

Will and Executor Report of John McLaney

RG22-155: Ontario Probate Court, York, 1846, Film MS 638, Reel 57

In the Name of God, Amen.

I John McLaney of the Township of Pelham in the County of Welland in the District of Niagara and Province of Canada, yeoman, do make and declare this my last Will and testament in manner and form following

First, I resign my Soul into the hands of Almighty God hoping and believing in a remission of my Sins by the merits and Mediation of Jesus Christ, And my Body I commit to the Earth to be buried at the discretion of my Executors hereinafter named. And my worldly Estate I give and devise as follows –

First, I give and devise to my Daughter Hannah Crosier McLaney all that my whole messuage and Tenement, situate, lying and being in the Township of Pelham County, District, and Province aforesaid, which Messuage and tenement is composed of the south parts of Lots numbers four and five in the tenth Concession of the said Township of Pelham containing forty Acres be the same more or less; which forty Acres of Land are thus described, that is to say, Beginning at the southeast Angle of said lot number four, then North Eleven Chains fifty links; thence North Eighty one degrees West twenty nine Chains, fifty links; then South sixteen Chains ten Links; thence East twenty nine Chains to the place of Beginning and containing Forty Acres Exclusive of the allowances for Highways To have and to hold to my said Daughter Hannah Crosier McLaney her Heirs Executors and Assigns Forever, Nevertheless, if my said Daughter Hannah Crosier McLaney shall find it necessary to leave this, the said Messuage and Tenement, or shall be inclined to go and live with her Brother Andrew McLaney in the event of his taking up his residence in some other place, Then I give and devise unto my hereinafter named Executors, or any of them in trust, or the Survivors of them in trust, the said Messuage and tenements, for them, either to rent, the proceeds of which shall by them paid over annually to my said Daughter or to sell Alien Transfer and convey by Deed in Fee Simple to the best possible advantage the Said Messuage and tenement, the proceeds of which Sale shall be applied to the benefit and support of my said Daughter Hannah Crosier McLaney, by my Executors, who shall pay over the interest of the proceeds of the sale annually unto my said Daughter or if her circumstances should require it; such portion of the principal together as shall be deemed necessary to render her comfortable. I Also give and bequeath unto my said Daughter Hannah Crosier McLaney all my Household Furniture.

Secondly I give and bequeath unto my son Andrew McLaney my span of horses with all my Farming utensils, which he shall keep upon my said Messuage and Tenement, for the purpose of tilling it, so long as my said Daughter or my Executors shall deem advantageous to my surviving Family.

Third, I give and bequeath unto my Daughter Hannah Crosier McLaney all my cows, sheep and hogs.

Fourth, I give and Devise unto my son Andrew McLaney two hundred Acres of Land, being Lot number two in the fourth Concession of the Township of York West of Young Street, for the description of which reference is made to my Deed for the said Lot to have and hold unto my said son Andrew McLaney and to his Heirs Lawfully begotten Forever.

Fifth I Give and Devise unto my Grandson Jacob Crosier Ray Two hundred Acres of Land, being Lot number seven in the third concession of the Township of York West of Young Street, for the description of which reference is made to my Deed for the said Lot, to have and to hold unto my said Grandson Jacob Crosier Ray, and to his Heirs Lawfully begotten, Forever.

Sixth, I also Give and devise unto my said Grandson Jacob Crosier Ray two hundred Acres of Land being Lot number nineteen in the second concession of the Township of York East of Young street for the description of which reference is made to my Deed for the said Lot, to have and to hold unto my Said Grandson Jacob Crosier Ray and to his Heirs Lawfully begotten Forever.

Seventh, I Give and bequeath unto my Executors or the survivors of them in trust Lot number nineteen in the second Concession of the Township of York East of Young Street, for them to rent to the best possible advantage, and the proceeds they shall apply to the support,

maintenance and Education of my Said Grandson Jacob Crosier Ray, and if the proceeds of the rent of that Lot shall be found insufficient for the purpose of affording him my said Grandson a comfortable maintenance and for affording the means of giving him a good English Education, which shall consist at Least in a good knowledge of Reading, Writing, Arithmetic, Grammar, Geography and Land Surveying then I hereby authorize and empower my Executors to take and apply so much of the proceeds of my personal Estate as will be necessary to enable them to afford my said Grandson Jacob Crosier Ray the Maintenance and Education above described.

Eighth, In the event of any of the above named Devisees Hannah Crosier McLaney, Andrew McLaney or Jacob Crosier Ray dying before they have (or without) a Lawful Heir, then his or her or their devise or property given them by this Will shall be equally divided among the survivors or survivor of them. But if they shall all die without a Lawful Heir then their property given them by this Will shall be equally divided among my sister Elizabeth Sanders' Children.

In addition to the Branches which my Grand Son Jacob Crosier Ray shall be taught, I direct that he shall be taught Book-keeping.

