

Court of Probate

Walter J. ...

WITNESSETH that the above instrument was duly registered at ...

Certified

of

Wick

Province of Nova Scotia, Registrar of Deeds Office, County of Pictou.

25th March 1896

I certify that the within instrument was duly registered at ... of the above day in Book

30, pages 36 to 45 - on the certificate

Walter J. ...

Walter J. ...

Registrar.

the age of TH JESSE Esq. T H E L A S T W I L L A N D T E S T A M E N T of me Sir George Elliot Baronet, M. P. of No. 1 Park Street Park Lane London, 23 Great George Street Westminster and the Friars Newport Monmouthshire, I do hereby appoint my son George William Elliot Esq. M. P. John George Griffiths of No. 40 Eobury London and Charles Edward Hunter of South Hill Durham Esq. (hereinafter called "my Trustees") to be EXECUTORS and TRUSTEES of this my last Will, and I confirm the Settlement heretofore made by me of the Butcher Estate in the County of Monmouth and my Estate at Whitby in the County of York for the benefit of my Son George William Elliot and his Children. I give and bequeath to the said George William Elliot all my watches jewels personal ornaments and wearing apparel all my plate (except three pieces of the Silver Memorial Plate presented to me by the Electors of North Durham which I desire should be given to my three Daughters) plated articles domestic and office furniture pictures prints books linen china glass and other articles of household use or ornament houses carriages harness live and dead stock tools implements wines liquors and household stores which at the time of my decease shall be in or about or appropriated for any of my places of residence or business except the Friars at Newport Monmouthshire for his absolute use. I also give to my said Son a legacy of Ten thousand pounds. I give to my eldest grandchild Ethel Pyle a legacy of One thousand pounds. To each of my grandsons George Elliot Elliot Hardy Parkinson and Charles Taylor a legacy of One thousand pounds and to each and every other of my grandchildren living at my decease (except the three Children of my late Son Ralph Elliot deceased) as and when being makes they respectively attain

the age of 21 years or being females attain that age or be
 previously married with the consent of their respective par-
 -ents or surviving parent or guardian or guardians if any the
 sum of Five hundred ~~dollars~~ pounds. I give Mrs. Margaret
 Lewin formerly the widow of my said Son Ralph Elliot a legacy free
 of One thousand pounds. I give to each of the three Daught-
 -ers of my said Son Ralph Elliot a legacy of One ~~thousand~~ ^{thousand} ~~sterling~~
 guineas and as my said Sons Children are well provided for the
 by the Settlement made by me upon the marriage of their par-
 -ents I deem it unnecessary to make any further provision for
 them. I give to my niece Mary Ann Pemberton the wife of
 Alfred Clay the sum of One thousand pounds which I declare to
 be in addition to the One thousand pounds which I have already
 given to her pursuant to my engagement for that amount made
 on her marriage. I give to my Niece Margaret the Wife of
 Morten Five hundred pounds and to my Nephew John
 George Elliot Five hundred pounds. I give to my Nephew
 Thomas Elliot during his life an annuity of Fifty pounds pay-
 -able half yearly, the first payment to be made six months
 after my decease. But I declare that if the said Thomas
 Elliot shall at any time of my death or at any time afterwards
 be or become Bankrupt or assign or charge or attempt to assign
 or charge his said annuity or do anything whereby if such
 annuity belonged to him absolutely he would be deprived of the
 personal enjoyment thereof then such annuity shall thenceforth
 during the remainder of his life cease to be payable and my
 trustees may at their absolute discretion apply ^{all} or any part
 thereof to the maintenance of the said Thomas Elliot his wife
 or issue then living or any of them and any sum so applied
 shall sink into my residuary estate. I give ~~with~~ the furnit-
 -ure chattels and effects which shall be in and about my

A.H.
 D.V.C.

