

Abstract of the Copy of the
Notes on Will of James Mc Gill (excluding the University
part already in hand)

P. 1. "This is the last Will & Testament of me the Hon^{ble}
James Mc Gill, of the City of Montreal in the Province
of Lower Canada; Esquire."

Insert (a)

"I do hereby ratify & confirm the settlement heretofore
made upon my dear wife Charlotte Guillimin, to
be paid to and received by her over and above the
bequests and devises hereinafter made and granted.

I do give and devise all that lot of ground, dwelling-house,
buildings, and premises, situated at the corner of the
New-Market, in Notre-Dame Street in the said City
of Montreal, which are now in my occupation,
with their appurtenances, unto my said dear wife
for and during her life ~~the~~ keeping the said dwelling
house, buildings & premises in reasonable ^{and}
tenable repair; And I do give and devise all the
said lot of ground ^{and} ^{dwelling house} buildings and premises ^{with their ap-}
the decease of my said Wife, to her son Francis ^{purtenances,}
DesRivieres, of the City of Montreal aforesaid, Esquire,
his heirs and assigns forever.

I do give and bequeath to my said Wife an
annuity or yearly sum of six hundred pounds,
current money of the Province of Lower Canada,
to be paid to her by even and equal half yearly
payments, each and every year, during her life.
I do also give and bequeath all my household

P. 1
C. 1

goods and stores, furniture, household linen and utensils, plate, pictures, china-ware, horses, carriages implements of husbandry, cattle, live and dead stock in or about my houses in town and country, unto my said dear wife, for her own use and to be disposed of as she may think fit; Excepting nevertheless out of this bequest, my gold watch and a silver cup hereinafter bequeathed.

I give and devise all and every the lots, tracts, and parcels of land, lands and tenements, situated in the Township of Stanbridge in the District of Montreal, whereof I am seized and possessed jointly with Isaac Todd, Esquire, or severally, in any manner howsoever, to the said Francis Desrivieres, Esquire his heirs & assigns for Ever; subject to, nevertheless.

Wm. B. Peter Hobbes
W. Boston

James Mc Gill

P. 2. ^{and every} and charged, and chargeable with all the rights, ^{upon or in respect thereof,} dues & duties which may be due ^{and more particularly with} or owing by me to the ^{hereafter may become due} succession of the Hon Hugh Dunlop, deceased, ^{by reason of the} purchase of the said lands and tenements from him" ^{and if sold in his lifetime, Francis Desrivieres to receive the sums of the purchase price.}

Insert this

3.
P. 9

"I give and devise Three lots of ground situated in the Quebec suburbs, in the Parish of Montreal, purchased by me from Joseph Papineau, and now belonging to me, to the said Francis Desrivieres, his heirs and assigns forever; subject, nevertheless, and charged and chargeable with the payment of such part of the price or purchase money as may remain due on my purchase of the said three lots of ground.

I do give and bequeath all that lot of ground to me belonging, known and distinguished by the name of lot number thirteen in the Township of Barnston in the District of Montreal, with the mill and all by me at a Sheriff's sale, to the said Francis Desrivieres, his heirs and assigns forever.

I give and devise all that lot of ground known and distinguished by the name of lot number Thirteen, situated on the Ramparts of Montreal, lately by me purchased from the Commissioners for removing the Old Walls etc. to the said Francis Des Rivieres, his heirs & assigns for ever. ^{Insert 3d} ~~subject to~~ ~~payment of any remainder of the purchase price.~~

Insert 2d

"I give and devise all that certain lot of ground situated in Notre-Dame Street in the said City of Montreal, with a stone dwelling-house, ware-house and other buildings thereon erected, now in the occupation of Thomas Blackwood, to Isaac Todd, the Hon: John Richardson, & William T. Gillivray, of the

? 19 N. Dame St. in North Directory of 1819, being the establishment of Desrivieres & Blackwood.

H.

P. 7

said City of Montreal, Esquires, & to the Hon. Richard
 Cartwright, of Kingston, in the Province of Upper Canada,
 Esquire, & to their heirs; upon Trust nevertheless that
 they the said ^{Issue of John Richardson William} J. J. ^{Richardson} ^{William} ^{Lillivray} ^{Richard} ^{Cartwright} ^{the survivors or survivor of them} ^{or their heirs executors or administrators} ^{etc. etc. etc.} ^{do and shall}

Insert (H)

Insert (H)

pay the rents ^{Insert (H)} etc. for the use of James Mc Gill Des-
 rivieres, grandson of my said wife, yearly and every
 year, until the said James Mc Gill Desrivieres shall
 have attained the age of twenty one years ^{Insert (H)} and that
 the property should then be given to him ^{In case}
 of his death before the age of 21, it was to go to
 Francis Desrivieres, or his heirs.

