Page

Burial *in the Parish of* Chiswick *in the County of* Middlesex *in the Year* 18 18.

No.	Name.	Abode.	When Buried.	Age.	By whom the Ceremony was performed.
	William Mc Tavish	Strand-on-Green Chiswick England	May 9th 1818	22 Years	Rev D.r William Greenlaw

I do hereby certify that the above is a true copy of an entry made in the Register Book of Burials belonging to the Parish of St. Nicholas Chiswick Witness my hand this First day of December in the year One thousand ~~eight~~ hundred and NINE Twenty Two.

Designation Vicar of Chiswick

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Page 2

Burial *in the Parish of* Chiswick *in the County of* Middlesex *in the Year* 1819.

Name.	Abode.	When Buried.	Age.	By whom the Ceremony was performed.
Anne Rc Yarish	Bridport Dorsetshire England.	May 29th 1819	19 Years	Revd Dr William Greenlaw

No.

I do hereby certify that the above is a true copy of an entry made in the Register Book of Burials belonging to the Parish of St Nicholas Chiswick Witness my hand this First day of December in the year One thousand ~~eight~~ NINE hundred and Twenty Two

Edwd Smith

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Page 1.

Burial *in the Parish of* Chiswick *in the County of* Middlesex *in the Year* 1819

Name.	Abode.	When Buried.	Age.	By whom the Ceremony was performed.
Mary Pasley	Sidmouth Devonshire England	June 19th 1819	21 Years	Rev Dr. William Greenland

No.

I do hereby certify that the above is a true copy of an entry made in the Register Book of Burials belonging to the Parish of St. Nicholas Chiswick Witness my hand this First day of December in the year One thousand ~~eight~~ hundred and NINE Twenty Two

Edward [illegible]

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Page 1.

Burial *in the Parish of* Chiswick *in the County of* Middlesex *in the Year* 1828.

Name.	Abode.	When Buried.	Age.	By whom the Ceremony was performed.
No. Simon Ke Yarish	Ramsgate Kent England	Oct 18th 1828	25 Years	Revd Dr William Greenlaw

I do hereby certify that the above is a true copy of an entry made in the Register Book of Burials belonging to the Parish of St. Nicholas Chiswick Witness my hand this First day of December in the year One thousand ~~eight~~ hundred and Twenty Five NINE

Edward [illegible] Designation Vicar of Chiswick

Waterlow and Sons Limited, Printers, London Wall, London.

Montreal Kings Bench October Term 1811

George Selby . . . Plff

&

William McGillivray et al

Defdts

George Selby of the City of Montreal in the District of Montreal Physician Plaintiff complains of William McGillivray of the City of Montreal in the District of Montreal aforesaid Esquire, John Fraser of the City of London in that part of the United Kingdom of Great Britain and Ireland called England Esquire, Hugh Fraser of Bright Money in that part of the said United Kingdom called Scotland Esquire Isaac Todd of the said City of Montreal in the said District of Montreal Esquire and the Honorable James Reid of the said City of Montreal in the said District of Montreal Esquire the only surviving Executors of the last will and testament of the late simon McTavish Esquire deceased in his lifetime of the City of Montreal aforesaid Esquire Defendants

For that where as heretofore to wit on the second day of July in the year one thousand eight hundred and four at the City of Montreal aforesaid the said late simon McTavish Esquire deceased then alive duly made his last will and testament bearing date the day and year aforesaid and thereby amongst other things gave and bequeathed unto the said Plaintiff by the same and description of my friend Dr. George Selby the sum of two hundred pounds Current money aforesaid to wit Current money of this Province.-- And the said Simon McTavish did also in and by the said last will and testament order and direct that none of the legacies therein mentioned exceeding one hundred guineas

T. Dyatie Lyon

should be paid out of his Estateuntil seven years at least after his decease unlegs sufficient monies for that purpose should have been realised therefrom without loss or inconven ience to the concern or concerns in which he was then a Partner-And the said Simon McTavish deceased then alive did in and by his said last will and testament nominate constitute and appoint the said Defendants and Duncan McGillivray and Joseph Frobisher Esquires and the survivors or survivor of them Executors and Executor of the same and did therein and thereby also give power to the said executors and every of them to remain vested and seized of all and singular the Estate, Property and effects by him bequeated and divised for the purposes contained in the said last will and testament and to hold and exercise the trust hereby reposed in them and each of them over and beyond the year and day limited by the Laws of this Province of Lower Canada and did therein and thereby also will and order that the powers of the said Executors under the said last will and testament should not cease or determine ultil all and every the dispositions provisions and appointments therein before mentioned should have been fully paid and satisfied and complied with. And the said Simon McTavish deceased after the making of the said last will and Testament to wit on the Sixth day of July in the year one thousand Eight hundred and four at Montreal aforesaid died before altering or revoking his said last will and testament and the said Plaintiff in fact saith that upon the death of the said Simon McTavish deceased the said Defendants together with the said Duncan McGillevray deceased then alive and the said Joseph Frobisher deceased then alive took upon themse lves the burden of the Execution of the said last will and

