

Camden County, New Jersey

Will of Philip Stoy

(1767 - 1852)

Transcribed February 2001 by A Hennings

Names listed with relationship or function as indicated in the document
(surnames in parentheses are married names of females):

Catherine (Stoy), wife
James Stoy, deceased son
Abel Nicholson
Sarah (Braddock), daughter
Asa Braddock, second husband of Sarah
Mariah (Burrough), daughter
Samuel H Burrough, husband of Mariah
Ann (Bates), daughter
Eli Bates, husband of Ann
Daniel R Stoy, son
Elizabeth Dorsey
Joseph C Stoy, son & executor
John E Hopkins
Jacob L Rowand, friend & executor
John Clement
Thomas Evans
Joseph Saunders
William E Hopkins
Samuel R Stoy, son
William Goldy
Samuel Nicholson
Josiah E Coles
Charles French
Philip Stoy Jr, grandson & son of Samuel R
John Horner, grandson
Clement Horner, grandson
Charles Stoy, grandson & son of James
Sarah Ann (Stafford), granddaughter & daughter of James
John Stoy, grandson & son of James
Eliza Stoy, granddaughter & daughter of James
James Stoy, grandson & son of James
Mark Ware
John Hendrickson
William Hendrickson
Samuel S Albertson, witness

Samuel Githen, witness
John Gill Jr, witness
Isaac H Porter, surrogate

The following was transcribed from the microfilmed files of wills in the New Jersey State Archives, Trenton, New Jersey, number 274D, Camden County. The transcription is rendered as accurately as possible, including any misspellings, with the exception of the use of the script "f", which is transcribed as "s".

Philip Stoy's Will

Admitted to Probate September 14, 1852
and Recorded in the Surrogates office of
Camden County in Book A of Wills page 520
[signed] J J. H. Porter Surrogate

I Philip Stoy of the Township of Delaware in the County of Camden and State of New Jersey being far advanced in years, weak in bodily health, but of sound, disposing mind, memory and understanding, (for which blessing I thank God) do make, constitute publish and declare this instrument, written on four half sheets of foolscap paper (secured together by a parchment cap and three metallic eye-lets) to be my Last Will and Testament; herein and hereby revoking and annulling all last Wills and Testaments by me theretofore made.

First - I direct my Executors herein after named to pay all my just debts and funeral expenses out of my personal estate.

Second - I give and bequeath unto my beloved wife Catharine Stoy, the farm and premises whereon I now live, situate in the Township of Delaware aforesaid, containing one hundred acres of land, be the same more or less. Being the same plantation and tract of land conveyed to me and my son James Stoy by Abel Nicholson, by deed dated the 6th day of February A.D. 1823 and of record at Woodbury in Gloucester County in Liber LL of deeds, folio 101, and of which the said James Stoy conveyed his moi[e]ty or half part to me by deed bearing date the first day of August A.D. 1828, of record in the same office and in Liber X3 of deeds folio 191. Together with the buildings and improvements thereon; she to hold use and enjoy the same, or the rents, issues and profits thereof, during her natural life, keeping the buildings and fences in good repair out of the income to be derived from said farm and premises. She shall cut no wood or timber thereon except for her own firewood, or for the necessary repairs of the buildings or fences. I also give unto my said wife one hundred dollars in money, to be paid to her out of my personal estate, one bed, bedstead and sufficient bedding for the same, she to have her choice of those in the house, one bureau and such other household goods and furniture as she may select after appraisement, not exceeding in value fifty dollars.

Item 1st - I give and bequeath unto my three daughters, to wit: Sarah Braddock, wife of Asa Braddock, Mariah Burrough, wife of Samuel H. Burrough and Ann Bates wife of Eli Bates as tenants in common in equal parts, all that plantation and tract of land with the improvements and appurtenances thereon, containing one hundred acres more or less, situate in the township of Delaware aforesaid, and herein before particularly described, being the same farm and premises whereon I now live to hold to them and to their heirs and assigns forever in fee simple absolute. Subject nevertheless to the life estate and occupancy of my wife Catharine Stoy as herein before bequeathed. In consequence of my having heretofore

given to and paid for my daughter Sarah Braddock in her first-husbands time, a considerable amount of money, and in order to secure my said daughter's shares in my estate more equal, I do further bequeath to my daughters Maria Burrough and Ann Bates the sum of one hundred and fifty dollars each, to be paid to them respectively out of my personal estate by my Executors.

