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File title: Henry Vansittart last will and testament

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Complete file:

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Notes:

I Henry Vansittart, late of Bisham Abbey in the County of Berks and Kingdom of England; but now in Eastward in the Township of Blandford County of Oxford, District of London and Province of Upper Canada, Rear Admiral of the Blue, do, make and publish this my last Will and Testament, hereby revoking all former and other Wills and Codicils by me made.

First I give devise and bequeath unto my son John George his heirs for ever all and singular the free hold lands and premises which Andrew Drew Esquire purchased for me of and from Allan Macnab Esquire, being four thousand, one hundred and four acres more or less. I also give, devise and bequeath unto my said son John George and his heirs for ever my free hold messuage, cottage or tenement and land which he now occupies, situate, lying and being in the city of Toronto. I also give and bequeath unto Isabella Stevenson my intended Wife the sum of one thousand, two hundred pounds, currency, due to me by the Hon Charles William Grant and secured by mortgage and Bond on Freehold Property, situate, lying and being at Kingston in this Province, together with all interest which shall or may be due and owing at the time of my decease.

Next I give, devise and bequeath unto my sister Caroline Anne East for the term of her natural life, and then to my second son Henry and his heirs for ever all and singular my free hold lands, houses, messuages, tenements, cottages, barns, stables and all other erections and buildings thereon situate, lying and being in the first and second Concessions of Blandford aforesaid and containing by admeasurement one thousand, six hundred acres (more or less) and known by the name of Eastwood and Eastwood Farm and now in my possession and the possession of Richard Foquett Esq as Grant. I also give, devise, and bequeath unto my said son Henry and his heirs for ever all and singular my free hold lands, tenements & hereditaments situate, lying and being in or near the intended new village or town of St Mary, and in the newly surveyed township of Berley in the District of Newcastle and the said Province, and which I lately received as my naval Grant from the Provincial Government of this Province

The Macnab Lands
4104 acres to John G.
Vansittart

Cottage in Toronto
to John G. Vansittart

The Grant mortgage
to Isabella
Stevenson

The Eastwood property
1,600 acres to Mrs East &
after to Henry Vansittart

The naval grant of 558
acres in Berley to Henry
Vansittart (Blocks E & F.)

and containing by admeasurements five hundred and fifty eight acres, be the same more or less.

That I give, devise and bequeath unto the said Isabella Stevenson, my intended wife certain free hold lands situate, lying and being in the said Township of Berley being lots numbers, five, six, seven, eight, nine, ten, eleven, twelve, thirteen and the south half of Lot number fourteen, which said lots lie on the north west Bay of Lake Balsam, and also the Blocks marked B and D which lie north of the postage road in the said Township of Berley which said Lots and Blocks contain by admeasurement one thousand, nine hundred and ninety three acres (more or less).

Berley lands, viz Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 & S¹/₂, 14 on NW Bay Lake Balsam and Blocks B and D. 1993 acres to Isabella Stevenson.

I also give, devise and bequeath unto my said son Henry the sum of one thousand, five hundred pounds currency secured to me by the Bonds of five hundred pounds each, given by a company called the Law Society of Upper Canada, together with all interest due thereon at my decease.

The Law Society Bond for £1500 to Henry Vansittart

That I give, devise and bequeath unto my third son Edward Westley and his heirs forever all and singular my free hold lands, situate, lying and being in and near the village of Woodstock in the Township of Blandford aforesaid containing by admeasurement three hundred and ninety acres more or less, and being parts of Lots numbers nineteen and twenty in the first concession, and part of Lot number nineteen, the whole of Lot number twenty and twenty one in the second concession of the Township of Blandford together with all houses, out houses, stables and other buildings thereon, and which I lately agreed to sell to the Hon^{ble} Peter Boyle de Blaquiere I also give, devise and bequeath unto my said son Edward Westley all my free hold lands on Lake Simcoe in the Thorns District being one thousand and sixty eight acres (more or less).

Lots 19 & 20 - 1st Concession 19, 20, 21 2nd Concession of Blandford 390 acres to E.W. Vansittart

1068 acres on Lake Simcoe to E.W. Vansittart

That I give, devise and bequeath unto my daughter Mary Charity and her heirs forever all and singular my free hold lands situate in the first concession of the Township of east Oxford with all buildings thereon, which lands I lately purchased of Edward Vazard Esquire and which contain by admeasurement three hundred acres more or less. I also give, devise and bequeath unto my said daughter Mary Charity and her heirs forever all my free hold lands lying and being

Lands in 1st Concession Oxford East 300 acres to Mrs Thackay.