"I give and devise forty lots of land by me
 purchased from John Eskin, situated in the
 Townships of Traidstone, Rochester, Tillbury,
 Power, and Camden, respectively, in the Province
 of Upper Canada, to the said James Mc Gill
 Desrivieres" etc. his heirs & assigns forever.

"I give and devise all ¹ of the lands and tenement
^{situated} within the Territories of the United States of
 America, to me belonging, or to which I am in
 any manner entitled, not exceeding in quantity
 sixteen hundred acres, to John Eskin, of Strabane,
 etc. (all over 1600 acres to go to James Mc Gill Desrivieres
 steffather, Robert Reynolds. Also all his lands
 on the British side of the Detroit River, not
 otherwise disposed of."

Insert (C)

5.
p. 3

"I give and devise to James the son of Gill Strachan, son of the Revd John Strachan, Rector of Cornwall in Upper Canada, and to his heirs and assigns forever, a certain tract or parcel of land containing four hundred acres more or less, to me belonging, situated in the Township of Azhabruch in the Province of Upper Canada, which my late brother Andrew heretofore in his life time, acquired from one W. Butler Wilkinson; also a lot or piece of land distinguished by the name of lot number Eight in the Seventh Concession of the Township of Montague in the said Province of Upper Canada; also a lot or piece of ^{land} ground distinguished by the name of lot number twenty-two in the Eighth Concession of the Township of Edwardsburg in the said last mentioned Province; also a lot or parcel of land distinguished by the name of lot number six in the sixth Concession of the said last mentioned Township; also a lot or piece of land distinguished by the name of lot number twenty nine in the said sixth Concession of the said last mentioned Township; also a lot or piece of land distinguished by the name of lot number nineteen in the Seventh Concession of the Township of Yonge in the said last mentioned Province; and all and every the lots, tracts, or parcels of land, lands and tenements, situated in the Townships of Pittsburg and Sattfield, respectively

P. 4-

b.
P. 4

in the said last mentioned Province, containing, in different lots and parcels, Thirteen hundred eighty acres, more or less, which belong to me, or to which I am in any ^{wise} ~~way~~ entitled by reason of a purchase thereof from the Count De Chalis, to have and to hold all and every the said lots, ^{tracts, or parcels of land, lands and tenements} ~~etc.~~ to the said James Mc Gill Strachan herein before devised, or intended so to be, to him the said James Mc Gill Strachan, his heirs and assigns forever.

I give and devise all and every the lots, tracts or parcels of land, lands and tenements, to me belonging or to which I am in any manner or way entitled, situated in the Townships of Beverley, Etamborough, Walsingham, Parlington, Loughborough, and Townsend, respectively in the Province of Upper Canada foresaid, containing, in different lots and parcels, about twelve thousand acres, more or less, to James Cartwright, of Kingston in the said Province of Upper Canada, Eldest son of my much respected friend the Hon: Richard Cartwright, and to his heirs and assigns for ever; Provided always, and the said last mentioned devise is made upon the Express Condition, that the said James Cartwright shall and do, within the space of two years next after he shall become entitled to the possession ^{of the said lots, etc.} ~~of the said parcels of land, lands and tenements, so as aforesaid~~ "assume and take upon himself, and use in all deeds and writings whereto or wherein he shall be a party,

4.
P. 9
Insert (2)

Two thousand pounds, current money, to be invested for an annuity to his wife during her lifetime, such annuity to be taken in part payment of her annuity of £600 before bequeathed to her. The capital sum of £2000 to be paid, within six months after her death, to such person as she might name, failing which, it was to go to Francis Desrivieres or his heirs.

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Five thousand pounds to be invested for the education of James the Gill Desrivieres, until he was 21, when he was to receive the capital. If he should die before that, half the sum was to go to his mother Mrs Robert Reynolds, ^{if she was dead, to} ^{or her children by her second marriage, ^{living at the time of the death of J. M. D. P.}} in equal proportion. The remaining half of the sum was to be paid to the residuary legatees, or their heirs.

Seven thousand pounds current money of the Province of Lower Canada, to be invested for the payment of the following annuities:

£300 to Mrs Strachan, wife of the Revd John Strachan which she had agreed to take in lieu of all claims which she might otherwise have had against the succession of his late brother, Andrew the Gill, as well under her marriage contract with him, as under his will. The agreement was made before Gray and another notary, of Montreal, in 1805.

