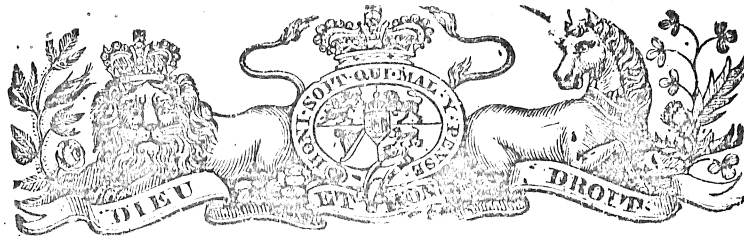




PROBATE.



CANADA,
PROVINCE OF ONTARIO.

In Her Majesty's Surrogate Court
OF THE COUNTY OF WELLAND.

Be it known, that on the twentieth day of February
A. D. 1897, the Last Will and Testament
of Jacob I. Benner late of the Township
of Humberstone in the County of Welland
Farmer

who died on or about the twenty-second day of January A. D. 1897
at The Township of Humberstone aforesaid

and who at time of his death, had his fixed place of abode
at the said Township of Humberstone
in the said

County of Welland; was Proved and Registered in the said Surrogate Court—a true copy
of which said Last Will and Testament is

hereunto annexed,—and that the Administration of All and Singular the property of the
said deceased, and any way concerning his Will, was Granted by the aforesaid
Court to Alexander Benner of the Township
of Humberstone in the County of Welland
Farmer

the Executor named in the said Will Nancy Benner,
the executrix named in said will having
duly renounced — he the said Alexander
Benner

having been first sworn well and faithfully to administer the same by paying the just debts
of the deceased, and the Legacies contained in his Will

so far as he is thereunto bound by law, and by distributing the residue, (if any) of
the property according to law, and to exhibit under oath a true and perfect Inventory of
all and singular the said property, and to render a just and true account of his
Executorship within Eighteen Months, or sooner if thereunto required.

(sgd) J. P. Willson

Registrar of the Surrogate Court
of the County of Welland.

IN THE NAME OF GOD, AMEN.

This is the Last Will and Testament of Jacob I. Benner of the Township of Humberstone in the County of Welland and Province of Ontario Blacksmith I will and devise that all my just debts funeral and testamentary expences be paid by my executors as soon as conveniently may be after my decease, and as to my worldly estate wherewith it has pleased God to Bless me I give and dispose of the same as Follows that is to say

I give devise and bequeath unto my beloved wife Nancy Benner all my household goods and furniture plate linen and china and all my cows sheep and other young cattle for the term of her natural life or as long as she shall remain my Widow, and after my said wifes death or as soon as she gets married after my decease my Will is that the above property be divided as follows that is to say all the cattle that remains and one bed and bedding and the cooking stove and furniture and my Secretary I give unto my Son Albert Benner and the balance of the above property shall be equally divided between my two daughters Catharine Sherk and Mary Michael or their heirs share and share alike and I also will and bequeath unto my beloved wife Nancy Benner all my real property Lands and tenements wosoever and wheresoever for the term of her natural life or as long as she shall remain my Widow and no longer and after her my said wifes death or as soon as she gets married after my decease my will is that I then devise my land as follows That is to say I give and devise unto my Son Alexander Benner the North half of the South half of Lot number Five in the second concession of the Township of Humberstone and the East half of the North half of the North half of Lot number Four in the third concession of the Said

Township of Humberstone to have and to hold the same unto him his heirs and executors and administrators and assigns forever and I give and devise unto my Son Albert Benner after my said Wifes death or her second marriage the East half of the North half of the South half of lot number six in the Second Concession of the Township of Humberstone and I devise unto him the West half of the North half of the North half of Lot number Four in the third Concession of the said Township of Humberstone to have and to hold the same unto him his heirs executors administrators and assigns forever Provided that in Case my son Albert should die before he attains the age of twenty-one years my will is that his portion of the land shall go and belong to my son Alexander Benner his heirs and assigns forever

I give and bequeath all my blacksmith tools ^{and all other tools} in the shop to be Equally divided between my two sons Alexander and Albert, share and share alike. My Will is further that all my wagons Buggies Sleighs Ploughs and Harrows and all other Farming Implements shall remain on the homestead Farm for to be used by my wife and my Son Alexander in Common. My Will is further that all the rest and residue of my Real and personal property not hereinbefore bequeathed including the Land that I inherited from my brother John Benner deceased Lying in the Township of Bertie and all other property that I may be entitled to I give devise and bequeath unto my Executors in trust for them to sell and dispose of the same by Public Auction or Private Sale for the best price that they Can Obtain and make Deeds or Deeds for the Land as good and effectual as I could do if a living unto the purchaser or purchasers thereof their heirs executors or assigns forever and the proceeds derived of such sale or sales and all other monies derived

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shall first go to pay my just debts funeral charges and testamentary expences, and the balance of such money that shall remain if any, I give and bequeath unto my son Albert when he attains the age of twenty-one years.

And I hereby nominate and appoint my beloved wife Nancy Benner and my Son Alexander ^{Benner} the Executrix and Executor of this my last Will and Testament hereby Revoking and making null and Void all former Will by me made.

In Witness Whereof I the said Jacob I. Benner have hereunto set my hand and Seal the Sixteenth day of March in the Year of our Lord one thousand eight hundred and seventy-four

(Signed) Jacob I. Benner, L.S.

Signed Sealed Published and Declared by the said testator Jacob I. Benner as and for his last will and testament in the 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.

(signed) Daniel Near of Humberstone.

(signed) Samuel J. Wintemute.

(sgd) I. P. Willson,

Registrar of the Surrogate Court of the
County of Welland.

Ontario,)
 County of Welland,) I, Edward George Ponton of the
 To Wit.) Town of Welland in the County of
 Welland, Clerk, make oath and say:-

1. That I have carefully compared the annexed paper writings with the original probate of the Will of Jacob I. Benner late of the Township of Humberstone in the County of Welland, Farmer, deceased, which probate bears date the twentieth day of February, A.D. 1897.
2. That the said annexed paper writings are a true copy of the said original probate.

Sworn before me at the Town)
 of Welland in the County of)
 Welland this 24th day of)
 February, A.D. 1897.

E. G. Ponton

J. Edward Leohoe

A Commissioner &c

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Surrogate Court, County of Welland.

*Humberstone T
5382*

Probate of the Last Will and Testament of

Jacob I. Benner late of the Township of Humberstone in the County of Welland, Farmer, deceased.

*Filed 25 Jan
10 am*

Entered and Registered in Book G for Probates, folio 842.
(sgd) I. P. Willson,
Registrar of the said Court.

*Jacob I Benner
will 1897.*

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I certify that the within instrument is duly Entered and Registered in the Registry Office for the County of Welland

in Book *12* for the *General*

Registry at *10* o'clock, *a*

25th day of *February* 18*97*

Number *874* and also in Book

5 for the Township of *Humberstone*

Number *5382*

*Jas E Morris
Registrar*

Raymond & Cohee.