100 acres in Trariposa
to Henry Vanillart

being in the Township of Trariposa in the District of New Castle
aforesaid being one thousand and four hundred acres.

I also give, devise and bequeath unto my said son Henry and his
heirs for ever the south half of Lot number twelve in the first con-
-cession of Blandford aforesaid containing one hundred acres, and
also the North West quarter of lot number fourteen in the said
first concession of Blandford containing fifty acres (more or less)

7 1/4 of 14 and 3 1/2 12-
1st concession Blandford
to Henry Vanillart 150 a.

together with all houses, out houses, barns, stables and other buildings
thereon or thereto belonging. I also give, devise and bequeath unto
my said son Henry and his heirs for ever part of Lot number two
in the first concession of East Oxford containing one hundred
acres, more or less, ten acres thereof being on the western side of the
said lot, and running parallel with Lot number three and the land
which I lately sold to Thomas Scott and was reserved by me for a
road from Dundas Street north to the reserve for road in the second
concession, and the remaining ninety acres are on the East side of
the said lot number two and are bounded on the east by lot number
one, on the south by the said reserve for road between the first and
second concession, on the west by the land of the said Thomas
Scott, and on the north by the said Dundas street.

Lot 2. 1st concession
East Oxford 100 acres
to Henry Vanillart

Next I give and bequeath to my said son Edward Westley the
sum of eight hundred pounds, currency, due to me by Robert
O'Brien Esq., Captain of the Royal Navy and secured by mortgage
and bond on free hold lands, situate, lying and being on Lake
Simcoe aforesaid together with all interest which shall or may be
due, and owing at the time of my decease. And whereas Revd John
Pennefather of Newpost in the County of Tipperary in the Kingdom
of Ireland, Clerk, stands indebted to me in considerable sum of
money for interest due on the Bond for four thousand pounds given
on my marriage with my late dear wife Mary Charity, and for
moneys advanced to and received by him and other persons on his
authority by his order and on his account, now my will and meaning
is that in case I should in my life time dispose of the said sum
of fifteen hundred pounds secured to me by the three bonds of five
hundred pounds each and given by a Company called the Law Society
of Upper Canada and which sum of fifteen hundred pounds I have

The O'Brien Mortgage
for £ 800 to E. Vanillart
on Lands on Lake Simcoe

all - £ 10,000



given and bequeathed to my son Henry under this my last Will, then I give and bequeath such monies so due and owing, lent and borrowed and paid to and received by the said John Pennycuik to my said son Henry; but otherwise in case of my decease without having disposed of the aforesaid bonds so as not to deprive my son Henry of the advantage of such bequest, then I give and bequeath the said monies so due by the said John Pennycuik as aforesaid unto my three sons John George, Henry and Edward Westby share and share alike with benefit of survivorship.

Disposes of the sum of £4000 due on bond at marriage and monies since advanced to Revd J. Pennycuik

All the rest, residue and remainder of my estate & effects whether real or personal together with all my live and dead farming stock, whether in my own possession or in the several possessions of the said Richard Foggett or of Lyndon Tringdestre except such farming stock as may be on the farm. All like Balow in the possession of the said John Stevenson, and which I hereby bequeath to the said John Stevenson, horses, carriages, harness, monies in bond or at any bank, securities for monies, public or private and otherwise and previously disposed of by this my last Will, common contract, debts, stock in trade (if any), engines, machines, household furniture plate, linen, and all other effects of whatever sort or description I may possess and of (after payment made of all my just debts, funeral expenses, and the sum of three hundred pounds currency to Isabella Stevenson my intended wife in lieu of any share I might otherwise give her of household furniture or the like,) I give, devise and bequeath to my said son Henry, his heirs and assigns for ever.

Residue and remainder subject to a payment of £300 to Isabella Stevenson in lieu of her share of personal effects to Henry Vansittart & his heirs.

And I hereby nominate and appoint my said son Henry sole and

Henry Vansittart appointed sole residuary legatee

sole executor and trustee under this of my last Will and Testament, as also my sole executor and trustee.