Also £50 current money yearly to Mrs Mary Wood, mother of Mrs Strachan, being the annuity settled upon her by Andrew's will.

£50 current money to Mad. St. Olivier, of the

7. the surname of Mc Gill, after his own surname, and shall also take and bear the family arms of Mc Gill, as I the said James Mc Gill do now bear the same, and shall and do, within the ^{said} space of two years, apply for and endeavor to obtain a proper licence from the Crown in this behalf, or such other competent & sufficient authority ^{P.5} as may be requisite or necessary to enable & authorize the said James Bartwright to take and bear the ~~saide~~ surname & arms of Mc Gill: and in case the said James Bartwright shall refuse or neglect to take such surname and arms, and to take such proper steps and means as may be requisite to enable and authorize him so to do within the said space of two years; Then, it is my express Will & meaning, that from and after the expiration of the said space of two years the said gift and devise of all the said ^{tracts, & parcels of land, lands and tenements} lots etc. so made to the said James Bartwright, shall become and be wholly null and void, to all intents and purposes whatsoever: and in case of the said last mentioned refusal or neglect by and on the part of the said James Bartwright, or if the said James Bartwright should die before me, then, and in either of those cases, I do give and devise all ^{tracts, & parcels of land, lands and tenements, in the said townships of Beverley, Hambrough, Walsingham, Parkington, Longborough, and Townsland respectively,} and every the said ^{lots etc.} to the said Francis Desrivieres, his heirs and assigns for ever."

From P. 5 to P. 6 (Gift of Burnside to found a University.)

9.
General Hospital, near Quebec, as an alimentary allowance for her sole use & benefit.

£20 current money to Mrs Agnes Craig, of Glasgow. The capital of these annuities, estimated at one hundred pounds to six pounds, to go to Francis Desrivieres as the annuities cease.

The sum of eleven thousand pounds, ^{current money} bequeathed to Francis Des Rivieres, upon condition that he pay a legacy of five hundred pounds, bequeathed by Andrew ^{W. Gill} to Andrew ^{W. Gill} [T. orsey, I when it becomes due.

"And whereas there is reason to believe that, from bad debts & otherwise, a loss will be sustained on the concerns of the late house or firm of James & Andrew ^{W. Gill} & Co. when the ^{said} ~~said~~ shall have been finally liquidated, whereby the said Francis Desrivieres, as having been a partner in the said house or firm, will become my debtor for his proportion of that loss to be sustained by him, my Will is that the said Francis Des Rivieres be exonerated from the payment of such his proportion of the said loss; and I do hereby remit and release to him such ~~sum~~ sums of money as might, after satisfaction of the debts due by the said house or firm, & upon a final liquidation of the concerns thereof, be lawfully demanded from him on my behalf, as for his proportion of such loss by reason of his having

10. been such partner as aforesaid; for which said sum & sums of money he shall not be answerable. —

I likewise give and bequeath to the said ~~to~~ ~~the~~ said Francis Desjardins my Gold Watch. —

I give and bequeath to Miss Charlotte Porteous, of Montreal, in consideration of my great Esteem for and affection for her, the sum of five Thousand Pounds, current money aforesaid, to & for her use; I also bequeath to her the silver Cup in my possession given to me by John Gillespie of London.

I give and bequeath to William Porteous & Andrew Porteous, Brothers of Miss Charlotte Porteous, to each of them, severally & respectively, seven hundred & fifty pounds, current money aforesaid. —

I give and bequeath to John Porteous, of Montreal, Two hundred & fifty pounds, current money aforesaid.

I give and bequeath to my Old and respected Friend John Brickwood, Senr. of Croydon in England, Esquire, one Thousand Pounds Sterling money of Great Britain, if that sum should not have been paid to him on my behalf before my decease.