Item 2nd - I give and bequeath unto my son Daniel R. Stoy all that small farm in Delaware Township called the "Cherry Hill Place," containing twenty eight acres of land to be the same more or less: being the same lot or piece of land which Elizabeth Dorsey and others by deed bearing date the 3rd day of March A.D. 1825 and of record in the clerk's office of Gloucester County at Woodbury in Liber PP of deeds folio 393 did convey to myself and James Stoy; and of which the said James Stoy and wife by deed dated the sixth day of January A.D. 1837 did convey his undivided moi[e]ty or half part to me to hold to him my said son Daniel R. Stoy and to his heirs and assigns forever in fee simple absolute.

Item 3rd - I give and bequeath unto my son Joseph C. Stoy and to his heirs and assigns forever in fee simple absolute, all the following described lands and real estate, to wit: all that farm and plantation in Newton Township, bounded by Cooper's Creek, land of John E. Hopkins and others, containing forty two acres more or less, together with all the several lots and pieces of land and wharves on Cooper's Creek, which I purchased at the sale of the real estate of my son James Stoy deceased, and which are marked and numbered in the advertisement of said sale as Lots No. 19, 20, 21 and 22, and fully set forth and described as such in a deed of conveyance to me by J. L. Rowand and Joseph C. Stoy administrators of said estate, bearing date the sixth day of July Eighteen hundred and forty four (1844). By this bequest I include all the land and real estate with the appurtenances thereon, in said deed mentioned and particularly described by metes and bounds. I also give and bequeath unto my said son Joseph C. Stoy all that lot of land containing three acres and eighty-hundredths of an acre, more or less, situate on the westerly side of the road leading from Haddonfield to the landings on Coopers' Creek, being the same lot or piece of land which I purchased of John Clement, Thomas Evans and Joseph Saunders Commissioners appointed to sell certain real estate of William E. Hopkins deceased, by deed bearing date the fifth day of January Eighteen hundred and thirty nine (1839) subject never the less to the rights and privileges herein after bequeathed to my son Samuel R. Stoy, his heirs and assigns, to have and maintain a private road one rod wide over the last mentioned lot, and extending along the line of William Goldy's land, from the land hereon after bequeathed to my said son Samuel to the aforesaid Haddonfield and landing road. My reason for leaving to my said son Joseph C. Stoy more real estate than any other of my children is this: - he holds a note against me for money borrowed of him to assist in the payment of the property hereon bequeathed to him, for the principal sum of sixteen hundred and ninety three dollars or thereabouts, in which said note there is a balance due him of about twelve hundred dollars; also, a bond and mortgage which I gave to Samuel Nicholson to secure the payment of one thousand dollars on the same premises; which said bond and mortgage have been assigned to said Nicholson to my said son Joseph C. Stoy. Now my will is, that my said son Joseph C. Stoy shall be paid out of my personal estate the sum of five hundred dollars, together with all the interest which may be due on said bond and note at the time of my death. Which said sum of five hundred dollars and interest-due thereon, shall be considered as a full discharge or payment of said bond and note - by my estate, in consideration of the large bequests as aforesaid.

Item 4th - I give and bequeath unto my son Samuel R. Stoy and to his heirs, all that farm and real estate in the Township of Newton, now in the occupancy of my son Daniel R. Stoy bounded by lands of Josiah E. Coles and others, containing thirty nine acres of land be the same more or less, being that same property which was purchased of Charles French by deed dated the 24th day of March A.D. 1817 and of Josiah E. Coles by deed dated the 5th day

of October A.D. 1821 and of record in the Clerk's office of the County of Gloucester at Woodbury in Liber JJ of deeds folio 467. To hold to him the said Samuel R. Stoy for and during his natural life, and after the death of the said Samuel to go to his children, and be equally divided between them if more than one. And it is further my will that if my said son Samuel should die without leaving lawful issue of his own body, that the farms and real estate above bequeathed to him, shall be sold by my Executors or their legal representatives, and the money arising from said sale, be equally divided among my other children and their legal representatives if any should have previously deceased. I also bequeath unto my said son Samuel and to his heirs and their assigns, the right and privilege to have a private road across one side of the lot herein bequeathed to my son Joseph C. Stoy to be one rod wide and to be opened along the line of William Goldy's lot, and extending from the farm herein bequeathed to him to the Haddonfield and landing road.

Item 5th - I give and bequeath unto my grandson Philip Stoy, Jr. son of Samuel R. Stoy three hundred dollars (\$300) and to my two grandsons John Horner and Clement Horner fifty dollars each to be paid to them respectively by my Executors out of my personal estate.