D.H.

residence The Friars Newport to my daughter Margaret Walker
Pyle. I give to my Secretary James Barton if he shall be in
my employment at my decease a legacy of Two hundred and fifty
pounds. I give to each of my said Executors John George
Griffiths and Charles Edward Hunter Five hundred pounds free
of legacy duty as an acknowledgment for their trouble and
kindness in accepting the execution of the trusts of this my
Will. I also give to each of my said Executors a sum at the
rate of Two hundred pounds a year so long as they are respect-
ively actively engaged in the management of my Residuary
Estate but not to extend beyond Five years after my decease.
I direct my Trustees to pay any sum or sums not exceeding in
the whole Ten thousand pounds to such person or persons and
in such proportion as I may hereinafter by any writings or
writings under my hand appoint but if I shall appoint part
only of the said sum or shall make no appointment thereof then
the unappointed part or the whole as the case may be of the
said sum of Ten thousand pounds shall sink into and form part
of the Residue of my Estate. In addition to all such sums as
my daughters shall respectively be entitled to under any
Settlement already made by me I direct my Trustees to appro-
-priate and hold on the Trusts hereinafter declared the sum of
Twenty thousand pounds for my daughter Margaret Walker Pyle
the wife of Dr. Thomas Thompson Pyle and her issue, and the
all or such one or more respectively of the other of others of
like sum of Twenty thousand pounds for my daughter Alice Ann
the wife of Joseph Charles Parkinson Esquire and her issue.
(less the sum of Three thousand four hundred and eighty pounds
already advanced and settled by me upon my said daughter and
her issue) and the like sum of Twenty thousand pounds for my
daughter Henrietta the wife of Charles Taylor Esquire. And
I declare that my Trustees shall stand possessed of the said

several sums of Twenty thousand pounds. Twenty thousand pounds (less three thousand four hundred and eighty pounds) all and Twenty thousand pounds hereinbefore directed to be appropriated for my said three daughters and their issue respectively, UPON TRUST to invest the same under the direction hereinafter given for the investment of trust moneys with liberty to vary the investments thereof from time to time and to stand possessed of the said several ~~the~~ sums and the investments thereof UPON THE TRUSTS following that is to say IN TRUST during the life of each such daughter to pay the interest and annual produce of the sum appropriated for such daughter as aforesaid to her without any power for her to dispose thereof by way of anticipation but with power for her notwithstanding anything herein contained by Will or Codicil to appoint to or in favour of any husband who may survive her for his life or any less period and to take effect after her death the whole or any part of the income and annual produce of the sum appropriated for her and her issue as aforesaid and of any accretion thereto under the provision of accretion hereinafter contained. And from and after her decease subject to any appointment to or in favour of her husband as aforesaid the sum appropriated for her and her issue with the investments thereof and any accretion thereto shall be held by the Trustees UPON TRUST for all or such one or more exclusively of the other or others of the Children or remote issue of such daughter born or to be born during the life of such daughter or within twenty one years after her death at such age or time or RESPECTIVE ages or times if more than one in such shares and proportions UPON SUCH TRUSTS and in such manner in all respects as such daughter shall notwithstanding coverture by Deed or Will to appoint and in default of such appointment and so far as any

such appointment shall not extend UPON TRUST for all or any
 the Children or Child of such Daughter who being a male shall
 attain the age of twenty-one years or being a female shall
 attain that age or be previously married with the consent of
 her or their parents or surviving parent or guardians or guard-
 -ian (if any) for the time being. And I further declare that
 if there shall be no issue of such daughter in whom the sum
 be appropriated for her and her issue and the investment thereof
 and any accrual thereto shall become absolutely vested under
 the trusts aforesaid then and in such case and subject to the
 trusts aforesaid my Trustees shall stand possessed of the same
 UPON TRUST for my other Daughters or Daughter in equal shares
 if more than one and the share or shares which shall so accrue
 and shall be held upon the Trusts and with and subject to the
 powers and provisions herein contained of and concerning the
 original sum appropriated to such Daughters or Daughter or as
 near thereto as circumstances will allow PROVIDED ALWAYS that
 no Child who has taken a share under any appointment as afore-
 -said shall be entitled to any share of the unappointed part
 of the sum appropriated as aforesaid or any accrual thereto
 without bringing his or her appointed share into hotchpot and
 accounting for the same accordingly. PROVIDED ALSO that it shall
 be lawful for my Trustees during the lives of the sev-
 -eral persons respectively entitled for life for the time
 being as aforesaid with his or her consent in writing and
 after the decease of such person at the discretion of the
 Trustees to raise and apply all or any part of the expectant
 share of any child which shall not then be vested or payable
 under the trusts aforesaid for or towards his or her prefer-
 -ment advancement or benefit. I give and bequeath unto my
 Trustees the sum of Fifty thousand pounds hereinafter called