I give and bequeath to my Friend Robert Morrough, Esquire, of Quebec, ^{R. II} one thousand Pounds, current money aforesaid, to and for his personal use and benefit, and upon condition that the same shall not be in any wise liable, subject, or applicable

to the payment of his debts heretofore contracted. I give and bequeath to his children Robert and Mary Ann, to each of them, severally and respectively two hundred and fifty pounds current money aforesaid. —

I give and bequeath to Mrs Margaret Desrivieres, wife of the said Francis Desrivieres, five hundred pounds, current money aforesaid. —

I give and bequeath to Mrs Robert Reynolds, mother of James Mc Gill Desrivieres, five hundred pounds, current money aforesaid. —

I give and bequeath to Thomas Blackwood, of Montreal, five hundred pounds, current money aforesaid. And whereas there is reason to believe that from bad debts, ^{as above mentioned,} otherwise, a loss will be sustained" (etc. as in the case of Francis P's

Insert 11/12

~~partnership, to such further as aforesaid.~~)

"I give and bequeath to Mrs William Hall, Cousin of Mrs Mc Gill, two hundred & fifty pounds, current money aforesaid. —

I give and bequeath to Mrs Richardson, wife of Mr Richardson, Hospital Mate in Upper Canada, ~~five~~ ^{two} hundred & fifty pounds, current money aforesaid. —

I give and bequeath to James Cartwright, Esquire, above named ~~five~~ ^{two} hundred & fifty pounds, current money aforesaid. —

I give and bequeath to James Mc Gill Strachan above named two hundred & fifty pounds, current money

12. aforesaid. —

P. 11 I give and bequeath to James Hamilton, my godson,
Two Hundred & fifty pounds, current money aforesaid

I give and bequeath to John Gillespie, of London,
Twenty five Pounds, current money aforesaid as a
mark of my esteem. —

I give and bequeath to James Dunlop, Esq: of
Montreal, Twenty five pounds, current money aforesaid
as a mark of my Esteem. —

I give and bequeath to Benjamin Beaubien, of
Montreal, Esq: as a mark of my regard for him,
one hundred & fifty pounds, cur: money aforesaid.

I give and bequeath to Miss Lisette Dumaisseau,
of Sault St. Louis, an annuity of Twenty Pounds, current
money aforesaid yearly ~~and~~ every year, during her life, to
be paid to her by the said Francis Des Rivieres, whom
I charge with the payment thereof, as a condition
annexed to the legacies herein before bequeathed to
him.

I give and bequeath the sum of one hundred pounds,
current money aforesaid to each of my Executors herein
after appointed, severally & respectively. —

I give and bequeath Twelve Mourning Rings to
be given and distributed as my said Executors
and two Tr: of Gill may think fit.]

B. 12 I give and bequeath to the Poor Protestants of
Montreal Two Hundred Pounds; and to the Poor
Roman Catholics of Montreal a like sum of Two
Hundred Pounds.

I give and bequeath two Hundred Pounds, current money aforesaid, to the Hotel Dieu of Montreal, for the use of that Establishment.

I give and bequeath a like sum of Two Hundred Pounds to the Nuns commonly called the Grey Sisters at Montreal, for the use of their humane institution.

I give and bequeath to for the use of the Infirmary of Glasgow in Scotland, Two Hundred Pounds, current money aforesaid.

I give and bequeath to for the use of the Asylum of Glasgow aforesaid. Two Hundred Pounds, current money aforesaid.

I give and bequeath to Sophia Beaume, wife of Dezery, of Montreal, one hundred & fifty pounds, current money aforesaid.

I give and bequeath to Miss Louise Sutherland, daughter of Mr. Daniel Sutherland of Montreal, one hundred & fifty pounds, current money aforesaid.

I give and bequeath to Marie Marguerite Fougat, in consideration of her attachment to Mr. Du Till and Miss Porteous, one hundred & fifty pounds, current money aforesaid.

I give and bequeath one hundred Pounds, current money aforesaid, to Pierre Toulet, if in my service at the time of my decease.

I give and bequeath a suit of mourning to each of my servants.

Lastly I give, devise, and bequeath all and every my Estates real and personal, moveable and immoveable, of whatsoever nature or kind the same may be, which shall or may remain

14.
after payment of my debts and funeral ^{and testamentary} expenses, and the payment, delivery, fulfillment, and satisfaction of all and singular the bequests and devises herein before contained, and which shall not, from any cause whatsoever, have been applied to those purposes, to the above named Francis Des Rivieres, James Mc Gill Des Rivieres, & Charlotte Porteous, and to their heirs, executors, curators, & assigns, to be divided between them, share and share alike. —

Provided always, and I do hereby Will and direct that all annuities herein before bequeathed shall become due & payable at the time and times appointed for the payment thereof, to be accounted from the day of my decease; and that all the legacies herein before bequeathed, not exceeding, severally & respectively, the sum of five hundred pounds, be paid, without interest, at the expiration of Two years from my decease, & not sooner; and that all the legacies herein before bequeathed exceeding in amount, severally and respectively, the sum of Five hundred pounds, shall be paid, without interest, at the expiration of Three years from my decease, and not sooner; and that from & after the expiration of the said periods or terms of Two years and Three years respectively, the said legacies shall bear interest at the rate of five per cent: per ann: till paid. —