T. Deputy Clerk

and testament and that divers goods and chattels of the late Simon McTavish deceased of great value to wit of the value of one hundred and twenty thousand pounds

Current money aforesaid afterwards to wit after the decease of the said Duncan McGillivray and Joseph Frobisher to wit on the thirteith day of september last past at Montreal aforesaid came to the hands of the said Defendants as the surviving Executors of the said last will and testament which said property Estate and effects and the said goods and chattels were more than sufficient to pay and satisfy the just Debts, funeral charges and legacies of the said Simon McTavish deceased And the said Plaintiff in fact further saith that seven years from the decease of the said Simon McTavish deceased have long since elapsed and that the said Duncan McGillivray and Joseph Frobisher have both deceased since the decease of the said Simon McTavish deceased to wit the said Duncan McGillivray on the ninth day of April one thousand eight hundred and eight and the said Joseph Frobisher on the twelfth day of September one thousand eight hundred and ten of all which premises they the said Defendants afterwards to wit on the said thirteith day of September last past at Montreal aforesaid had Notice.- By reason of which said premises thesaid Defendants became liable to pay to the said Plaintiff the said sum of two hundred pounds Current money aforesaid so given and bequeathed by the said Simon McTavish to him the said Plaintiff as aforesaid and being so liable they the said Defend ants in consideration thereof afterwards to wit on the same day last aforesaid at Montreal aforesaid undertook and faithfully promised the said Plaintiff to pay him the said sum of two thousand pounds Current money afore said so given and bequeathed to him as aforesaid when ever they the said Defendants should be thereto afterwards requested.--

T. Deputy Clerk

And whereas afterwards to wit on the same day last aforesaid at Montreal aforesaid they the said Defend ants were indebted to him the said Plaintiff in other sum of two hundred pounds Current money aforesaid for money by the said Defendants before that time had and received to the use and behoof of the said Plaintiff and being so indebted they the said Defendants in consideration thereof afterwards to wit on the same day last aforesaid at Montreal aforesaid undertook and faithfully promised the said Plaintiff to pay him the said last mentioned sum of money when they the said Defendants should be thereto afterwards requested.- Yet the said Defendants not regarding their said several promises and undertakings in manner and form aforesaid by them made have not nor hath either of ~~tam~~ them yet paid the said several sums of money or either of them or any part thereof to him the said Plaintiff (although so to do they the said Defendants have been often request ed) but the same to pay they have and each of them hath hereto wholly refused and still do refuse to the damage of the said Plaintiff two hundred pounds Current money aforesaid.

Wherefore the said Plaintiff brings suit and prays that the said Defendants in their said Capacities may be jointly and severally adjudged and condemned to pay and satisfy to him the said Plaintiff the sum of two hundred pounds Current money aforesaid with Interest and Costs--

For the Ptff.

D. Ogden

Atty

Montreal 8th. October 1811

T. Depatie

GEORGE THE THIRD, by the Grace of God of the United Kingdom of Great-Britain and Ireland King Defender of Faith.

To the SHERIFF of the District of Montreal, in our Province of Lower-Canada, GREETING. WE COMMAND you that you Summon

William McGillivray of the City of Montreal, in the said District of Montreal Esquire, John Fraser of the City of London in that part of the united Kingdom of Great-Britain and Ireland Called England Esq.re Hugh Fraser of Bright money in that part of the said united Kingdom called Scotland Esqre. Isaac Todd of the said City of Montreal Esquire and the Honorable James Reid of the said City of Montreal in the said District of Montreal Esquire the only surviving Executors of the last Will and Testament of the late Simon McTavish Esquire deceased in his lifetime of Montreal aforesaid.----------

to be and appear before us, at the Court-House, in our City of Montreal, on Thursday the tenth day of October instant------- to answer George Selby of the City of Montreal in the said District of Montreal Physician

- - - -

By virtue of this writ to me directed, on the eight day of October instant I caused the within named William McGillivray John Fraser, Hugh Fraser, Isaac Todd and the Honorable James Reid to be summoned to be and appear on the day and at the place within contained to answer as the said writ demands and requies by leaving copies of the said writ and of the declarat ion thereunto with grown persons at the respective domiciles of the said William McGillivray, John Fraser, Hugh Fraser, Isaac Todd and James Reid, in the City of Montreal in my District as within I am commanded.

