

Will of **Heinrich Herber**, deceased "on or about the Eleventh day of May in 1866

"In the Name of God Amen

I Heinrich Herber, of the Township of Wilmot, in the County of Waterloo and Province of Canada, Yeoman being of sound mind, memory and understanding do make and publish this my last Will and Testament in manner and form following:

1st. I Will and devise that all my just debts, testamentary, funeral, and executorship expenses be paid as soon as conveniently can be by my hereinafter named executors, after my decease and as to my worldly estate wherewith it hath pleased God to bless me, I give and dispose of the same as follows"

2nd. I give and bequeath unto my beloved wife, Margaret, two beds, one large chair, two common chairs, one small table, one spinning wheel and reel, one small chum, one wash tub, one set white dishes and a half doz. knives and forks, I also Will unto my beloved wife Margaret the room in the North East comer of the house wherein I now reside, also the room in the South West comer of the same house second story also the cellar under the said North east comer of my house that is under her room, also a portion of my garden not to exceed one eighth of an acre, she is also to have free and undisturbed privileges to go in and out of my house and through my bam and bam yard, also the yard around my house, I also Will unto her the linen cloth that is at present with the Weaver, also one cow of her choice out of my herd, which is to be kept for her on the premises whereupon I now reside during summer and winter in and for all times in good condition, also to be delivered unto her gently four hundred pounds of flour, twenty bushels of potatoes and a fat hog which must be nice fatted which must weigh at least two hundred pounds and the interest of one thousand dollars to be paid to her yearly

3rd. I also will and bequeath unto my son Jacob Herber the West half of the farm whereupon I now reside being pan of Lot number Two South side of Erbs road in the Township of Wilmot in the said County and Province containing seventy five acres of land be the same more or less for the consideration sum of two thousand five hundred dollars to be paid in ten equal annual installments without interest, the first of said equal annual installments is to be paid on the first of March one thousand eight hundred and seventy one and from thence to continue yearly until the whole is paid.

4th. I Will and bequeath unto my son Pauli Herber, my youngest son, the old Homestead the East half therof being part of Lot number Two South side of Erbs road Wilmot containing seventy five acres of land in the same more or less for which he is to be paid two thousand dollars in installments as hereinafter mentioned and deliver yearly unto my beloved wife yearly out of the proceeds of the said old homestead four hundred pounds of flour, one fat hog which is not to weigh less than two hundred pound, twenty bushels of potatoes and keep my beloved wife's cow during summer and winter in good condition, the said two thousand dollars is to be paid by my son Pauli as fall comes one thousand dollars is to remain in the old homestead during my beloved wife's natural life time of which my son Pauli is to pay her the Interest yearly and the other thousand dollars is to be paid in five equal annual installments without interest the first of said installments becomes due and payable on the first of March one thousand eight hundred and seventy and from thence to continue yearly two hundred dollars until the said thousand dollars is paid and the one thousand dollars which is to remain in my farm of which my son Pauli is to pay the interest yearly unto my beloved wife, shall be paid in four equal annual installments after my beloved wife's decease, but should my beloved wife die before the fißt five installments are paid, then in such case the first of the four equal annual installments are to (???????) one year after the last of the five installments becomes due reserving out of the said old homestead all and whatsoever I have hereinafter bequeathed unto my beloved wife.

5th. My will is that my son Pauli shall not take possession of the said premises until he becomes of the age of twenty-one years, and until he becomes of the said age twenty-one years my hereinafter named executors shall provide for him as guardians and not allow him to be idle or spend his money that he earns.

6th. I also Will that my son Jacob shall be entitled to go at any time into the bush of the east half of my Lot the old homestead and cut and hew the necessary pine timber he may require to build a house and bam on his pan or lot.

7th. I also Will that my family book shall be observed and adhered to and whatever or the amount I have charged against my elder children therein my younger children are to receive an equal amount from my hereinafter named executors out of my estate.

8th. I also Will that my Son Pauli shall deliver yearly unto my beloved wife as much firewood dried early for use as she may require.

9th. I Will and desire that the two thousand five hundred dollars my son Jacob is to pay for his land and that one thousand dollars part of which my son Pauli is to pay for the old homestead is to be divided equally between and among my son Wilhelm Herber and my daughters Elizabeth, Catherine, Rosena, Dorothea and Mary and the proceeds of my personal estate which may be left into the hands of my hereinafter named executors shall be equally divided between and among all my sons and daughters share and share alike, my son Pauli shall not receive his share until he obtains the age of twenty one years.

10th. I also Will that the one thousand dollars which is to remain in the old homestead during the natural lifetime of my beloved wife, shall be equally divided between and among all my sons and daughters and the sons and daughters of my beloved wife each to share and share alike.

11th. I further Will that should any of my sons or daughters die and leave issue, that such issue shall inherit such deceased Son or daughters share.

12th. I also Will that my Son Jacob shall work the old homestead until my son Pauli becomes of age and shall work the farm in the usual customary manner and pay therefor yearly one hundred dollars unto my hereinafter named executors, and deliver the flour and wood that my son Pauli is to deliver after he becomes of age and out of the said one hundred dollars my hereinafter named executors shall deliver yearly sixty dollars unto my beloved wife until my son Pauli becomes of age.

13th. I also Will and desire that should my beloved wife become feeble and the interest of the one thousand dollars is not sufficient to keep her, my hereinafter named executors shall be entitled to collect from my son Pauli such sum or sums as is necessary which are to be deducted from the said thousand dollars which he is to pay the interest unto my beloved wife as though she was his Mother.

14th. I also Will that as soon as conveniently can be after my decease my hereinafter named executors shall hold an appraisement and have the value of my personal property appraised and sell the same by public auction except what I have bequeathed unto my beloved wife.

15th. And I nominate and appoint my trusty and worth friends and Son Jacob Herber, my son-in-laws Henry Wahl Jun. and Jacob Wahl my neighbour to be the executors of my last will and testament hereby revoking all former Wills empowering them my said executors to execute and deliver deed or deeds of (???) of my real estate.

In witness whereof I have hereof set my hand and affixed my seal this twenty third day of March 1866.