

GASPÉ OF YESTERDAY

THE 1829 WILL OF JAMES GILKER

Son of George and Prudentin Harris Gilker, James, born c.1769, was the "Keeper of His Majesty's Gaol at New Carlisle" in 1829 when he had Martin Sheppard, N.P. draw up his Last Will and Testament. References to land holdings and to his legatees are of historic interest.

Ken Annett

THE 1829 WILL OF JAMES GILKER

The published GENEALOGY OF THE CASCAPEDIA BAY LOYALISTS shows James Gilker as the eldest of eight children born to George and "Prudence" Harris Gilker. He was born circa 1769, some fifteen years before the settlement of the Loyalists in Gaspesia. His father died in 1802 but his mother, mentioned in the above Will lived on for more than two decades.

As of the end of July, 1829 James Gilker was resident in New Carlisle and the "Keeper of His Majesty's Gaol". It was there in the "apartment reserved for the Gaoler on the East side of the said Gaol" that Martin Sheppard, N.P. met with him to draw up his Last Will and Testament", describing him as -"sick in body but of sound and disposing mind, memory, hearing, judgment and understanding." The provisions of his Will are of particular historic interest as James Gilker was representative of the first generation of pioneer English settlers of Gaspesia.

EXECUTORS/
WITNESSES

As the executors of his Will James Gilker named and appointed two of his brothers, viz.

John Gilker, Esquire, One of His Majesty's Justices of the Peace, resident at New Richmond.

Samuel Gilker, Farmer, of New Richmond.

The witnesses to the signing of the Will were two New Carlisle merchants of that time, Messrs Duncan Hay and John Robson. Reference to Duncan Hay can be found in a previous article of GASPÉ OF YESTERDAY, No. 67, "MEET SOME GASPESIANS OF 150 YEARS AGO"

John Robson appears in other Deeds of Martin Sheppard,

FAMILY
DATA

The first wife of James Gilker, Elizabeth Murray, had died prior to 1829 and he had remarried with Jane Clarke. Children of the first marriage that appear as legatees in the Will were sons George, William, Henry and daughter, Ann. Children of the second marriage that appear as legatees were Robert, Mary Jane, Eleanor and James.

PROVISIONS
OF THE WILL

- * To his son George of the first marriage with Elizabeth Murray, a minor, "...Lot Number Fifty three in the second range of Town Lots in New Carlisle, containing one square acre."
This lot had been given to James Gilker by his mother, Mrs. Prudentin Gilker, on the condition that it should revert to her grandson, George, upon his father's death.
- * To his son George, above, and to William, Henry and Ann Gilker, issue of his first marriage with Elizabeth Murray, equal parts, shares and proportions of the following:
Lot No.8 at Port Daniel in the first concession of lots of the Township of Port Daniel, containing one hundred acres on a front of three acres...bounded in front by the Bay des Chaleurs.
And also Lot Number Forty nine in the second concession of the Township of Port Daniel containing two hundred acres on a front of six acres.
- * To his son Henry, above, and to Robert, Mary Jane, Eleanor and James Gilker, minors and issue of his second marriage with his present wife, Jane Clarke, the following property:
A certain lot of land Number Forty in the second range of Town Parks in the rear of New Carlisle, containing eight acres on a front of one acre.
As also one Lake Lot (yet to be resurveyed) to contain one hundred acres on a front of three acres in the second concession of the (?New?) Lake, bounded in front by Lake lot number twenty one claimed by Mrs. Widow Kempffer, or her representatives, in rear by waste lands of the Crown, on the East by the prolongation of the eastern boundary line of lot Number twenty-one and on the West by the western boundary line of the said lot...
As also the Lots of land Number Thirteen and Fifteen in the first range of Town Lots in New Carlisle containing each one square acre.

PROVISIONS
OF THE WILL
(ctd)

And also Lots Number Forty seven, Forty eight and Forty nine in the second range of Town Lots of New Carlisle containing each number or lot one square acre.

As also all the stock at present belonging to him, the said James Gilker, consisting of four milch cows, one horse, four sheep, farming implements, household furniture, bed and bedding necessary, and all other articles of furniture belonging to him or which may belong to him at the time of his decease.

Provided always, and it is declared to be the true intention and meaning of the Testator that his present wife, Jane Clarke, shall have the use and enjoyment during her natural life, or so long as she shall remain unmarried and separate from all men, of the said lots of land Numbers Thirteen, Fifteen, Forty seven, Forty eight, and Forty nine, with the house and other improvements thereon, as also the lot Number Forty or Lake Lot...and also of all the stock, implements of husbandry, household furniture and other articles of furniture now belonging to him, the said Testator. and on the further condition that she do keep, provide for and protect his said son, Henry, and the other children now living or which may at anytime be born of the second marriage of the said Testator, and that until they shall have respectively attained the full age of majority.

- * It was specified that at the death of Mrs. Jane Clarke Gilker the property that she had the use and enjoyment of be divided equally among the children named above.
- * Another clause of interest provided that - " the children herein before named, issue of the first marriage, shall be allowed the privilege and right, should they think fit, of residing with his second wife, Jane Clarke Gilker, until they have respectively attained the full age of majority."

THE WILL READ
AND SIGNED

These Dms. and Passed at Dictated
 and made by the said Testator in the presence of the
 Wits. (see herein) after made in the day and in the
 month and year first above written. and after these
 presents had been read and read over (his at called)
 to the said Testator, by Martin Sheppard, that
 Undersigned, Wits. in the presence of the Undersigned
 Wits. he said, said and declared that he
 understood and comprehended the same well
 and found the same in every respect conformable
 to his last Will, and in faith and testimony
 thereof hath hereunto set and subscribed his name
 and signatures in the presence of Mr. Duncan
 Hay and Mr. John Robson, of Newburgh
 aforesaid, Merchants, Wits. to the said
 J. G. P. H. M. S. Execution
 1770

Testator,
 J. G.
 P. H.
 M. S.

Execution of these presents, and in the presence
 of the said Wits. also hereunto subscribing
 Five Marginal Notes approved are good
 and true and true words struck out and made
 Duncan Hay James Jeffrey
 Wits. Robson M. Sheppard
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