Fredk. W. Ermatinger, Sheriff

16th. Oct. 1811

(True Copy)
T. Depatie Dep. P.S.C

No. 385

Kings Bench October Term

1811.

DECLARATION

George Selby Plff----

&

William McGillivray

et al:--------Defdts

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

Ajs for a Legacey

L 200..--

A

Filed 10th. October 1911

In two covers united,

Nos.385 & 2.714

K. B. Montreal,

October Nos 1839

Judgment of distribution

George Selby----Ptff.

vs

Wm. McGillivray et al Exetors

Def.

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

and

~~divers~~ interveningparties

and

Ex parte on Petition of

Arthur Webster, Curator

and

divers Claimants

Ex G. P.

Filed 18th October 1839

M. & M., P.Q.

Signed by all the parties interested.

M & M. P. Q.

Judt. 18th Oct. 1839.--------

140

To the said John McTavish and Magd
delen McTavish, his wife; balance
of the testator's legacy of L 300
Sterling to the said Magdelen
McTavish, sister of Donald McTavish
of the Northwest Company, and
daughter of Alexander McTavish, the
testator's uncle..... 125.4.2

Dividend thereon_____ 1.11.6

To the said Hugh McTavish;
balance of the testator's legacy
of L 300 Sterling to him, as one
of the sons of the late Alexander
McTavish, the testator's uncle 124.1.3
& balance of the testator's
legacy of L 300 Sterling to
Catherine McTavish, in her life
time wife of Donald Munro and
daughter of the late Duncan
McTavish, also the testator's
Uncle; the said Hugh McTavish
being the assygnee of the said
Catherine McTavish and in her
rights.....124.1.3 248.2.6

Dividend thereon _____ 3.2.5

To the said Honorable Roderick
McKenzie and Rachel Chaboillez,
his wife; balance of the testator's
legacy of L 1000 Currency, to the said
Rachel Chaboillez..... 343.10.9

Dividend thereon _____ 4.6.2

T. Depatie Dep. 1 & C

To the said George Selby;
Balance of the testator's legacy of
L 200 Currency to himself, and of the
Testator's legacy of L 500 Currency to
his son, the late William Dunbar Selby 242.9.6
Dividend thereon _____ 3.1.-

To the said Community of religious
ladies of the Hôtel-Dieu of Montreal;
balance of the testator's legacy to
them of L 1000 Currency..... 343.11.8
Dividend thereon _____ 4.6.5

To the said Community of the nuns of
The General Hospital (hôpitalGeneral)
of Montreal;
balance of the testator's legacy to
them of L 1000 Currency..... 343.11.8
Dividend thereon _____ 4.6.5

Currency L 628.5.2

And the Court further considering the prayer of the said supplemental Petition of the said Arthur Webster, do further consider and adjudge that, on payment of the aforesaid several sums of monies to the parties to whom they are respectively adjudged, the said Arthur Webster be, and he is hereby discharged from the Curatorship of the said vacant Estate and Succession of the late

T. Depatie Dep.r S.C

the late Simon McTavish.--

G. Griffin
Atty for Plenderleath, Exor of the wills
Of Simon and Mary McTavish; and for Alex
Grant and the Hon. R. McKenzie and wife;
Claimants, and also for A. Webster, curator
and Petitionner.

Peltier & Bourret
Att. for Selby, Hôtel-Dieu & General Hospital.
J.C.Taylor Atty for D.M. McTavish,D.McTavish
et al., John McTavish, J.McTavish et ux;
S. Gerrard et al, M.Sutherland, S.S.Wood,et al,
clts, Hon. J.Reid, Exor. Defs.

(True Copy) T. Lepatie Dep. D.S.C

District of Montreal

In two covers united,

Nos. 385 & 2714

COURT OF KING'S BENCH

George Selby of the City of Montreal in the District of Montreal, Esquire, Physician-------Plaintiff

and

William McGillivray of the same place, Esquire, and others Executors of the last will and testament of the late Simon McTavish, in his life time of the same place, Esquire----

Defendants.