I do hereby further will and direct that such part of my personal Estate as is invested in any of the public stocks or funds in Great-Britain be by my Executors herein after named ^{or the survivor or survivors of them} realized as soon after my decease as it can conveniently be done, in order that the proceeds thereof may by them or him be applied to the purposes of this my Will. —

And I do hereby nominate and appoint, Isaac Todd, the Hon: John Richardson, Francois DesRivieres, & William Mc Gillivray, of the said City of Montreal, Esquires, and the Honble Richard Cartwright, of Kingston in the Province of Upper Canada, Esquire, or any two of them, and the survivors & survivor of them, to be Executors of this my last Will and Testament, and do declare my desire to be that their Power and authority as Executors and Executor as aforesaid shall not cease or Expire at the end of one Year, but that the same shall continue and be vested in them as Executors and Executor as aforesaid until the entire execution and accomplishment of this my Will and of every part thereof.

~~Insert 1867~~

~~(It shall be lawful for any two of the executors, and the survivors, to execute the will. All charges of execution to be paid out of the estate. No executor to be held responsible for losses not~~

16. his fault.]

"And lastly, hereby revoking all former Wills by me made, I do declare this to be my last Will & Testament.

C. 14 In Witness whereof, I the said James Mc Gill to this my last Will & Testament contained in this and the Thirteen preceding pages, at the bottom of each of which pages I have set my hand, I have set my hand and seal this eighth day of January in the year of our Lord One Thousand Eight hundred and Eleven. —

Signed, sealed, Published, & Declared by the said James Mc Gill, the Testator, as of his last Will & Testament, in the presence of us, who, at his request, & in his presence, & in the presence of each other, at the bottom of each of the Thirteen preceding pages and hereunto, have subscribed our names as Witnesses

[~~W. Stuart~~ J. Stuart] Advocate Residing at Montreal

Peter Harkness Merchant residing at Montreal
W. Boston Clerk to Messrs Desrivieres Blackwood
& Co. Montreal

District of Montreal

So Wit. —

Before the Honorable Louis Charles Touchette Esq.

one of the Justices of His Majesty's Court of King's Bench of and for the District of Montreal, at the Court House in the said City of Montreal, on the Thirtieth Thirtieth day of December in the Year of Our Lord one thousand eight hundred and thirteen.

Personally came and appeared James Stuart of the said City of Montreal, Esquire Advocate, Peter Harkness, of the same place, Merchant, and William Boston, also of the same place, Gentleman, the subscribing Witnesses to the Execution of the above and within written Will of the Honorable James Mc Gill of the said City of Montreal, Esquire, deceased, who, having been of the severally and respectively sworn on the Holy Evangelists of Almighty God, do severally and respectively make Oath and say that they were present and saw the said James Mc Gill sign and seal the said Will, and did hear him the said James Mc Gill publish and declare the said Will as and for his last Will and Testament.

B. 15

Insert 170

Insert 170

[Sworn] at Montreal, this Thirtieth day of December in the Year of Our Lord one thousand eight hundred & thirteen. Before me

J Stuart
Peter Harkness
William Boston

~~L. C. Foucher~~ L. C. Foucher J. H. B.

Title on outside page:

Last Will & Testament
The Hon. J. W. Gill

proved & deposited on the
30th day of December 1813
[Signature] (Heid & Levesque)

Insert 1(a)

Being in good health, and of sound mind, memory and understanding, but aware of the uncertainty of the continuance of these advantages, and desirous, while I am in possession of them, of regulating the disposal of my property after my decease, I do make, publish, and declare this my last Will & Testament in manner & form following. —

I do will and direct all my just debts, and funeral & testamentary expenses to be paid forthwith after my decease, by my Executors herein after named.

Insert 2(a) Or of any agreement or agreements entered into with him or with the Curator to his vacant succession, touching and concerning the said lands and tenements; And if the said lots, tracts or parcels of land, lands and tenements, should be by me sold and disposed of, during my life, then, and in that case, I do give and bequeath to the said Francis Des Rivieres all and every the price sum and sums of money which I may receive or become entitled to, by reason of the sale thereof, subject, nevertheless, to the payment of such sum and sums of money as aforesaid to the said succession of the said Hugh Finlay.

