

Transcribed by Lauren Rogers Mahieu

In The Name of God Amen: I Thomas Day of Ipswich in The County of Essex in New England Yeoman being att this time advanced in years butt thanks be given to God of good understanding and of perfect mind and memory to make and ordain this my last will and testament principally and first of all I give my sould into the hands of God that gave itt Hopeing through the moments and mediation of my glorious Lord Redeemer to claim the full pardon and remission of all my sins and to inherrett eternall life. My body I commit to the earth to be buryed in Christian like manner att the discretion of my executors hereafter named and as touching such temporall estate as it hath pleased God in his providence to bless [me] now with I give and dispose of the same in the following manner and forms

Item

My will is that my just debts and funeral charges and my if she dyes my widow be paid out of my estate by my executors heafter named.

Item

I give unto Elizabeth my well beloved wife during the time shee shall remain my widow: The use and improvement of the easterly lower roome in my now dwelling house and the cellar under it and the privoled of improving my well and to much of my garden as shee shall need also to much of my household goods as shee shall need for her own use. I allso give unto my to wife yearly and every year during the time shee shall remain my widow: ten bushells of Indian corn, two bush[ells] of ryes, two bushells of malt, eighty pounds of good beef, one hundred and fifty pounds of pork. Two barrills of cyder, ten pounds of flax swingled, seven pounds of sheeps wool: suffiitiant fire wood brought to her door and cut fit for her use, a good milch cow kept winter and summer, a horse kept Winter & summer to carry her to meeting on Sabbath Day, and to towne as shee shall have ocation and so many apples and potatoes as shee shall need for her own use and a gallon of molasses.

Item

I give unto my son Robertt the sum of twenty pound accounting what he hath already had of me as part of said sum.

Item

I give unto my son James the sum of thirty pounds he having no trade.

Item

I give unto my son Isaac the sum of twenty pounds.

Item

I give unto my son Aaron the sum of twenty pounds.

Item

I give unto my daughtr Elizabeth Lord five shillings shee having had her portion of mee allready.

Item

I give unto my daughter Sarah Bly five shillings shee having receivd her portion of mee allready.

Item

I give unto my daughter Mary twenty pounds and my will is that shee shall have the bed she now lyeth upon as part of so twenty pounds if shee desires itt I also give her the privlodg of living in my house for so long time as shee shall remain a single woman.

Item

I give and bequeath unto my two sons Jeremiah and Thomas the wholl of all my estate both real and personall to them their heirs and assigns forever to be equally divided between them both as to quantity and quallity they paying the aforsd legasies and performing to my wife what I have willed to her in equall proportion between them both.

Item

My will is that my son Jeremiah shall have the space of two years next ensuing the day of my decease to pay his half of the legasies I have given to my children and my son Thomas shall have three years next after my decease to pay his half of to legasies to my children.

Item

My will is that if my son Thomas shall decease before he arrives att the age of twenty one years that then my son James his heirs and assigns shall have all the estate I have given to my son Thomas he doing and performing all that I have willed my son Thos do do and perform in this will: and I do hearby ordain and appoint my two sons Jeremiah & Thomas to be executers of this my last will and testament. Hearby shall ratifying and confirming this and no other to be my last will and testament in witt help wharof I have hearunto set my hand & seal this sixt day of March anno domini 1749 and in the twenty third year of his majesties reign.

Signed sealed & pronounced & declar'd

By the so Thos Day as his last will and testament is prof___ ass Thomas Day

Reuben Burnam

Mary (her x mark) Lukoman

Saml Waite

Essex: Ipswich June 11th 1750 Before the Hon: Thomas Berry Esq Judge of Probate of Wills te: In and for said County of Essex Capt. Samuel Waite Reuben Burnum and Mary Lukeman all personally appeared & made oath that they were present & saw Thomas Day late of Ipswich aforesaid decd sign seal and heard him publish and declare the within written instrumt to be his last will & testamt and when he so did he was of a sound disposing mind & memory to the best of their discerning and they all at the same time sett to their hands in his presence as witness.

