

Joseph Burrage of Trinity in the Island of Newfoundland

Merchant, being weak in body, but of sound mind, memory, and understanding, Do make and ordain this to be my last Will and Testament in manner following (that is to say) First I desire that all my just debts may be fully paid and satisfied — Item I give devise and bequeath unto my esteemed friends David Sorell and William Nelson both of Trinity aforesaid Merchants their Heirs Executors Administrators and Assigns respectively All and singular my Dwelling houses Rooms Flakes Wharfs Schooner and other Craft Goods Chattels Stock in Trade and effects whatsoever and wheresoever that I shall die possessed of or entitled unto at the time of my death Upon the trusts and for the intents and purposes following (that is to say, In Trust that they or the Survivor of them his Heirs Executors Administrators or Assigns do and shall as soon as they conveniently can after my decease remove and carry away all my Household Furniture and the Goods and Stock in Trade now in my Store Room in Trinity, to theirs Content in the said Island of Newfoundland And In trust to permit and suffer

my Son John Burrage and M^r James Moores of Hearts
Content aforesaid to sell and dispose of the said Stock
in Trade and to carry on the Trade and business
that I now have there according to the best of their
Judgment And it is my wish and desire that they
may agree together in their opinion in conducting
the said Trade there, if so, it will probably turn out
more advantageous And in Trust that the said
David Durell and William Nelson or the survivor
of them his Heirs Executors Admors or Assigns do and
shall from time to time as often as they shall think
proper receive and take the profits arising from
the said business at Hearts Content aforesaid and
pay and apply the same to and for the benefit of
my said Son John and my Daughters Elizabeth
Burrage and Susanna Burrage their Executors
Admors and Assigns share and share alike when
and as they shall severally attain the age of
twenty one years And in the meantime to place out
at Interest all such Money arising from the profits
of the said Trade, which shall not be wanted for
carrying on the same — And I order and direct
that the proper Books of Account relating to the
said Trade be kept by the said James Moores
and John Burrage and that they permit and

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suffer my said Trustees to inspect and examine
the same and to take Copies thereof as often as they
shall think fit — And in Trust that my said
Trustees do allow my Wife, Susanna Burrage
to reside with her Family at Heart's Content
aforesaid and to have good and sufficient
Meat Drink and Wearing [Here ends the first sheet
in the original will] Apparel (in the discretion of
my said Trustees) so long as she continues my
Widow, but if she should marry again, she is
then to take only her clothes and nothing after.
And it is my particular wish that she do not
interfere or have any thing to do in conducting
the said Trade or Business at Heart's Content
aforesaid — As to the Room lately called or known
by the name of John M. Elligott's with the Appurtenances
thereto belonging In Trust that my said Trustees
or the Survivor of them his Exors Admors. or
Assigns do and shall permit and suffer my Daugh-
ter Sarah (now the wife of William Triggs) to
occupy and enjoy the same with the Appurte-
nances for her natural life (in case my estate
and interest in the said Premises shall so long
continue) And from and after her death
In Trust for the benefit of all her Children (if

she may have any) that may be then living Or if she should have but one such child Then for such only child at his her or their age or respective ages of twenty one years But if the said Sarah Triggs shall leave no child living at the time of her death Then In Trust for the use of the Executors or Administrors of the said Sarah Triggs supposing that she was a feme sole and unmarried— As to the Room on which I now reside in Trinity together with all and singular the Appurtenances thereto belonging In trust for my Daughter Elizabeth Burrage and Susanna Burrage— their Executors Administrors and assigns for all my term and and interest therein, share and share alike, the right and estate of each of them to the said Premises to commence as soon as either shall attain the age of twenty one years But if either of them should die in the life time of the other without leaving lawful Issue Then In Trust for the other of them my said Daughters Elizabeth or Susanna and her Children (if she should have any) share and share alike But if my said Daughters Elizabeth and Susanna shall leave no child living at the time of their respective deaths Then as to the said last mentioned

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Room with the appurtenances thereto belonging In
Trust for the use and benefit of my said Son John
his Executors Administrors and Assigns for and during
all the residue of my estate and interest therein
As to the Room belonging to me late William Sully
with the appurtenances thereto belonging, and also a house
which I direct and order shall be built at Heart
Content aforesaid, and that the expences thereof
shall be paid out of my personal estate and
effects - The same to be in trust for the use and
benefit of my said Son John as soon as he shall
attain the age of twenty-one years, his heirs and
Assigns for ever - And I direct my said Trustees
to let on lease for the term of Five years from the
first of June next the room that I now hold and
occupy in Trinity and the Dwelling House Store
houses Buildings and other Appurtenances now
thereon and belonging thereto, and to apply the
rents and Profits of the said Room, so to be leased
as aforesaid for the [Here ends the second sheet in the
original Will] use benefit and advantage of the
Trade or business, so to be carried on at Heart's Con-
tent aforesaid, an equal share of which, as well
as of my Household Goods, Stock in Trade Schoone