the said Trust fund to be held by them upon the trusts follow-
 -ing that is to say UPON TRUST to invest the same under the
 direction hereinafter given by me for the investment of TRUST
 moneys and to pay the interest and annual produce of the said
 Trust fund unto my Son the said George William Elliot during
 his life until he shall assign charge or otherwise dispose of
 the said interest and annual produce or any part thereof or
 become Bankrupt or do or suffer something whereby the same if
 absolutely belonging to him would become payable to or vested
 in some other person whichever of the said events shall first
 happen and if the trusts hereinbefore declared in his favour
 shall determine in the lifetime of the said George William
 Elliot then IN TRUST during the remainder of his life to pay
 an annuity of One thousand pounds to his then Wife during his
 life and after his death IN TRUST to pay annuity of Five hun-
 -dred pounds to his Widow for and during the term of her nat-
 -ural life and my Trustees shall thereout also pay to his Wife
 or Widow as the case may be a further or additional annual sum
 of Two hundred pounds for each and every Child of the said
 George William Elliot who shall reside with her or be under
 her care until such Child being a son shall attain the age of
 twenty-one years or being a daughter shall attain that age or
 previously marry with the consent of her parents or surviving
 parent or Guardians or Guardians if any as the case may be such
 sum of Two hundred pounds to be applied for and towards the
 maintenance and education of such child but with power to my
 Trustees in the event of my said Son's Widow marrying again at
 their or his own discretion to pay the said annual sums of Two
 hundred pounds for each Child either to such widow for the
 purposes aforesaid or otherwise to apply the same as may
 appear to them or him best for the welfare of such children.

respectively. And from and after the death of the survivor
of them my said Son and his Wife And in the meantime subject
thereto the said trust fund shall be held in trust for all and
every or such one or more exclusively of the others or other
of the Children or Child or remoter issue of my said Son born
or to be born during the life of my said Son or within twenty
one years after with such provisions for their respective
maintenance education and advancement and in such manner if
more than one and in such parts shares and proportions and
subject to such charges conditions and limitations over for
the benefit of one or more of such children or remoter issue
as my said ~~Will~~ Son shall by any Deed or Deeds or by Will or
Codicil direct or appoint. And in default of such last men-
tioned direction or appointment and so far as the same if
incomplete shall not extend IN TRUST for all and every one
Children and Child of my said Son who being male shall attain
the age of twenty one years or being female shall attain that
age or previously marry with the consent of her parents or
parent guardians or guardian if any as the case may be to be
divided between or among the said children if more than one in
equal shares as Tenants in common and if there shall be but
one such child then the whole shall be in trust for such child
But no child or remoter issue taking any share under any
appointment as aforesaid shall be entitled to any share of the
unappointed part of the said trust fund without bringing his
or her appointed share into hotchpot and accounting for the
same accordingly. And I direct that all interest and annual
produce of the said trust fund which shall not for the time
being be required for any of the aforesaid annual payments
shall from time to time be invested as aforesaid and added to
and form part of the trust fund PROVIDED ALWAYS that it shall