Sworn : Sam Appleton ___

Upon this will in provd approvd & allow the exect appeared & accepted that trust and ___ in an

Thos Berry Jd Prob

In The Name of God Amen: I Thomas Day of Ipswick in The County of
 Effo in New England yooman being att this Time Advanced in years but
 Thanks be Given to God of Good understanding And of perfect Mind And
 Memory do Make here beclain This My Last will And Testament. principally
 And first of all I Give My Soul into the Hands of God That Gave itt
 Hoping Through the Meritts And Mediation of My Glorious Lord Jesus
 To Obtain The full pardon and Remission of all My Sin And To Inheritt
 Everlast Life My Body I Comitt To the Earth to be Buried in Christian
 Like Manner att the Discretion of My Executors hereafter Named
 And as Touching My Temporal Estate as it hath pleased God in his providence
 To bestow upon Me With I Give Dispo of the Same in the following Manner for ever
 Manner And forme
 My will is That all my Just debts and funovall Charges and My wife if she
 dyes My widdow be paid Out of My Estate by My Executors hereafter Named
 I Give unto Elizabeth My well beloved wife During the Time shee shall Remain
 My widdow: The use and Improvement of the Caspely Lower
 home in My Now dwelling house And the Cellar Under it and the priviledge
 of Improving My well and so Much of My Garden as shee shall need also
 so Much of My household Goods as shee shall need for her own use I also
 Give unto My wife yearly And Every year During the Time
 shee shall Remain My widdow: Ten Bushells of Indian Corn Two Bushells of
 Rye Two Bushells of Malt Eighty pounds of Good beef One Hundred and fifty
 pounds of pork Two Barrells of Cedar Ten pounds of flax Twingled Town
 for her use a Good Milder Cow kept winter and Summer winter for her use
 a Horse kept winter and Summer To Carry her To Meeting on Sabbath Day
 and To Towne as shee shall have occasion and so Many Appled Turneps
 and potatoes as shee shall need for her own use And a Gallon
 of Molasses
 I Give unto My Son Robertt the Sum of Twenty pounds, acout my What he
 hath already had of Me as part of said Sum
 I Give unto My Son James the Sum of Thirty pounds, he having no Trade
 I Give unto My Son Isaac the Sum of Twenty pounds
 I Give unto My Son Aaron the Sum of Twenty pounds
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 That shee shall have the Bod shee Now Lyeth upon as part of so Twenty pound
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 so Long Time as shee shall Remain a Single woman.

Item I Give and Bequeath unto My Two Sons Jeremiah and Thomas the whole of all My Estate both Real and personal To them their Heirs and assigns for ever To be Equally divided Between them Both as to quantity and quality They paying the aforesd Legacies and performing To My wife What I have willed to her In Equall proportion Between them Both.

Item My will is That My Son Jeremiah shall have The Space of two years next ensuing the Day of My decease to pay his Half of the Legacies I have Given to My Children and My Son Thomas shall have Three years next after My decease To pay his ~~the~~ half of d Legacies to My Children.

Item My will is That if My d Son Thomas shall decease before he arrives at the age of Twenty One years: That Then My Son James his Heirs and assigns shall have all the Estate I have Given to My d Son Thomas he-Doing and performable That I have willed My Son Tho^d to do and perform In This My will: and I do hereby Ordain And Apoint My d Two Sons Jeremiah & Thomas To be Executors of this My Last will and Testament hereby Hallifying and Confirming This and No other To be My Last will and Testament In witness whereof I have hereunto set My hand & Seal This First Day of March Anno Domini 1749 And in the Twenty Third year of his Majesties Reign

Signe Sealed & pronounced & Declard
by the d Tho^d Day as his Last will and
Testament is profored off

Thomas Day

Reuben Burnam

her
Mary x Lukeman
marks

Sam^a Waite

Essex: Ipswich June 11th 1750 Before the Hon^{ble} Thomas
 Berry Esq. Judge of Probate of Wills &c. In and for said
 County of Essex Cap^t: Samuel Waite Deuben Bunnam and
 Mary Lakeman. all personally appeared & made
 Oath that they were present & saw
 Thomas Day late of Ipswich aforesaid
 Set^l: Sign Seal, and heard him publish
 and Declare the within Written Instrum^t
 To be his Last Will & Testament: and when
 He so did he was of a sound disposing
 Mind & memory to the Best of their
 Discerning and they all at the same
 Time set to their hand in his
 Presence as Witnesses
 Sworn at Ipswich
 Upon w^{ch} this will is read approved & allowed the
 Exec^r: appeared & accepted that trust, and given
 in witness in 6 Day
 Tho^s Berry J^{ud} Prob

SOURCE:

Massachusetts. Essex, County of. "Essex County, MA: Probate File Papers, 1638-1840." Digital images. New England Historic Genealogical Society. <http://www.americanancestors.org> : 2014.