Item 6th - I give and bequeath unto my grandchildren Charles Stoy, Sarah Ann Stafford, John Stoy, Eliza Stoy, James Stoy and Aaron Stoy, children of my son James Stoy deceased, the sum of three hundred dollars each, making the total amount of eighteen hundred dollars, to be paid to them severally by my Executors out of my personal estate.

Thirdly - I do order and direct my Executors hereinafter named to sell all the remainder of my moveable property, consisting of household goods etc.-, settle my accounts and collect all moneys due to me and bond, note, book account or otherwise. Also, to sell and convey the balance of my real estate to wit: about fifty acres of bush land near Gibbs Borrough and seven acres and eighty-four hundredths of an acre bought of Mark Ware, Sheriff which was sold by said Sheriff as the property of John and William Hendrickson. And I do hereby fully empower my said Executors, to sell and convey all the real estate in this will ordered to be sold, in due form of law, and make, execute, acknowledge and deliver all deeds of conveyance in fee simple which may be necessary in the premises.

Fourthly - After the settlement of my estate - and the payment of the several legacies herein bequeathed, together with the fees and expenses of settling my estate, it is my will, and I do order and direct - that the balance of money remaining in the hands of my Executors, (if any), be equally divided among all my children, share and share alike, this part or share which would have been received by my son James Stoy if living, to be equally divided among his children share and share alike.

Fifthly - Having disposed of my estate - among my children and grandchildren, in a manner which I consider to be both equitable and just, it is my will and desire, that after I am gone, there shall be no disputings or difficulties among my heirs respecting the settlement and division of my property. I therefore will, order and direct in the most positive and solemn manner, that if any of the foregoing named heirs and legatees, shall raise or make any dispute; trouble or difficulty about any part of share bequeathed to him or her or of that bequeathed to any other of the said heirs or legatees, or shall not be satisfied to receive his or her part or share and be contented therewith without complaining, he or she making such difficulty or trouble shall be forever barred from having or receiving any portion of my estate. And any part or share left to the one so disputing, refusing to receive and be satisfied, or making any trouble there about, shall be forfeited thereof, and the same shall be equally divided between my other children and the representatives of any deceased child in the same manner as provided for the distribution of the residue of the monies in my executors hands.

Finally. I nominate and appoint my son Joseph C. Stoy and my trusy friend Jacob L. Rowand to be the Executors to this my Last Will and Testament.

In testimony whereof, I, Philip Stoy the testator herein named have hereunto set my hand and affixed my seal the sixteenth day of March Anna Domini Eighteen hundred and fifty-two. 1852

[signed] Philip Stoy

Signed, sealed, published and declared by Philip Stoy, the testator herein named, to be his last will and testament in the presence of us, whose names are hereunto subscribed as witnesses at his request, in his presence and in presence of each other.

[signed] Sam^l S Albertson Samuel Githen John Gill Jr.

Camden County SS Samuel S. Albertson one of the witnesses to the within will being duly affirmed on his affirmation oath, that he saw Philip Stoy the testator therein named sign and seal the same; and having him publish pronounce and declare the within writing to be his Last Will and Testament; and that at the doing thereof, the said testator was of sound and disposing mind and memory, as far, as this affirmant knows and as he truly believes and that Samuel Githen and John Gill Jr. the other subscribing witnesses were present at the same time and signing their names as witness to the said will together with affirmant in the presence of the testator and in the presence of each other.

Affirmed and Subscribed September 14th A D 1852 before me. [signed] Sam^l S Albertson

[signed] Isaac H. Porter Surrogate

Camden County SS Joseph C. Stoy and Jacob L. Rowand, Executors in the within testament named being duly affirmed on their respective affirmations say, that the within instrument contains the true Last Will and Testament of Philip Stoy, the testator therein named. So far as they know and as they and each of them truly believe; thus they will well and truly perform the same, by paying first the debts of the said deceased and then the legacies in the said testament specifying. So far as the goods, chattels, and credits of the said deceased can thereunto extend; thus they will make a true and perfect inventory of all and singular the goods chattels & credits of the said deceased thus have or shall come to their knowledge or possession or to the possession of any other person or persons for their use, and deliver the same to the Surrogate of the County of Camden to be exhibiting into the ?? office at Trenton and render a just and true account when thereunto lawfully required.

Affirmed Subscribed September 14th AD 1852 before me [signed] Joseph C. Stoy J. L. Rowand

[signed] Isaac H. Porter Surrogate