K be lawful for my Trustees during the life of my said Son with his consent in writing and after his decease at their discretion (after making due provision for the said Annuities or obtaining the consent in writing of the person entitled to receive the same) to raise and apply all or any part of the expectant share of any Child or remoter issue which shall not be then vested or payable under the trusts aforesaid for or towards his or her preferment advancement or benefit. And if there shall be no child or children or remoter issue of my said Son who shall become entitled to the said trust fund or under the trusts aforesaid then my Trustees shall stand Seised possessed thereof IN TRUST for such person or persons and for such purposes as my said Son shall by Will or Codicil appoint and in default of appointment and so far as any appointment shall not extend then I direct that the same shall fall into and form part of my Residuary Estate. And as to all the residue and remainder of my estate and effects, as well real as personal or over which I shall have any disposing power at the time of my decease I devise and bequeath the same unto my said Trustees their heirs executors administrators and assigns according to the nature and quality thereof respectively upon the trusts and for the ends intents and purposes hereinafter expressed that is to say UPON TRUST thereof or out of the moneys to arise by sale of a competent part thereof to pay my debts funeral and testamentary expenses and legacies and the legacy duty on any legacies or annuities given free of duty and subject thereto upon trust to pay to my said Son George and William Elliot for and during his life (in addition to the other provisions hereinbefore made for his benefit) the whole of the net income and annual produce of such residuary estate and of the properties and securities for the time being re-

representing the same (after payment of all charges and expenses of and incidental to the management of and dealing with the said residuary estate) up ~~to~~ to the sum of Six thousand pounds per annum commencing from the date of my decease and any excess of such net income above Six thousand pounds is during my said Son's life to be dealt with as follows that is to say a further Six thousand pounds a year to be divided between my said Son and his eldest Son for the time being in the proportions of $\frac{2}{3}$ to my said Son and $\frac{1}{3}$ to his said eldest Son and after the expiration of three years from my decease my Trustees shall pay to my said Son one half of the then realized surplus (if any) of such income and annual produce over and above the said Twelve thousand pounds a year, and year by year after the expiration of the first three years shall pay to my said Son (over and above the said sum of Twelve thousand pounds) a sum equal to one half of such surplus income and annual produce reckoned upon the average of the preceding three years. And subject as hereinafter provided my Trustees shall set aside and accumulate during the life of my said Son the other or remaining half of the said surplus by investing from time to time and adding the same to the principal of the said residuary estate. PROVIDED ALWAYS that if the said net income shall not amount in any year to Twelve thousand pounds the deficiency of the said Twelve thousand pounds in any year, or years so often as there shall be a deficiency shall be made up out of the surplus of any future year or years during the life of my said Son, or out of any accumulations of surplus which may have been invested under the directions hereinbefore contained And subject to the trusts aforesaid I direct that the corpus

of the said Residuary Estate and the rents interest and ~~any~~
 annual produce thereof with the said accumulations shall as to
 such parts thereof as are of freehold tenure be conveyed to
 the uses and held upon the trusts and with and subject to the
 powers and provisions declared and expressed by the said
 Settlement of and concerning my Whitby Estates and as to all
 other parts thereof my Trustees shall hold the same UPON TRUST
 for the benefit of the person or persons who for the time
 being shall under the said Settlement be entitled to the
 possession or receipt of the rents and profits of my Residuary
 Estates or any undivided portion thereof and upon with ~~the~~
 under and subject to ~~the~~ such trusts powers and provisions
 as will correspond as nearly as the difference of tenure will
 permit with the uses trusts powers and provisions thereby
 declared of and concerning my Whitby Estates after the death
 of my said Son and as if the same were real estate and so that
 be interested or engaged at the time of my decease until they
 any parts thereof which do not by Law admit of the creation
 of an estate in tail therein shall not vest absolutely in any
 person by the said Settlement made tenant in tail male by
 purchase of the said Whitby Estates unless he attain the age
 of twenty-one years but on the death of such person under the
 age of twenty-one years shall go and devolve as if the same
 were freehold hereditaments part of my Whitby Estates. And
 I direct that upon the request in writing of my said Son dur-
 -ing his life and after his decease at the discretion of my
 Trustees the whole or any parts of the said Residuary Estate
 and accumulations which shall consist of personally shall be
 invested in the purchase of real estate or land of copyhold
 or leasehold tenure situate in Great Britain which shall
 according to its tenure be conveyed and settled upon the
 person or persons named in writing of my said Son during his

