNTY OF HALDIMAND.

In the Goods of

Robert Smith

DECEASED.

17 September 1891

I have the honour to submit the following papers hereunto annexed in the above matter, all of which have been duly signed, sworn to and executed, namely:

1. Application of Robert Smith, James Lempleton or Agnes Smith for Probate
2. Real Estate, valued at \$ 8000 - and Personal Estate valued at \$ 250
3. Certificate of Surrogate Clerk
4. Affidavit of death and abode of the testator
5. Affidavit of value of property devolving
6. ~~Affidavit of search for Will.~~
7. Oath of executors
8. ~~Administration Bond and Affidavits of justification in double the amount of Personal Estate.~~
9. Affidavit of execution of Will.
10. Will of Robert Smith
- 11.

ALL OF WHICH I HUMBL Y CERTIFY

James Mitchee  
Registrar.

To His Honour the Judge of the Surrogate Court of the  
County of Haldimand.