And I again revoke all former and other Wills and Codicils by me made. In witness whereof I the said Henry Vansittart have to this my last will contained on two sheets of paper, set my hand to the first sheet and to this second sheet my hand and seal this twenty second day of October A. D. 1836.





Signed, sealed, published and declared by the said Henry Vanillart, the Testator 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 hereunto subscribed our names and witnessed, (the word "son" in the preamble of the first sheet having been first intimated

Signed
Henry
Vanillart
S.S.

(Signed) William Belbridge. Rector of Woodstock
(") Henry Bishop
(") Charles Hayward

Codicil

Codicil 1
July 19. 1838

Transfers lands in East Oxford purchased from E. Vozard to E. W. V. in exchange for lands on Lake Simcoe settled on Mrs. Mackay at her marriage

Whereas by a deed of settlement on the marriage of my daughter Mary Charity with Spencer Mackay Esq. Junior, I have made over to them my lands on Lake Simcoe therein described, and also the lands of Transcona by which my son Edward Westley will be deprived of the said lands on Lake Simcoe; I hereby revoke so much of this my Will as gives to my daughter Mary Charity the lands in East Oxford purchased of Edward Vozard Esq., and I hereby give and bequeath the said lands, houses, buildings &c. to my son Edward Westley. And whereas on the marriage of my daughter Elizabeth with Robert Riddell Esq.

Consequent upon increased proportion of land settled on Mrs. Riddell - her share in the £4000 settled by testator's father is reduced to 1/4 - the remaining 3/4 to be bequeathed to Henry Vanillart in compensation for lands settled on Mrs. Riddell

it was understood between us that in consequence of the increased proportion of land given to her, she was not to expect any proportion of that £4000 paid on my father's part agreeably to my marriage settlement with my late dead wife to the Trustees. I do in virtue of the power given to me in the said my marriage settlement with my late dead wife give, appoint will and bequeath to my said daughter Elizabeth Riddell one fourth of the sum which would have been her portion - the remaining three fourths of the said proportion I hereby appoint, will give and bequeath to my son Henry in compensation for the loss of such lands settled on my daughter Elizabeth's marriage and in consideration of the great expense of keeping up the buildings on the Eastwood property may subject

Revoke bequest to E. W. V. of the de Blaquin lands near Woodstock and bequeath the same to Henry.

him to, and for the same reason I hereby revoke that part of my will which gives to my son Edward Westley the lands, houses &c. &c. in or near the village of Woodstock in the Township of Blandford now actually sold to the Hon. Peter Boyle de Blaquin; and I hereby give and bequeath to my son Henry the said lands, houses &c. &c. in the event of default of payment by the said Hon. Peter Boyle de Blaquin


or when paid for all benefit, advantage and interests in the said :
 payments due at the time of my death I give and bequeath to my son
 Henry and to my son Edward Westley. I give and bequeath my two
 town lots in Woodstock bought of Lt. Gibson R. V. and all the lands
 any where derived from the late R. Adm^r Ropt O'Brien after the
 mortgage and interest due to Henry Chambers Esqr. or part of said
 lands shall have been discharged, any other benefit or advantage
 to be derived from the sums due to me from the said Rear Adm^r Ropt
 O'Brien I give and bequeath to my said son Edward Westley. Hav-
 ing agreed with John Stevens to sell to him the north half of lot
 number six in the Township of Blandford, first concession, at the
 price of six dollars an acre to be paid for in ten equal annual instal-
 -ments, after deducting from the purchase money any sum due from the
 said John Stevens and about fifty dollars.

Bequeath to E. W. V.
 two town lots in Woodstock
 bought of Lt. Gibson R. V.
 also the Adm^r O'Brien
 mortgages & c^o to E. W. V.

I hereby give and bequeath to my son Henry the said north half
 of lot number six in the Township of Blandford, first concession on
 condition that he the said Henry Vanisstant shall carry in effect my
 agreement with the said John Stevens but in the event of the said John
 Stevens declining the agreement, then my will is that the said north
 half of lot number six, first concession, Blandford shall become the
 property of my said son Henry and his heirs for ever. Dated July 19th 1838.

7 1/2 6- 1st concession
 Blandford to Henry
 V.