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same or the like uses and trusts and subject to the same or
 like powers and provisions as are hereinbefore declared of, and
 concerning my said Whitby Estates or as bear thereto as the
 deaths of parties rules of law and other circumstances will
~~permit~~ PROVIDED ALWAYS that in case such property shall be
 purchased in the lifetime of my said Son and he shall thereby
 acquire a life Estate in the same the amount payable to him
 in respect of the said annuity of Five thousand pounds and his
 share of the surplus income and annual produce of my Residuary
 Estate shall be reduced by the net annual amount which he shall
 receive of the rents and profits of the property so purchased
 and settled and I empower my Trustees at their sole and absol-
 ute discretion and without thereby incurring any personal
 responsibility either to carry on or join in carrying on all
 or any of the Collieries and trading concerns in which I may
 be interested or engaged at the time of my decease until they
 think it expedient to sell or dispose of the same under the
 power hereinafter contained and for such purposes to employ any
 part of my Residuary Estate they may think fit PROVIDED ALWAYS
 that it shall be lawful for my Trustees either to continue as
 long as they think fit my residuary estate and effects or any
 part or parts thereof in the state of investments in which they
 shall be at my decease or as and when they shall think fit
 with the consent during this life of my said Son George William
 Elliot to sell dispose of and convert into money all or any
 part thereof by Public Auction or Private Contract and either
 for ready money or upon credit and upon such terms and con-
 ditions as my Trustees may think fit and for all or any of
 such purposes to make do and execute all such contracts ~~and~~
 arrangements acts deeds and assurances as they may think pro-
 per And with the consent in writing of my said Son during his

D.H.

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in the Public Investment Fund of France or in any other
life and afterwards at their discretion to sell, convey and assure
any part or parts of my said residuary estate to any Company
now or hereafter formed with limited liability for such con-
sideration, in money, or securities or shares of the said Com-
pany or partly in any of those forms and on such terms and
conditions, as the said Trustees, shall think fit. And I
authorize my Trustees, with the consent in writing of my said
Son during his life and afterwards at their discretion to
appoint one or more of themselves or any other person or per-
sons to manage or carry on or assist in managing or carrying
on the whole or any part or parts of my Residuary Estate and
businesses forming part thereof until the sale or realization
thereof or to act as Representative of my Estate upon the
Board of any Company or Companies in which my said Estate
shall be interested and to pay or allow to such person or
persons (notwithstanding he or they may be a TRUSTEE OR
TRUSTEES of this my Will) such annual or other remuneration
for his or their services as my Trustees shall determine. I
empower my said Executors and my Trustees in exercising any
power or trust for sale herein contained by any writing under
their hands to release and discharge any part of my real or
personal estate from the payment of the legacies and annuities
hereby given and such parts shall be released and discharged
accordingly. I direct that any legacy, annuity or other ben-
efit given to any female under this my Will shall be for her
sole and separate use free from marital control and engage-
ments and her receipts for any moneys payable to her shall
alone be good and sufficient discharges. And I direct that
all investments of trust moneys to be made under the trusts
of this my Will shall be made in the Public funds or on Govern-
ment real securities in Great Britain or in India Stock or

