

WILL of JOHN HOCHSTETLER

Will of John Hogstadler [misspelled], 1805, of DJH family 2.

John Hogstadler [misspelled], of Elk Lick Township, Somerset county, in the state of Pennsylvania, considering my mortality do make this 15th day of March in the year of our Lord and Saviour Jesus Christ, one thousand eight hundred and five, my last will and testament. My last will and testament is as follows: First my executors are to bury me in a Christianlike manner. Secondly, my executors shall procure maintenance for my wife, Ann, that she can live well and in peace.

If my son John will let her have for a reasonable rent this little house and some garden and about 12 perches for potatoes, and she is willing to remain there, then all is well as long as they can live together in Peace and Love. But if this cannot be as before mentioned then my son Henry is to give her maintenance that she may be able to live in peace and love. And if my wife Ann wants to milk a cow from the first day of May for 5 or 6 months, she has nothing in the cow, as before mentioned, a good easy milk cow yearly as long as she lives or wants her, and the executors shall, pay it out of the estate whatever is equitable and just and give it to her wherever she may be. It is to be paid out of the estate as before mentioned or if she does not want to milk it, herself, she is to have thirty pounds of butter yearly as she wants it during the summer, good fresh butter in the fall, the remainder till she has thirty pounds; and four hundred good wheat flower, half a hundred at a time, and ten pounds good fresh pork and five and twenty pounds of well salted and smoked meat, one kind gammon (ham) must be amongst it and twelve pounds good sugar and half a bushel of good salt and six bushels of good apples, two bushels of which are to be sweet apples, and twelve dozen good eggs, and fifteen pounds good swingled flax. All these before mentioned things or articles shall be given to her yearly as long as she lives and paid out of my estate,-and further she is to have ten pounds of good beef, yearly. Further she is to have my baking tub, my old bound iron kettle, dough trough, three bread baskets, three good bags of each piece of new cloth, the one half my bedsteads, chaff-bag cover with two cases, pillows with two cases, my small cupboard in the bedroom, half a dozen good tablespoons, a small copper kettle, 2 sheets, 2 table cloths, 3 towels (but I forgot to mention if she wants to milk, herself, she shall have fourteen good milk crocks and a cream crock, but if she does not want to milk, then this article is void), and my cast skillet, a spinning wheel and reel, and 2 good buckets, one tin and one wooden, 2 bottles, 3 tin cups, one arm chair, one chair, a vinegar keg, a butter tub, 3 ladles, skimming ladle, soup ladle and cook ladle. My large chest with double drawers, my small table. Further shall she take what she did bring with her, except her old bed and her chest and the money which she has outstanding for spinning in the forty shillings or thereabouts. So we have agreed together. But the money I received from the estate of the deceased Uly Shrag, twenty-

one pounds, my executors shall take yearly out of said money, three pounds instead of out of my estate and pay with it all what is above mentioned as out of my own money and give her yearly out of said money three dollars for to buy some small articles that she may want.

This makes yearly four pounds, 2 shillings and six pence. And if she lives so long till the before mentioned twenty-one pounds are expended, then three dollars are to be given to her yearly out of my estate.

And if she should fall into weakness or sickness then my executors shall procure attendance for her as it is right and equitable as if it was your own mother, for she is my flesh and bone. She is very faithful to me. But now I say as our plans are very uncertain, if accidents should happen, that it would not suit with John or Henry as before mentioned for to maintain her, then my executors and some trusty brethren are to consult with my wife where she is to go to be maintained well and is to be given her out of my estate, six pounds and what remains out of the before mentioned twenty-one pounds is to be given to her, also all what is necessary for her maintenance. And 3, thirdly, it is my will that my wife Ann shall not draw the third part of my estate nor her heirs or executors, -No person shall attempt to deprive the children of my body of anything. 4. After my decease my executors, Freny, Catherine, Aneli, Joseph, David, Daniel and Jonathan, the said nine children shall meet together, and my mare, and cow, and house clock, stove, carpenter and joiner tools, books, beds and cupboard in the room, and all other small articles shall be divided amongst the said nine children in peace and love or sold to the highest bidder and the greatest articles which will run high into money, my executors shall give to him that is lowest in inheritance. You will find it in my book, also notes. Me and my wife Catherine have well considered these things that my son John shall draw nothing more for he has received already more value than any of the other children.