Signed, sealed, published and declared by the said
 Henry Vanisstant the Testator as for a Codicil
 to 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 hereunto subscribed
 our names as witnesses. The word "lands" on the
 second line of the second page having been first
 introduced.

Signed
 Henry Vanisstant


- (Sd) William Bettridge B. D. Rector of Woodstock
 - (") Richard Foquett (Sd) Samuel John Stratford
 - (") John Stevens (") John Cheney
- Codicil

Whereas I have by deeds granted since my Will and Codicil was
 executed that portion of free-hold lands, tenements, hereditaments
 situate, lying and being in or near the intended village or town
 of

Codicil 2
 April 19. 1842
 Having alienated
 the rural grant of
 558 in Berby wills
 to Henry V. in lieu
 thereof all his other

lands in Berley except of St. Mary and in the new township of Berley in the
District of New Castle in the Province of then named Upper Canada
and conveyed to Testator now Canada West and which I had then lately received as my share
in 1841.

grant from the Provincial Govt of this Province and containing
by admeasurement five hundred and fifty eight acres by the said
more or less. My Will is that my son Henry shall receive in lieu
thereof all other free hold lands situate in the Township of Berley
belonging to me at the time of my death with the exception of such
free hold lands situate in the said township of Berley which do
belong to Abraham Bethridge Esqr and which by a certain deed
made and condition therein expressed was conveyed to me in the year
A.D. 1841 together with all houses, messuages, tenements, cottages,
barns, stables and all other erections and buildings thereon situate
and which together with all the personal property, whatever be-
longing to me, in or near the said village or town of St. Mary ex-
cept as reserved and bequeathed to John Stevenson Esqr. I do

Confirms the pro-
prio bequest to
Isabella his wife

herby give and bequeath to my dear wife Isabella conforming all
that part of my original Will as shall make any further bequest
to her and adding thereto my time piece; but to John Stevenson Esqr


Consequent on hav-
ing decided away lands
intended for E.W. V.
Revokes bequest of
Lot 12 - 1st Concession
Blandford - 100 acres -
to Henry V. and
give it to E.W.V.

and whereas by several deeds much of the property intended for my son
Edward Westley has been disposed of by deeds granted to others. I
herby revoke that part of my Will executed the 22nd day of October
A.D. 1836 which gives to my son Henry the south half of lot num-
ber twelve in the first concession of Blandford aforesaid, containing
one hundred acres, and I herby give and bequeath to my said son
Edward Westley the said south half of lot number twelve in the first
concession of Blandford aforesaid, together with all houses, out houses
barns, stables and other buildings thereon and thereto belonging.

Codicil 3
March 11 - 1843
Given Isabella his
wife all the lots in
south of Portage road
thereby revoking
bequest of land to
Henry - bequeathes
to Henry lands &
sons of Bethridge

This my second Codicil dated April the nineteenth A.D. 1842.
Signed, sealed, published, and declared by the said
Henry Vansittart, the Testator in the presence of no
who at his request and in his presence and in the
presence of each other have hereunto subscribed our
names as witnesses

(Signed) Herbert Hickmatt
John Cumins

Signed
Henry Vansittart


This my second Codicil confirmed in all its parts except that I bequeath to my wife all the lots south of the Portage road to enable her to fulfil my engagements with a family coming from England so imperatively needed at Berley, therefore revoking my bequest of land at Berley to my son Henry; but to him bequeath the land recently bought of Abraham Bellbridge Esq. March 11th. A.D. 1843.

Signed, sealed and delivered by the Testator in our presence (at his desire) and in the presence of each other

(Signed)

Henry Vansittart

(S.S.)

(Signed) Mr. Bellbridge B. D. Rector of Woodstock

(") Richard Foquett

(") Samuel John Stratford

Codicil

Codicil 4

11th. March 1843

To the last will and Testament of Vice Admiral Henry Vansittart I Henry Vansittart do hereby make and declare this to be a Codicil to my last Will and Testament.

Namely: I give, devise and bequeath to my son Henry Vansittart,

all that piece of land situated at Berley and being in the first concession of Blandford on lot number nine.

new, being Nos 2 and 3 west of Huron street, now in the occupation of Leebor Thomas Sharp, subject nevertheless to the following conditions viz that the said Leebor Thomas Sharp shall have the power, right and privilege of repurchasing the said Lot of land and buildings thereon at and for the amount due to me from the said Leebor Thomas Sharp at the day of my decease; and further that until such repurchase be made and effected by the said Leebor Thomas Sharp, he the said Leebor Thomas Sharp shall occupy the said Lot of land and buildings thereon free from all rent or charge whatever.