D.H.
 in the Public Government funds of France or in the United States of America or in the Stock of the Metropolitan Board of Works or London County Council or in the Mortgages Bonds or Debentures or Debenture Stock of any County Council or Municipal Body in Great Britain or on Mortgage of Leasehold property in Great Britain with not less than sixty years unexpired term or in the Mortgages Bonds or Debentures or Debenture Stocks or Guaranteed or Preference Stocks or shares of any Railway or Dock Company in Great Britain or India or in the Mortgages or Bonds or Debentures or Debenture Stocks of any Public Company established by Act of Parliament in Great Britain or in the Stocks or shares of any such Company which shall for the three years ^{next} preceding the Investment have paid a dividend on its ordinary Stock or shares with full power for my Trustees with the consent during his life of my said Son George William Elliot and afterwards at their request discretion at vary investments in any of the aforesaid securities as they think fit. I declare that my Executors and Trustees may exercise all powers given to Executors and Trustees by the Conveyancing and Law of Property Act 1881 and that all provisions in the said Act applicable to this my Will or any matter therein shall be taken as incorporated herein except they are in any way inconsistent with anything hereinbefore contained. And lastly I revoke all former Wills and testamentary dispositions and declare this to be my last Will and Testament.

IN WITNESS WHEREOF I have to this my Will contained in pages of paper set and subscribed my hand at London this sixth day of December One thousand eight hundred and eighty nine George Elliot SIGNED and Published and Declared by the Testator Sir George Elliot

as and for his last Will and Testament in the presence of us present together at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as Witnesses ----- Charles Burt ----- Alfred J. Kent-----

... of the ... of the ... under that we with the ... of the ... power ... and ... the ... and no ... George ... of ... to his ... together ... here ... Predogick

THIS IS A CODICIL TO THE LAST WILL of me
SIR GEORGE ELLIOT Baronet M. P. which Will is dated the 6th
December 1889.

In addition to what is given to them by my said Will I
give to each of the Daughters of my Daughter Henrietta the
Wife of Charles Taylor Esquire who shall live to attain the
age of twenty-one years or be married under that age with the
consent of their parents or surviving parent or guardian the
sum of One thousand pounds.

DATED this 15th day of December 1889 ----- George Elliot

----- SIGNED by the said Sir George Elliot as a Codicil to his
Will in the presence of us present together at the same time

who in his presence and in the presence of each other have
hereunto signed our names as Witnesses ----- William Parfitt

Dock Master Alexandra Dock House, Newport Men ----- Frederick
Thomas Berryman Servant 1 Park Street, Park Lane, London.

Probate
THIS IS A CODICIL TO THE LAST WILL of me
SIR GEORGE ELLIOT Baronet M. P. which Will is dated 6th
December 1889.

I give to each of my Sons in law Joseph Charles Parkinsen
and Charles Taylor the sum of Two thousand pounds and a like
sum of Two thousand pounds to my Son in law Thomas Thompson
Pyle if he shall be at my death in the judgment of the Trustees
of my Will in such health as to enable him to manage his
affairs and if not then I give the same Two thousand pounds to
my Daughter Margaret Walker Pyle the Wife of the said Thomas
Thompson Pyle for her sole and absolute use and benefit.

I also give to my Great Grandson son (whose name I do
not remember) the eldest Son of my Grand daughter Anna McClean

(Maiden name now married to Mr. John Young) who is the
eldest Daughter of my eldest son Ralph Elliot deceased the
sum of Three thousand pounds to be paid to him on his attain-
-ing the age of twenty-one years by my Trustees ----- George
Elliot ----- SIGNED by the said Sir George Elliot as a Codicil

----- present together at the same
time who in his presence and in the presence of each other
have hereunto signed our names as Witnesses ----- J. Parfitt
Dock Master Newport Mon. ----- R. T. Barryman Park Street
Mark Lane London W. Servant -----

WITNESSED
GAIRO 30th December 1889.

Court of Probate

Hatfield Office of Registry

The foregoing is a true copy of
the Will of Sir George Elliot
deceased as taken
from the authenticated copy of
said Will filed in said Office of
Registry under Chapter 13 Acts of
Nova Scotia 1891.

Douglas Home
Deputy Registrar