2
Insert 3 (a) subject nevertheless, and charged ~~and~~ chargeable with the payment of such part of the price or purchase money as may remain due on my purchase of the said last mentioned lot.

Insert 4 (a) issues, and profits arising and accruing from the said last mentioned lot [of] "ground, dwelling house, buildings, and premises, to & for the ^{P.3} use of James

Insert 4 (b) and that they or he do and shall, when & so soon as the said James Mc Gill Des Rivieres shall have attained the age of twenty one years, by good and sufficient conveyances, convey & assure the said last mentioned lot of ground, dwelling-house, buildings, and premises, to the said James Mc Gill Des Rivieres, ~~should die before he attains the age of~~ his heirs and assigns forever; And in case the said James Mc Gill Des Rivieres should die before he attains the age of twenty one years, Then, & in that case, upon Trust that they the said Isaac Todd, John Richardson, William Mc Gillivray, and Richard Cartwright, or the survivors, or survivor of them or the heirs, executors, or curators of such survivors or survivor do and shall, immediately after the decease of the said James Mc Gill Des Rivieres, by good and sufficient conveyances, convey and assure the said last mentioned lot of

3.
ground, dwelling-house, buildings, and premises
to the said Francis Des Rivieres, his heirs & assigns
for Ever, or if the said Francis Des Rivieres should
be dead, Then to his legal heirs then living &
to their heirs & assigns for Ever. —

Insert H (c) his heirs & assigns for Ever; Provided always
that if the said last mentioned lands and tenements
should exceed sixteen hundred acres in quantity,
Then, and in that case, I give ~~and~~ devise all and
every the said lands and tenements so exceeding,
and over and above, the said quantity of sixteen hundred
acres, to Robert Reynolds, step-father of the said James Des Rivieres,
Des Rivieres, his heirs and assigns for Ever.

I give and devise all and every the lots, tracts, and
parcels of land, lands and tenements to me belonging,
situated on the British side of the River Detroit, in
the Province of Upper Canada, not herein otherwise
devised or disposed of, to the said Robert Reynolds,
his heirs and assigns for Ever.

Insert 8(a) I give and bequeath to my Executors herein after named, and
to the survivors and survivor of them, their & his heirs,
Executors & curators, the sum of Two Thousand Pounds, current
money aforesaid, upon Trust that they or he do & shall immediately
after my decease invest the same in some good and sufficient
security, and do and shall pay the interest or profit arising there-
from to my said dear Wife during her life, such interest or profit
to be accounted and taken in part payment, protante, of the
annuity of six hundred pounds herein before bequeathed to my
said Wife, and upon Trust that they or he do and shall
within six months after the decease of my said

4. Wife, pay the said sum of Two Thousand Pounds to such person or persons as my said Wife, during her life, by her last Will & Testament, shall direct and appoint; and, if my said Wife should not make such direction and appointment, then and in such case, that they or he do & shall pay the same, Within the said space of six months, to the said Francis Des Rivieres, if then living, or if dead, then to his legal heirs then living, to & for their use and benefit.

I give and bequeath to my said Executors herein after appointed, and to the survivors & survivor of them, & to the heirs executors & curators of such survivor, the sum of Five Thousand pounds, current money aforesaid, upon Trust that they or he do and shall invest the same in some good and sufficient security, and pay and apply the interest or profit thereof to the Education & maintenance of James McGill Desrivieres above named, until he shall have attained the age of twenty one years, and that they or he do then pay the said last mentioned sum of money to the said James McGill Des Rivieres, to & for his use and benefit: and if the said James McGill Des Rivieres shall die before he attains the age of Twenty one years, then, upon Trust that they or he do pay two thousand five hundred ^{pounds,} ~~being~~ one moiety of the said sum of five thousand pounds, immediately after his decease, to his Mother Mrs Robert Reynolds, if then living, or if dead, then & in such case that they or he do pay and distribute the said sum of Two Thousand five hundred pounds to ~~any~~ among her Children, issue of her marriage with the said Robert Reynolds,

in equal proportions, share and share alike, and if there should be no child or children of the said Mrs Robert Reynolds, issue of her said marriage, living at the time of the decease of the said James Mc Gill Des Rivieres, then & in such case, that they or he do pay the said sum of Two Thousand five hundred pounds to any residuary legatees herein after named, if living, or if dead, to their legal heirs then living, and upon Trust that they or he do pay the other moiety of the said sum of Five Thousand Pounds, & wit, the sum of Two Thousand five hundred pounds, immediately after the decease of the said James Mc Gill Des Rivieres before the age of twenty one years as aforesaid, to my said residuary legatees hereinafter named, if then living, or, if dead, then to their legal heirs, to & for their use. -