Ninth, I have sold two hundred Acres of Land in the Township of Darlington County of Durham, District of Newcastle, and Province of Canada unto John E Whitteker, or to his Heirs and Assigns and to him or to whoever shall hold the Bond which I gave to him binding myself to make him a Deed when the amount which he was to pay me for the Land was fully paid which was to be finally paid up and finished on the first day of May one thousand Eight hundred and forty Eight. This Lot of Land was allocated by my Mother Martha Dennis and was willed by her to me. I was to give a Deed to John E Whitteker for one hundred and twenty five Acres of the said Lot and I was to give a Deed to Richard Demera for the remaining seventy five Acres of the said Lot of Land, when the payments should have been made as above mentioned.

In order to faithfully fulfil my agreement with the said John E Whitteker and Richard Demera, I Will and order that the Executors of this my last Will and Testament or their Executor or Executors, for and towards the performance of my said Will and Testament shall have full Power and authority to Grant Alien bargain and sell and convey and assure the said Lot of Land unto them or their Heirs Executors or assigns Forever in Fee Simply by all Lawful ways and means in the Law as to my said Executors or their Executors or to his or their Council learned in the Law shall seem fit or necessary.

Tenth, All my funeral Expenses and and [sic] all my Just and Lawful debts shall be paid by my Executors out of Moneys which I have now on hand

Eleventh, If the above named John E Whitteker and Richard Demera, or their Heirs and assigns shall fail to make out their payments at the precise time mentioned in the Obligations My Executors shall allow them a further reasonable time to make out sayd payments, and after that reasonable time shall have Expired the Lott shall as the Bonds specify revert to my Estate.

Twelfth. Whatever amount of my monies arising from the monies on hand and from the Bonds and obligations now in my possession shall after the Maintainance and Education of my Grandson Jacob Crosier Roy (shall have) have been completely effected and accomplished be Equally divided between my two children and Grandchild, viz Hannah Crosier McLaney, Andrew McLaney and Jacob Crosier Ray.

Lastly I do hereby nominate and appoint my Friends John Brown O'Reilly and David Palmer Brown – The said John Brown O'Reilly of Wainfleet and the said David Palmer Brown of Crowland to be Executors of this my Last Will and testament hereby revoking all former Wills by me made. In testimony whereof I have hereunto set my hand and seal this second day of September in the Year of our Lord one thousand eight hundred and forty six.

John McLaney (seal)

Signed sealed Published and Delivered by the said Testator to be his last Will and Testament in presence of us who have hereunto subscribed our names as Witnesses in his presence and in the presence of one another.

(signed) James Fell, Samuel Taylor, Harriet Sears

Pelham, June 24th 1854

To the Judge of the Probate Court – Canada West.

Sir,

The undersigned having been informed that Thomas Gould has made application to the Court of Probate for letters of Guardianship over the Heirs of the late Hannah McLaney the late Wife of the said Thomas Gould, one of the legatees named in the Will of her Father the late John McLaney of Pelham, and thereby get the management of the Estate which has fallen to them by the death of the late Jacob Crosier Ray of Wainfleet, and knowing the intemperate habits and spendthrift character of the said Thomas Gould, beg most respectfully to say that in [blank] opinion nothing could be more injurious to this Estate and the Heirs than to grant him the said letters of Guardianship – and would beg leave to recommend John Brown OReilly of Wainfleet Esqr and Andrew Saunders of York, Yeoman, as suitable Guardians of the said Heirs and Estates – an account of their sober habits and usually prudent management of affairs which has been placed in their hands –

have the honour to be, Sir

Your most Obedient humble
Servant

(signed) Samuel Taylor, Elisha Taylor

Inventory of Monies Received for the Estate of the late John McLaney of Pelham by the undersigneds, to date

Rec^d. of Elijah Bice on Bond for Estate: £130-8-10½

Rec^d. of Henry Abrams on Bond 94-16-“

Rec^d. Rent on lot N^o. 19 second Con York 170-“-“

Rec^d. Rent of lot N^o. 7 third Con York West 302-“-“

Rec^d. of H. C. McLaney & A. J. McLaney 8-15-“

Disbursements

In the Court of Probate David Palmer Brown and John B OReilly Executors of the last Will and testament of John McLaney late of the Township of Pelham in the County of Welland Yeoman deceased severally make oath and say that the annexed Inventory and account contain respectively a just and true account of all the Good Rights Credits and Chattels of him the said John McLaney which have come into the hands and possession of them the said David Palmer Brown and John B OReilly – and of the disposition and appropriation of the said Goods Rights Credits and Chattels made by them these deponents

(signed) David P Brown

John B Oreilly

Sworn before me at the
City of Toronto in the County
of York this Second day of
January 1857 – severally
by the above named David
Palmer Brown and John B Oreilly
(signed) Sam M Br...
Official Principal

(Provided by Holly Adams)