

Account of Probate

Shannon

V. D. 1840

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*certified
copy of
will*

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

certify that the within instrument was duly re-
gistered at *230* page of the above day in Book
page *67* on the certificate

Handwritten signature

Registrar

Vertical text on the left side of the page, likely bleed-through from the reverse side.

I CHARLES Graham of Halifax in the County of Halifax, Merchant, do hereby make and publish my last Will and Testament intending thereby to dispose of all my worldly possessions and estate of which I shall be possessed at the time of my decease.

I give devise and bequeath unto my beloved wife Christy Graham the house and premises in which I now reside in Halifax with the appurtenances together with all the furniture plate linen china glass books pictures pictures fuel consumable provisions and other household effects of which I shall die possessed to be by her enjoyed during the term of her natural life and after her decease unto my beloved daughter Christy Bell her heirs executors administrators and assigns.

I also give devise and bequeath to my said daughter Christy Bell the house and premises now owned by me situate on Queen Street in the Town of Truro Colchester County and known as the "Rising Sun" to her and her heirs forever.

I give devise and bequeath to my son Charles A. Graham the farm and premises owned by me at North River in Colchester County purchased from George C. McNutt and on which the said Charles A. Graham now resides containing about 76 acres to be by him enjoyed for the term of his natural life and after his decease to the heirs or his heirs begotten their heirs executors and assigns.

I give devise and bequeath to the said Charles A. Graham the lot of land situate at Kempton in the County of Colchester now owned by me and formerly owned by John Burnett to him and his heirs.

I direct that all my just debts including funeral expenses and the expenses of administration be paid by my executors.

I direct that the mortgages that may be subsisting on the lands and premises hereinbefore devised by me be paid off and discharged by my executors out of the moneys to be realized out my estate as hereinafter directed such mortgages being subsisting at the time of my decease.

All the rest residue and remainder of my estate real personal and mixed I give devise and bequeath unto Simon S. Holmes of Halifax City Barrister and John D. McKay of Truro Clerk their successors and assigns and the survivor of them his heirs and assigns forever but in trust nevertheless for the performance of this my will concerning the same that is to say:-

To realize and convert into money all my said residuary estate in as expeditious a manner as to the said trustees may seem expedient and to invest the moneys arising therefrom or so much as may be available thereof in the names or name of the trustees or trustee for the time being of my will in the public funds or government or real securities in the Dominion or Province of Canada and to deposit any moneys that cannot conveniently be so invested at interest in any Chartered Bank in Canada and I give and confer to and upon the trustees or trustee acting under this will full power and authority by public sale or private

contract in such way and manner and at such price or prices as they or he shall deem expedient to make sale of and convey lease mortgage and dispose of all the real and personal estate of which the trust premises are or shall be composed; and to do all requisite acts needful to convey a title thereto to a purchaser or purchasers and to invest the proceeds arising from such sales or sale in other real estate ~~with like power of disposition over any and all the real estate in which the trust premises or any part thereof shall be invested.~~ And I empower the trustees or trustee for the time being of my will to compound or allow time for the payment of any debts due to my estate and to satisfy all demands against my estate whether supported by strictly legal evidence or not and to settle all accounts between me any person or persons as my said trustees or trustee may deem expedient and to refer any matters in difference relating to my affairs to arbitration.

And it is my will that said trustees shall not be answerable for any losses or damage to the trust premises unless the same shall happen by their own wilful default or negligence nor shall either of them be answerable for the other or others of them but each for himself only and then only for such portion as shall actually be received by him and I direct them to retain and allow all expenses incidental to the trust and that they shall not be required to give bonds for the faithful execution of the trusts hereby reposed in them.

If by refusal to accept said trusts by resignation-death removal or incapacity to act the number of trustees shall at any time be reduced below two. It is my will that one or more trustees shall be appointed to fill such vacancy and I authorize my wife if living in conjunction with my children who shall have attained majority to appoint and nominate such trustees or trustee with the concurrence of the Judge of Probate for the time being having jurisdiction over this will and in case of their neglect or refusal to do so I refer the appointment to such Judge of Probate or to the Chief Justice of the Supreme Court and such new trustees or trustee shall have and possess all and the like powers interest and direction in and over the trust premises as if they or he had been originally named and appointed in and by this instrument (except the exemption of giving bonds for the due execution of said trusts).

