

Probate of Benjamin Boyer (1865)

Somerset County, Pennsylvania

Submitted by Susan McNeil-Cheyney

Page 1

Recorded Vol 8 1865 page 45

No. 55 1865

Rule on the heirs
& Legal Representatives
of

Benjamin Boyer dec'd

7th Feby 1866 heirs

being called all
make default, by

the court of

M. H. Boyles...

December 21st 186?

Served copy of this rule

on Elizabeth Boyer (widow)

Roseann wife of William

Dively Susanna wife

of George Gloss personally,

on Mary Ann Martz by

leaving copy at her

residence with her

son Harmon Martz

on Henry Hay Guardian of

the miners of Hariet Wilkey

dec'd on Therisa wife of

Jonas Sill Elizabeth wife

of Francis Fantz & on Caroline

wife of Michael Hayman

by publication in ?

County papers for six

Weeks.

Josiah Shafer

Shff Shafer \$6.45

Publication in papers 6.00

\$12.45

K...& Schell

(in margin) To accept or refuse to take the Real Estate or show cause

why it should not be sold.

Somerset County SS

Josiah Shafer Shff being duly affirmed says that he served the witness rule personally and by copy (twenty days prior to the return day of this writ) on all the heirs within named (residing in Somerset County) either personally or by copy.

Affirmed and subscribed

before me 5th Feb 1866

Jno H. Boyls} Josiah Shafer

Clk

Page 2

Somerset County SS

At an Orphans Court held at Somerset in and for said County on the 13th day of November AD 1865 Before the Honorable the Judges....

On motion of Koontz & Schell Esq. the Court confirms the Inquisition on the Real estate of Benjamin Boyer deceased and grant a ... on the heirs and legal representatives of decedent to be and appear at an Orphans Court to be held at Somerset in and for said County on the first Monday of February next 1866 to accept or refuse to take the real estate of said deceased at the appraised price or show cause if any why (sic) the same should not be sold.

Extract from the records of said Court. Certified this 13th day of November AD 1865

John H. Boyts clk

Elizabeth Boyer (widow)

1 Mary Ann Martz

2 Theresa Sill Intermarried with Jonas Sill of Bloomington, McLean County Illinois

3 Elizabeth " with Francis Fantz of Bloomington McLean

4 Harriet Now deceased who was intermarried with Henry Wilkey, Somerset County, Pa.

5 Roseann Intermarried with William Dively of Northampton Township Somerset County PA

6 Susanna Intermarried with George Glauss of Northampton Township

7 Caroline Intermarried with Michael Hayman of Donegal Tp Westmoreland Co., PA

Heirs of Harriet who was intermarried with Henry Wilkey leaving issue Eliza Catharine Wilkey, Alvin E. Wilkey both of Northampton Twp of whom Henry Hay is guardian. Benjamin Wilkey of Donegal Twp. Westmoreland Co of whom Henry Hay is Guardian ad ...

Page 3

Vol. 8 – 1865/Boyer 413

No. 55 1865
Inventory and appraisement
Estate of
Benjamin Boyer
Late of Northampton twp...
taken by the widow
28th August 1865
appraised and ordered to
be recorded by the Court.

John H. Boyts

Clk

Koontz & Schell

Received July 22 1865 of David Dickey Adm of Benjamin Boyer the
property appraised as within stated.

Attest Elizabeth X Boyer

S. Elrick her mark

Gideon Bauman

Page 4

To David Dickey Adm of the Estate of Benjamin Boyer late of
Northampton township Somerset Co Pa decd. David Dickey you are
hereby notified to set about? to my use three hundred dollars worth
monies proerty & c out of the estate of my husband deceased in
accordance with Acts of Assembly in such case made and provided.

Attest Elizabeth X Boyer

Daniel Shank her mark

Gideon Bauman

I David Dickey Adm do hereby appoint Gideon Bowman & Daniel Shank
to appraise the goods, monies and c may be taken by Elisabeth Boyer
widow of Benjamin Boyer deceased.

David Dickey

Adm.

Somerset County SS

Personally appeared before the widow and a Justice of the Peace in &
said for County Gideon Bowman Daniel Shank & Samuel Elrick who
being duly sworn according to law say that they will well and truly
appraise & set apart the property of the said deceased, to the value of
three hundred dollars. Elected(?) by Elisabeth Boyer the widow of
Benjamin Boyer...and in all respects perform their duty as appraisers in
said estate...the impartiality & fidelity to the best of their ... and skill.

Sworn and subscribed before me July 22 1865

David Dickey, J.P. }

Daniel Shank

Gideon Bauman

Samuel Elrick

Page 5

Inventory & appraisement of the Estate of Benjamin Boyer late of Northampton township deceased slected by Elizabeth his widow, appraised by ...

One cow	25.00	
One kettle	.25	
One stove and pipe	9.00	
One butter churn	1.00	
Twenty nine crocks	.29	
One smoothing iron	.25	
One bureau	5.00	
One bed	8.00	
One rocking chair	1.00	
Two plates 2 cups and saucers	.25	
One Promissory note...		
H. D. and John A. father		
And Simon Kayworth	161.25	
(or Hayworth)		
by cash	<u>88.71</u>	
	\$300.00	

Page 6

We do hereby certify that the foregoing is just & true Inventory of the goods & chettles ... & credets of Benjamin Boyer late Northampton township decd taken by the widow and appraised by us ...our...this 22nd day of July 1865.