I wrote all that I shall leave behind but the money for the mother is to be taken out of the first. Now I write for my son John. Further when he moved away from me I gave him to the amount of fifty pounds in good gears and a horse, a cow, a rifle and land and fetched him in the glades, and before that I gave him a horse, feed and provisions to ride up and make his improvement. These two articles are behind yet and not counted and now I count these two articles, twelve pounds and fifty pounds. He has paid on the place \$1,100.50. Fifthly, now I will give my reasons how and why my son John shall not come in for his share. At the time when all my children came together for to make a bargain, I had his place on payment. The next day he came to me and begged of me till I gave him another bargain, and he shortened me very much in the orchard, as the first bargain when the fruit did not turn out well I was to have the fourth or sixth bushel, and if it turned out well I was to have fifteen bushels and the sixth gallon of cider and I have deprived my children because I gave him his installments back again and my son-in-

law, Abraham Miller, offered to give one hundred pounds more in hand. These hundred pounds are now so far behind that they would not pay the interest if a person would borrow one hundred pounds for such a length of time. Those articles make my conscience clear but why have I done it. Me and my wife K. have repented it all our lives, not that I blame him now, I have done it myself, John does not pay much more than the rent from the place.

In this fourth article in the last line I have written closely, which reads as follows "and fifty pounds he has in the place," and so John has. For the other children have to borrow money and pay interest. Therefore it is my will that my second son John shall not have any share or right in my estate. Neither him, his heirs or executors. Now I say that in the second article I have enclosed one line, this is void. 6. Sixthly, Jacob, Freny, Katherine, Anely are so far behind in their inheritance, it is my will and I bequeath to them the tract of land in the Allegheny, to wit, 322 acres with a clear deed and draft.

Jacob, my eldest son, shall sell it, take pay for his trouble and then divide it with his three sisters, Freny, Catherine and Aneli in equal shares in peace and love. Seventhly, my executors are to examine what each of them before named nine children, Jacob, Freny, Catherine, Aneli ought to have. From Money that first comes in they shall give till each has one hundred pounds and then it begins with Jacob. He draws twelve and so each of the before named nine children according to their ages till the youngest. What is for the maintenance of the mother always goes before while she lives, and so it goes in shares as before mentioned till the last. If it is not even make it equal as good as you can.

Further I have considered that I mentioned the clock among the movable property. Now I say that I promised the clock with the case to Henry for ten pounds, because Henry promised to maintain my wife Ann and to take care of her as is right and equitable.

He shall have her for that reason. 8. Eighthly, I bequeath my herb book to my youngest son Jonathan that he shall have it. He has also paid to me the amount of fifty shillings. Therefore this herb book is not to go into the division, and shall not be sold or lent to strangers and not given to young and careless people, and now I tell you my son Jonathan that you shall take care of my wife for I gave you the first chance. 9. Ninthly, I do nominate and appoint my two sons, Jacob and Henry Hogstatler of Elklick township executors over all of my estate and I give them power and authority to collect debts and also to pay them and to sign and assign in my name bills of sale, deeds, notes or bonds or whatever a man owns that requires signing, and that with such power and authority as if I signed it with my own hands. If in one or other article or anything you should happen on that would give dispute between my heirs, then my executors shall determine and no man shall overset their decision.

This is my last will and testament signed and sealed with my own hand and seal before witnesses. The executors and the heirs shall be without blame for my word or will.

Witnesses:

Henry Yoder, Christian Yoder, Yost Yoder.

Registered on April 15, 1805.

The executors of this estate charged themselves with a total of all kinds of property, \$2,971.89; paid debts and expenses, \$155.89, leaving a balance of \$2,816.00. This included all personal property, notes, bonds, etc. Among those who were in debt to the estate were John Hochstetler, in bonds, \$1,733.33; Daniel Hochstetler, in bonds, \$266.33; David Hochstetler, in notes, \$106.67; Henry Hochstetler, in notes, \$240.00; Daniel Hochstetler, owed on the books, \$4.83; John Schrock, owed on the books, \$2.60; Freny Schrock owed on the books, \$1.67. Among the personal property were three large bibles and eighteen hymn and psalm books, valued at \$16.00, evidently kept for sale.

The clock named in this will was given by his son, Henry, to his own daughter, Mary Gerber, who kept it till her old age when she was persuaded by a peddler to let him have it in exchange for a new clock worth perhaps three dollars. All efforts to secure its return failed.

The herb book mentioned in the will, which was to go to his son, Jonathan, was undoubtedly a book of Egyptian Mysteries which was considered in those days, a rare treasure. Such books were very jealously guarded by their owners as they were supposed to convey knowledge of magical arts. All efforts to find this book have failed.