I further direct that the said trustees shall out of the proceeds of the trust moneys invested as above mentioned allow to my wife a sufficient sum to maintain her in comfort during her life and shall also give her in advance each and every half year the sum of Fifty dollars when she shall demand the same. Should there not be sufficient to maintain her from the proceeds of the moneys so invested it is my will that the trustees shall advance her such amounts of the principal moneys invested as shall be sufficient in their estimation for said purposes.

From the proceeds of the said invested trust moneys it is my will that the said trustees shall allow my said daughter Christy Bell a sufficient sum of

money paid half yearly to maintain her in comfort until the death of my wife but such sum shall not exceed the half of the proceeds of said moneys so invested which shall remain after providing for my wife as above mentioned.

From the proceeds of the said invested trust moneys it is my will that the said trustees shall allow my said son Charles until the death of my wife a sufficient sum of money paid half yearly to support himself and his family but such sum shall not exceed the one half of the proceeds of said invested trust moneys which shall remain after providing for my wife as above mentioned; and if the said trustees are not satisfied with the manner in which he applies said moneys they ~~may~~ retain the same from him and appropriate them to the support of his family and the education of his children, and allow him what they think proper according to their discretion.

Upon the decease of my wife it is my will that the said invested trust shall be divided into two equal portions — one portion shall become the property of my said daughter Christy Bell for her own sole use and benefit forever. Should my said daughter die before the death of my said son Charles without devising or bequeathing the property left to her in this will or without leaving heirs the issue of her body, then it is my will that all said property so belonging to her shall revert to the said trustees and shall be applied by them to the support of the said Charles my son and his family in the same manner and on the same principle as is hereinbefore and hereinafter provided for the disposal of the moneys willed to my said son under the provisions of the trust portion of this will and the trustees are empowered to exercise the same discretion in the disposal of said moneys as is in said provisions mentioned.

It is my will that the other portion or half of the said invested trust moneys shall be appropriated to the support of my said son Charles and his family by the said trustees during his life on the same conditions and in the same manner as is above mentioned with respect to the moneys devoted for that purpose previous to the time of my wife's decease; and on the death of my said son Charles the whole of the said portion or half so invested shall become the property of his children to be paid to them share and share alike respectively on their attaining their majority. Should my said son at the time of his death leave no children then the said moneys shall become the property of his legal representatives.

~~And I give and devise to my daughter Christy Bell~~ is my will that all ~~the~~ devise and bequests in this will mentioned to my daughter Christy Bell shall be to her sole and separate use and shall not be subject to the control in any way of any husband of hers or to his debts engagements or contracts but shall be to her alone as provided herein.

I also give and devise to my brother James Graham, those two lots of land owned by me in Earleton Colchester County and formerly owned and occupied by John Duncan Ross and John Bailey respectively to him and his heirs.

I give and bequeath to the Rev. Dr.

Burns of Fort Massey Church Halifax One hundred dollars to be applied by him at his discretion to the schemes of the church.

I give unto Jane McKenzie daughter of the late Rev'd. William Sutherland One hundred dollars.

I give unto Jane Thompson daughter of the Rev'd. William Sutherland Fifty dollars less my account against her.

I give and bequeath to John Sutherland and Charles Sutherland of Halifax my cousins Five hundred dollars each and should the moneys to be invested in my residuary estate amount to or exceed twenty thousand dollars I direct that out of such excess over twenty thousand dollars the said John and Charles Sutherland receive five hundred dollars each additional.

I give and bequeath to my said brother James Graham Five hundred dollars.

I constitute and appoint the said Simon H. Holmes and John McKay Executors of this my last Will and Testament.

I N W I T N E S S W H E R E O F I have hereto set my hand and seal this fifth day of February A. D. 1886.

(Sgd) Charles Graham.

(L.S.)

SIGNED SEALED AND PUBLISHED by the)
said testator Charles Graham as and for ()
his last Will and Testament in the pre-)
-sence of us present at the same time ()
who at his request in his sight and pre-)
-sence and in the presence of each other ()
have subscribed our names as attesting)
witnesses. ((

(Sgd) J. R. Lithgow.

(Sgd) Wm. LeVasque.

Court of Probate office of Registry
Halifax

The foregoing is a true copy of the will of Charles Graham, therein named deceased, which has been admitted to Probate

H. J. Jones
Registrar