Bequeaths To 24
3 West of Huron
street Woodstock
to Henry Vansittart

In witness whereof I have hereunto affixed my name and seal this eleventh day of March in the year of our Lord one thousand and eight hundred and forty three.

Signed, sealed and delivered by the Testator Henry Vansittart in presence and at his desire and in the presence of each other.

Signed

Henry Vansittart

(S.S.)



Witnessed by
 (") William Bethune, Rector of Woodstock
 (") Richard Foquett
 (") Samuel John Stratford

Codicil

Codicil 5

11th March 1843

To the last will and Testament of Vice Admiral Henry Vansittart.

I Henry Vansittart do hereby make and declare this to be a Codicil to my last will and Testament, namely..

Bequeaths to Henry
 houses + lands used
 as Coach house and
 stables on Lot 19- 1st
 concessions Blandford

I give, devise and bequeath to my son Henry Vansittart his heirs and assigns, all that piece or parcel of land with certain buildings, stables, coach house thereon situate, lying and being in the first concessions of Blandford on the nineteenth lot west of Huron Street, and which lot and buildings have been used by me as stable and coach house lying convenient to the church at Woodstock.

Bequeaths Henry
 the Tharnce villa
 33 acres in second
 concessions of Blandford

I further give, devise and bequeath unto my son Henry Vansittart, his heirs and assigns all that piece, parcel or lot of land being in the second concessions of the Township of Blandford

commonly known by the name of the Tharnce Villa, and which I once transferred to the Government in exchange for Lot No 8 in the third concessions of Blandford, but which exchange was not perfected, and the said lot of land was transferred to me; said Lot contains by admeasurement thirty three acres, more or less. Also I give, devise, and bequeath to my son Henry Vansittart, his heirs, and assigns all

Bequeaths to Henry
 Vansittart the four
 lots of land under water
 800 acres in south
 Crosby or Didean
 Canal.

Lot or Lots, piece or pieces or parcels of land situate, lying and being in the Township of South Crosby being the four Lots of land at present under water, owing to the flooding from the construction of the Didean Canal, and containing eight hundred acres, more or less. Also I

Bequeaths his son
 Henry Vansittart in
 trust in two lots in
 Blandford belonging
 to Captain Graham
 in trust to pay Henry
 Vansittart of Yorkshire
 £ 500

give, devise and bequeath unto my son Henry Vansittart, his heirs, and assigns all my interest in the two lots of land in the Township of Blandford belonging to Captain Graham Esq. upon which I have had a mortgage for several years past. To have and to hold in trust to pay my cousin Henry Vansittart of Yorkshire in England (should demand it) the sum of five hundred pounds sterling which I borrowed of him. And in witness whereof I have hereunto set my hand and seal this eleventh day of March with the year of our Lord

one thousand, eight hundred and forty, one.

Signed, sealed, and delivered by the within
Testator Henry Vansittart in our presence,
at his devise and in the presence of each other
the words "his heirs and assigns on the eleventh
line from the bottom of the first page, and the
words "all my interest in" on the twelfth line
from the top of the second page having been
and the alteration of the
word "eight to five" in the third line from the
bottom of the second page having been first
made.

Signed

Henry Vansittart

H.V.



(Signed) William Bettridge B. D. Rector of Woodstock
(") Richard Foquett
(") Samuel John Stratford

Letters of administration was granted to Henry Vansittart
the executor named in the will, by William Hepburn, Principal
Probate Judge and 18th at Kingston.

Office of the Surrogate clerk

I, Sir James Lukin Robinson, the Surrogate clerk, do hereby
certify that the within paper writing is a true copy of the last
will and Testament and Codicils thereto of the therein named
Henry Vansittart, deceased, and which said will and Codicils
were duly proved in the the Court of Probate for the Province of Upper
Canada, and are now deposited in this office pursuant to the
Provisions of Surrogate Court's Act A. S. 1859.

(Sd) James L. Robinson,
Surrogate clerk