and other craft and all and singular other my
moveable estate and effects whatsoever both mo-
ney and securities for money debts dues and de-
mands whatsoever I direct and order shall be
paid and applied to and for the use and benefit of
my said son John and my Daughters Elizabeth and
Susanna when and as they shall respectively attain
the age of Twenty one years (Subject to the charges
attending the maintenance of my said wife as afore-
said and to the payment of my Debts and Funeral
Expences) And I desire that nothing be sold out of my
Store at Trinity aforesaid after my present Customers
Accounts are closed, and no new Accounts are to be
opened, but all my Goods and Stock in Trade
are to be sent in my Schooner to Heart's content a-
foresaid as soon after my decease as my said Trus-
tees shall think proper. Provided always And
if it should happen that the said John Burrage
should misbehave or act imprudently after twelve
Months trial of the Trade or business so to be carried
on at Heart's content aforesaid, I hereby give and
grant unto my said Trustees the said David
Dwrell and William Kelson or the survivor of
them his Exors Admors or Assigns full and absolute
power and authority to take possession of all and

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Singular my Rooms Dwellinghouses Storehouses
Schooner and other Craft Goods Stock in Trade
and Effects whatsoever and wheresoever and of what
nature and kind soever and to sell and dispose of the
same and every part and parcel thereof, for the
most money that can be reasonably obtained for the
same, and to lay out an invest the proceeds arising
therefrom on Government security, and In Trust to
pay and apply the Interest or annual produce
thereof or any part of the Principal, at his or their
discretion, half yearly, to and for the maintenance
and support of my said Wife Susanna during a
long time as she shall continue my Widow and
unmarried, and also to and for the maintenance
support and education of my said Son John and
my Daughters Elizabeth and Susanna till they
respectively attain the age of Twenty one years,
And so soon as my said Son John and my
Daughters Elizabeth and Susanna shall respec
tively attain the age of twenty one years Then In
Trust to pay and divide the said Principal money
between and among them share and share alike
or otherwise as my said Trustees in their discretion
shall think fit, and according to their behaviour.
But subject to the aforesaid Maintenance hereby

granted to my said wife in the event of her continuing my widow, and I appoint the said David Durill and William Nelson Executors in Trust of this my last Will and Testament. In Witness whereof I the said, Joseph Burrage, the Testator, have to this my last Will and Testament contained in three sheets of Paper set my hand and seal (to wit) my hand at the bottom of the two preceding sheets, and my hand and seal to this sheet of Paper the twelfth day of November in the year of our Lord one thousand eight hundred and fifteen.

(Signed) Joseph Burrage Seal

The writing contained in this and the two preceding sheets of Paper was signed and sealed by the above named Joseph Burrage the Testator, and by him published and declared as and for his last Will and Testament in the presence of us who have at his request, in his presence and in the presence of each other hereto, set our names as witnesses.

(Signed) Geo. Weston
 Saml. St. Gent
 John Noon, Junr

Subscribed by copy this & the preceding, were pages in this book
 taken true & correct copy of the will of the late Joseph Burrage
 Geo. Weston
 S. St. G.
 J. N.

N.B. These three signatures as witnesses were also put upon the two first sheets of Paper composing the original Will in the margin of each sheet.

Memorandum

Trinity, Nov 20th 1816

Application having been made to the Probate Court at St Johns to have the Will of the late Joseph Burrage proved, a Special Commission was issued to me for that purpose by Thomas Coole Esquire Surrogate of the said Court, but it did not arrive here until the evening of the seventeenth day of November, inst ant.

Geo. Hutton

(Copy)

Newfoundland
Trinity } Samuel Augustus Gent of Trinity
St John's } in the Island of Newfoundland, do
both oath and saith, That he was pre-
sent and did see Joseph Burrage of
England, late of Trinity
aforesaid, Mafter deceased, sign, pub-
pronounce, and declare the Instrument of
Writing which is hereunto annexed, to be
as and for the last Will and Testament
of him the said late Joseph Burrage, and
that the signature "Joseph Burrage"

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Geo. Hutton
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set and subscribed to the said annexed Will is of
 the own proper hand writing of him the said
 late Joseph Burrage: And also, that the three
 several signatures "George Skelton" "Sam. Agent"
 and "John Noon Junr." set and subscribed to the
 said Will as Witnesses ~~to~~ to the due execution
 thereof, are the respective hand writings of
 George Skelton, John Noon, Junr. and of him
 this deponent, who, in the presence of the said
 Testator, and in the presence of each other, did
 severally subscribe their names to the said
 Will as Witnesses to the due execution thereof.

And lastly, this Deponent saith that the
 the said late Joseph Burrage, at the time of
 his executing the said Will appeared to him this
 Deponent to be of a sound disposing mind, me-
 mory and understanding.

(Signed)
 Sam. Agent.

Sworn at Trinity
 this eighteenth
 day of November One
 Thousand eight hun-
 dred and sixteen
 Before me
 Geo. Skelton

I do hereby certify the
 above to be a true copy
 of the proof of execution
 of the Will of the late
 Joseph Burrage on the
 oath of Sam. Agent, who
 that a similar one was
 taken on the oath of John
 Noon Junr.

Geo. Skelton
 Clerk of the
 Surrogate Court