David Shank
Gideon Bauman
Samuel Elrick

Page 7

Vol 8 – 1865/page 402

No. 55 1865

The petition of Mary Ann Martz, ...daughter and heir at law of Benj. Boyer for inquest.

1 Sept 1865 Inquest
awarded by the court

John H. Boyts
Clerk

Writ issued
K&L

Page 8

To wit Honorable the Judges of the Orphan's Court of Somerset County.

The petition Mary Ann Martz widow of William Martz decd, and daughter & heir at law of Benjamin Boyer late of Northampton Township decd, respectfully represents. The the said Benjamin Boyer died on or about the 18 day of June AD 1865, intestate, seized in his ... as of fee, of and in a certain...and tract of land, situate in Northampton Township, Somerset County Penna, adjoining lands of Henry Bittner, William Martz, Chistian Warner & Fiedrick Eugelka. Containing two hundred & thirty acres more or less, with the appurtenances, leaving to survive him a widow, Elizabeth Boyer, and seven children to wit, your petitioner, Theresa Sill intermarried with Jonas Sill of Bloominton, McLean Co, Illinois, "Elizabeth, intermarried with Francis Fantz, of Bloomington, McLean Co., Illinois, "Harriet, now deceased who was intermarried with Henry Wilkey, leaving issue Eliza Catharine Wilkey, Alvin E. Wilkey both of Northampton Tp of whom Henry Hay is guardian "Benjamin Wilkey of Donegal Tp. Westmoreland Co. of whom Henry Hay is guardian, ...Roseann, intermarried with William Dively of Northampton Township, Somerset Co. Pa. "Susanna, intermarried with George Glauss of Northampton Township, Somerset County Pena, and "Caroline, intermarried with Michael Hayman, of Donegal Tp. Westmoreland Co. Penna: that under and by virtue of the intestate laws of this Commonwealth it belays to the said Elizabeth Boyer, widow, to have one equal third part of said real estate for and
(over)

Page 9
owning(?) the term of her life, and to the said heirs ...their respective shares of said real estate in fee.
An partition of said real estate having been had, the petitioner prays the Court to award an inquest to make partition of said real estate to and away the aforesaid parties, according to their respective rights
And she will ... pray &..
Mary Ann X Martz
Her mark
Somerset County SS
Personally appeared Mary Ann Martz who being duly affirmed according to law, says, that the foregoing petition is correct & true & further saith not.
Affirmed & subscribed
Before me this 28th day } Mary Ann X Martz
Of Aug, 1865, her mark
John H. Boytz
Clerk

Page 10
No. 55 1865

Sale List in the Estate
Of Benjamin Boyer
Late of Northampton
Tp. Decd.
Filed 30th Augs 1865
John H. Boyts
Registrar
"K&L"

Page 11
List of Sale of the Estate of Benjamin Boyer Late of Northampton
Township, Decd
August 11th 1865

Census information for Benjamin BOYER and his wife Elizabeth

1880 Census, Somerset County Penna
ED:17, Northampton, hw-page 5

DIVELY, William (48) Father, Farmer, Pa
, Roseanna (48) Wife, Keeping, Pa
, Simon W (23) Son, Farm Labor, Pa
, Aaron H (13) Son, Pa
, George A (10) Son, Pa
, Jonas C (6) Son, Pa
BOYER, Elizabeth (89) Mother-in-law, Paralized in bed 2 yrs 6 months,
Pa

1870 Census, Somerset County Pa
Northampton Township, page 414A, hw-23

DIVELY, William (38) Laborer, \$2000/\$1000, Pa
, Rosana (38) Keeping House, Pa
, Jonathan (15) Works on farm, Pa
, Simon W (13) Works on farm, Pa
, Samuel W (11) Works on farm, Pa
, Aaron H (3), Pa
, George H (6/12), Pa
BOYER, Elizabeth (79) At Home, Pa

1860 Census, Somerset County Pa
Northampton Township, hw-page 168, stamped page 338

BOYER, Benjamin (66) Farmer, \$2,000/\$330, Penna
, Elizabeth (69), Penna
WILKEY, Eliza (12), Penna

1850 Census, Somerset County Pa
Allegheny Township, page 147B

BOYER, Benjamin (54) Farmer, \$2000, Penna
, Elizabeth (59), Penna
, Lucy A (18), Penna
, Susan (15), Penna
BISEL, Benjamin (7), Penna

1840 Census,
Somerset Pa
Allegheny Twp, pg 15

BOYER, Benjamin
1 Male 5-to-10
1 Male 15-to-20
1 Male 40-to-50
2 Females 5-to-10
2 Females 10-to-15
2 Females 15-to-20
1 Female 30-to-40

1830 Census,
Somerset Pa
Allegheny Twp, pg 60

BOYER, Benjamin
1 Male under-5
1 Male 5-to-10
1 Male 30-to-40
2 Females under-5
2 Females 5-to-10
1 Female 10-to-15
1 Female 30-to-40

1820 Census,
Somerset Pa
Allegheny Twp, page
140

BOYER, Benjamin
1 Male 16-to-26
3 Females to-10
1 Female 16-to-26
1 in Agriculture
Occupation

Reformatted: 25 April 2022