

HENRY LELAND'S WILL.

IN THE NAME OF GOD, AMEN—

The twenty-seventh day March, in the year of our Lord, 1680.

I, HENRY LAYLAND, of Sherburne, being sick and weake in body, but of sound and perfect memorie, praised be God for the same; and knowing the uncertainty of this life, on earth, and being desirous to settle things in order, do make this, my last will and testament, in manner and form following: that is to say,

First and principally, I commend my soul to Almighty God, my Creator, assuredly believing that I shall receive full pardon, and remission of all my sins, and be saved, by the precious death and merits of my blessed Saviour and Redeemer, Jesus Christ, and my body to the earth, from whence it was taken, to be buried in such decent and christian manner as, to my executors, hereafter named, shall be thought meete and convenient.

And as touching such worldly estate as the Lord, in mercy, hath lent mee, my will and meaning is, the same shall be imployed and bestowed as hereafter, by this my will, is expressed.

And first I doe revoke, renounce, frustrate, and make void all wills by me formerly made, and declare and appoint this my last will and testament.

I will that all those debts I owe to any manner of person, be well and truly contented and paid.

Item—Unto my deare wife, Margaret Layland, during the term of her naturall life, she remayning my widdow, I give and bequeath the use of that part or halfe of my dwelling house which we now dwell in, with the use of that part of the barne which is now in my improvement; two acres of tillage land, behinde the barne, or where else she shall make choice of it, within the two hundred acres: six acres of meadow, to be taken at the upper corner of Brown's meadow, the fruite of one half of the orchard in the upper side of the highway and about the dwelling house and barne. My mind and will is that my said deare wife, shall (until she shall see well to dispose the same to my son Eleazur,) enjoy to her owne use and behalfe, one half of the land, both upland and meadow, lying on the lower side of the way; and my will is, that immediately after my decease my son Eleazur, do enjoy the other half of the said tract of land lying on the lower side of the way; and that after my wife's decease, the whole said tract of lands, with all the rights, privileges and appurtenances thereto belonging, benefits, profits, and comodities therefrom arising, shall be and remayne wholly and solely to the said Eleazur and his, forever.

Item—I give to my deare wife, as her owne, to dispose what remains thereof, at her decease, among my children and grandchildren, as she shall see meete, all the household stuffs and necessary utensils, in that part of the house we now live in or pertaining to it, as also my mare; two cows, at her choice; all my swine, and all the fowls.

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And it is my minde and will, that my wife, from time to time, and at all times, as she shall have occasion, shall have liberty of free and uninterrupted recourse to and from house, barne, meadow, tillage-land, orchard, not only for herself, but also all such other as she seeth meete to employ, as also of keeping such creatures as she shall see meete and are needful for her use.

Further—My minde and will is, that my dear wife and my son, Eleazur Layland, do and shall pay unto Bethia Twitchell, when she, the said Bethia shall come of age, forty shillings.

Item.—To my eldest son, Hopestill Layland, I do give and bequeath the whole two hundred acres of land which I purchased of Mr. Lane, with my new dwelling house and barne, and all other buildings upon the said land, and all the rights privileges and appurtenances unto the said land and housing; especially all land and meadow, which, in any after divisions or allotments, may or shall be allowed or laid out, upon the right of the said living (excepting the above mentioned particulars willed to my deare wife, for her use during the tearme of her natural life, as aboves^d; all which, notwithstanding this gift to my son, Hopestill, she shall enjoy as abovesaid, and the reversion to be to him,) he paying out of the same in convenient time, that is so soon as may be, without extraordinary straitning himself, twenty pounds, in country pay, at this house, to my daughter Experience Colburne, and to my five grandchildren, now in being, forty shillings apiece, when they and as they shall attain to sixteen years of age; and excepting also, out of this gift, foure acres of meadow, hereafter otherwise disposed.

I also give to my son, Hopestill, one colt, and all the above mentioned particulars, to him bequeathed, to be to him and his forever.

To my son, Ebenezur, according to my agreement with my brother, Brazier, I give and bequeath the land I purchased of Goodman Holbrook, being sixty-seven acres of upland and five acres of meadow, as also four acres of meadow; to be taken in Brown's meadow, next the ditch throughout, provided he help his brother, Hopestill, to set up the remainder of fence about the said Brownes meadow. I also give unto my said son Ebenezur, that paire of my oxen which are now in his keeping, and the spaid mares colt, if he can finde it, to have the several p'iculars to him bequeathed, to him and his forever.

To my son Eleazur, above and besides the above bequeathed land, I give one cow, to be chosen by him out of my cows, after his mother hath chosen hers; and I give to him also, the colt which came of the mare that Goodman Breck had.

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Item—I do constitute andap pointe my eldest son Hopestill, and my deare wife Margaret, joint executors of this, my last will and testament, hereby investing them with full power to call for and receive all debts and dues, to the said estate appertaining, either in or out of this jurisdiction. Nevertheless, my minde and will is, that my wife shall not be burdened with the payment of debts, but that matter to be wholly performed by my son Hopestill.

And I constitute my loving brother, Robert Balcock, overseer of this, my last will and testament, intreating his utmost care and endeavor that all things be ordered as is herein expressed. And I do sollemnly charge and command my children, each one, as they expect God's blessing with and upon what they receive, to avoid strife and discontentment, and to live in peace and unity one with another.

MEMORANDUM. Before signing and sealing, it was willed, by Heury Layland, *that* if his wife should change her condition she shall have liberty to take her thirds of the estate, according to law, instead of that which is given in this will, upon that condition (during her remaining his widow.)

HENRY LAYLAND. [L. s.]

This will was read to Henry Layland, and by him declared to be his last will and testament, in presence of

{ JAMES HOLBROOK,
{ THOMAS MIGHELL.

Thomas Holbrook, and Thomas Mighell, witnesses, made oath before Wm. Stoughton, Esq., and Joseph Dudley, Esq., assistants, 8 June, 1680, that they were present and did see and heare Henry Layland signe and seale and publish this instrument to be his last will; and that then he was of disposing minde, to their best understanding.

As Attest,

ISA. ADDINGTON, *Cler.*