I give and bequeath to my said Executors herein after appointed, & to the survivors & survivor of them, and to the heirs, executors, & curators of such survivor, the sum of Seven Thousand pounds, current money of the Province of Lower Canada, upon Trust that they or he do and shall invest the same [in] some good and sufficient security, and from and out of the interest or profit thereof do and shall pay and satisfy the following annuities, that is to say, an annuity of three hundred pounds, current money aforesaid, yearly & every year, to Mrs Strachan, wife of the Revd John Strachan above named, which annuity I have agreed to pay to her, & hath been by her accepted & taken in lieu and

6. ^{to}stead of all claims ~~and~~ demands whatsoever which she might otherwise have had, ~~so~~ upon & against the succession of my late Brother Andrew, or against me as his Universal Legatee, or against the Executors of his last Will, as well under her Contract of Marriage with him, as under his last Will and Testament, or otherwise howsoever, and which is to be understood and considered as a complete satisfaction of all demands which she the said Mrs Strachan might have upon or against me by reason of a certain Agreement in writing by me made and entered into with her and executed before Gray and another Public Notaries, and bearing date at the said City of Montreal the twenty eighth day of August in the year of Our Lord One Thousand Eight hundred & five, and of a certain Trust therein & thereby constituted, or intended to be constituted, and of all and singular the covenants, promises, & obligations therein contained on my part to be done & performed, or for or by reason of any other cause, matter, or thing whatsoever; also an annuity of fifty Pounds current money aforesaid, yearly and every year during her life, to Mrs Mary Wood, another of Mrs Strachan, being the annuity settled upon her by ^{P10}my brother Andrew's last Will and Testament, and to be by her taken & received in payment of the said last mentioned annuity, and in discharge of all demands against me or my succession; also an annuity of fifty pounds, current money aforesaid, yearly and every year, during her life, to Mad: St. Olivier,

7.
of the General Hospital near Quebec, which last mentioned annuity I do hereby give and bequeath to the said Mad: St. Olivier, as for an alimentary allowance or provision, and to be paid and applied to for her sole use and benefit; and an annuity of Twenty Pounds, current money aforesaid, yearly and every year during her life, to Mrs Agnes Craig, of Glasgow in Scotland, which last mentioned annuity I do give and bequeath to the said Agnes Craig, to for her use and benefit; and also upon Trust that they or he do and shall pay the Capitals of the said several annuities, estimated at the rate of one hundred pounds for each six pounds of annuity, together composing the said sum of seven thousand Pounds, when and so soon as the said annuities respectively shall cease and be extinguished, to the said Francis Des Rivieres, if living, or, if dead, then to his legal heirs, to for their use and benefit.—

I give and bequeath to the said Francis Des Rivieres the sum of Eleven thousand Pounds, current money aforesaid, upon Condition, nevertheless, that he do pay and satisfy a legacy of five hundred pounds, bequeathed by my late Brother Andrew, by his last Will & Testament, to Andrew the Gill Tousey, when the same may become due, according to the terms of the said bequest. And

8. Insert 11(a)

on the concerns of the late house or firm of James & Andrew Inc Gill & Co. when the same shall have been finally liquidated, whereby the said Thomas Blackwood, as having been a Partner in the said house or firm, will become my debtor for his proportion of that loss to be sustained by him, my Will is that the said Thomas Blackwood be exonerated from the payment of such his proportion of the said loss; And I do hereby remit ~~Release~~ & release to him such sum & sums of money as might, after satisfaction & final liquidation of the concerns thereof, be lawfully demanded from him on my behalf, as & for his proportion of such loss by reason of his having been such Partner as aforesaid.

Insert 15(a)

And I do hereby further declare my Will to be that it shall be lawful to & for any two of my said Executors, and the survivor & survivor of [them] to execute this my Will and every part thereof; and that ^{it} shall be lawful as well for my said Executors and Executor as for my said Trustees or Fiduciary Legatees, herein before constituted, and their respective heirs, executors, & curators, by and out of all or any of the moneys, which, by virtue of this my Will or any Trust therein declared, shall come to their or any of their hands to deduct, retain to, & reimburse themselves all such reasonable costs, charges, and Expenses as they respectively shall

9.
or may sustain, expend, or be put unto, in or about the execution of this my Will, and also that my said Trustees or Fiduciary Legatees, & Executors, their respective heirs, executors, & curators shall be charged and chargeable, only, every of them, for and with his respective receipts, payments, acts, and wilful defaults, and not otherwise, and shall not be charged or chargeable with or for, any sum or sums of money other than such as shall actually and respectively come to his and their hands, by virtue of this my Will, nor with or for any loss or damages which may happen in or about the execution of all or any of the Trusts hereby in them reposed, without his or their respective default.

And

Insert 17(a)

in the presence of them the said Deponents respectively; And that the signature "James Mc Gill" set and subscribed at the bottom of the said Will and at the bottom of each of the pages preceding the last page of the Will is of the proper hand-writing of the said James Mc Gill.

[from edge of page. These have contained the word 'said']

And the said Deponents further respectively say, that at the time of Executing the said last Will and Testament of the said James Mc Gill, William Boston, at the request of the said Testator, in his presence, and in the presence of each other,

10. did set and subscribe their respective names to the said Will, as Witnesses to the due execution and publication thereof, and that the signatures "J Stuart," "Peter Harkness," "W Boston," set and subscribed at the bottom of the said Will and also at the bottom of each of the Pages preceding the last page of the said Will are of the proper hand-writing [of them] the said Deponents Respectively.

J Stuart
Peter Harkness
Willm Boston

Probate of the Will of James W. Gill.

To the Honorable the Chief Justice and
Justices of His Majesty's Court of King's
Bench of and for the District of Montreal,

The Petition of Isaac Todd, the Honorable
John Richardson, Francis Des Rivieres, and
William W. Lillivray, of the City of Montreal in
the said District of Montreal, Esquires.

Respectfully sheweth,

That the Honorable James W. Gill,
late of the said City of Montreal, Esquire, deceased,
heretofore in his life time, to wit, on the eighth
day of January in the Year our Lord one thousand
eight-hundred and eleven, did make and
publish his last Will and Testament, and
thereof did nominate and appoint your Petitioners,
jointly with the Honorable Richard Cartwright,
of Kingston in the Province of Upper Canada,
Esquire, Executors, and hath since departed
this life, without having altered or revoked
his said Will.

That your Petitioners are desirous of proving
the said Will, that the same may receive legal

2

Execution, and that they ^{P. 2} may be enabled to discharge the Trust thereby in them refused.

Wherefore your Petitioners do herewith Exhibit the said Will to be and remain among the records of His Majesty's said Court, and pray that at such time and place as Your Honors may appoint legal proof of the making and Publishing of the said Will may be received in due course of Law, and probate thereof granted.

Montreal, 30th December 1813.

Isaac Todd
Fran^s Desrivieres
W^m G^r Lillivray
John Richardson

Be it remembered that on the thirtieth day of December in the year of Our Lord one thousand eight hundred and thirteen at the City of Montreal in the District of Montreal in the Province of Lower Canada, before me the Honorable Louis Charles Foucher Esquire one of the Justices of the Court of Kings Bench for the District of Montreal personally appeared Isaac Todd Francis Desrivieres, W. G. Lillivray, the Hon^{ble} John Richardson of the City of Montreal, Esquires, Executors of the last Will and Testament of the Late the Honorable James W. G. Gill Late of

With the Honorable Richard Cartwright of Kingston in the Province of Upper Canada

Reid & Levesque (P.R.A.)

the said City of Montreal in the said District Esquire, and produced the last Will and testament of the said Honorable James Mc Gill herewith annexed and prayed to be admitted to the proof thereof, and due proof having been this day made before me of the said Last Will and testament bearing date on the eight day of January in the year of Our Lord one thousand eight hundred and Eleven, as appears by the depositions herewith and hereto annexed, I do hereby order the said Last Will & Testament to be remain deposited among the Records of the said Court of King's Bench, and that the same be registered, & Copies thereof delivered in due Form of Law to the said Executors, they having duly taken the oath of Executors as required by Law.

L C Foucher J. B.

Reid & Levesque P. [B. N.]

Be it also remembered that on the second day of February one thousand eight hundred and fourteen, at the City of Montreal in the Province of Lower Canada, personally appeared before me, the Honorable Richard Cartwright one of the Executors of the said Last Will of the late Honorable James Mc Gill herewith annexed,

4: Who was also qualified and took the oath of
an Executor of the said Last will of the said
Honorable James Mc Gill Esquire as required
by Law before me. J. [Ogdon] J. K B.

Reid & Levesque P. [R. K.]