and

divers intervening parties;

and

Ex parte on the Petition of Arthur Webster, of Meadow Bank in the Signory of Isle Jesus in the District of Montreal Esquire, Curator duly appointed to the vacant Estate and succession of the late Simon McTavish, deceased, in his life time of the City of Montreal in the said District, Esquire;

and

William Smith Plenderleath heretofore of Dover now of Ramsgate in the County of Kent, in England, Esquire Executor of the last will and testament of Simon McTavish, the younger, deceased, in his life time of the same place, Esquire;

and

The said William Smith Plenderleath Executor of the last will and testament of the late Mary McTavish, deceased, in her life time wife of Charles × of Gloucerter place in the County of Middlesex in England, Esquire;

and

John McTavish, of Baltimore, in the United States of America, Esquire;

and

Alexander Grant of Brockville in the District of Johnstown in the Province of Upper Canada, Esquire, heretofore a Lieutenant in His Majesty's regiment of Canadian infantry;

and

Margaret Sutherland, of the town of Three-Rivers in the District of Three-Rivers and Province of Lower-Canada, widow of the late Daniel Sutherland, in his life time of Quebec in the west province, Esquire, tutrix duly appointed to Maria Louisa Hollowell and William Hollowell minor children issue of the marriage of her daughter the late Maria Sutherland, with the late James Hollowell in his life time of Quebec, aforesaid, Esquire;

and

The Reverend Samuel S. Wood, of the said town of Three-Rivers, Clerk, and Margaret Hollowell, his wife, by him duly authorized;

and

Samuel Gerrard and George Gregory, of the City of Montreal aforesaid, Esquires, trustees and assygnees of the Estate and property of the late Honorable William McGillivray, in his life time of the same place, and of Simon McGillivray, also of the same place, Montreal;

and

The honorable James Reid, of the City of Montreal afor said, Chief Justice of the Court of King's Bench for the said District of Montreal, and Elizabeth McGillivray his wife, by him duly authorized;

T. Deputie Lyn

and

Duncan McTavish, of Garthby, in the United Parishes of Bobskin and Abertarff in the County of Inverness, in Scotland, tacksman, son and trust disposer and sole Executor of the last will and testament of the deceased Archibald McTavish, in his life time of Garthby aforesaid tacksman;

and

The said Duncan McTavish , James Loban, of Gathbeg afore said, Lieutenant in the Inverness Militia, and Margaret McTavish, his wife, by him duly authorized, Donald McTavish, of Miramichi in the Province of Lower-Canada Merchant, and William McTavish, of Quebec in the Said Province, Esquire, Advocate, the said Duncan, Margaret, Donald and William McTavish being the Children and Heirs at law of the late Wm. McGillivray, in her life time wife of the said late Archibald McTavish;

and

John McTavish, of the Northern Infirmary, near Inverness, in the Parish and County of Inverness in Scotland, and Magd alen McTavish, his wife, by him duly authorized;

and

Hugh McTavish, of Beanbyside, in the Parish of Kirkhill and County of Inverness in Scotland, tacksman, in his own name and Behalf as one of the sons of the late Alexander McTavish, uncle of the said late Simon McTavish, and also as being the Assignee, and in the rights of the late Catherine McTavish, in her life time wife ~~xfxkhm~~ of Donald Monro, and daughter of the late Duncan McTavish, also an uncle of the said late Simon McTavish;

and

The Honorable Roderick McKenzie, of Terrebonne in the said District of Montreal, Esquire, , and Rachel Chaboillez,

T. Depatie

his wife, by him duly authorized;

and

George Selby, of the City of Montreal aforesaid, Esquire, Physician & Surgeon, as well in his own name, and on his own behalf, as in his capacity of universal legatee in usufruct of the Estate and property of the late William Dunbar Selby, his son, in his life time of the same place, Physician and Surgeon;

and

Dame Marie Anne Le Pallieur de Voisy, Superior of the Community of religious ladies of the Hotel-Dieu of Montreal, Marie Louise Sepellé Mezières, assistant, Marie Weckes, Instructrèss of Novices, Marie Catherine Urtubize, hospitaller, and Marie Catherine Lacroix, depositary of the property of the Community of the Hotel-Dieu and of the said Community of religious ladies;-

and

Dame Marguerite Dorothée Beaubien, Superior of the Community of Nuns of the General Hospital (Hôpital Général) of Montreal, and Elizabeth Forbes dite McMullin, steward, (Econome) of the said Community and the said Nuns of the General Hospital, of Montreal;-

Claimants:-

T. Depatie Dep. P. S.C

The Court having seen the supplemental Petition of the said Arthur Webster in these three causes united fyled on the eleventh day of June last, and the supplemental and final statements of his receipts and disbursements and amount current of his gestion and management of the Estate and Succession of the said late Simon McTavish, to which statements and amount no objection has been raised;- having also heard the parties in these causes united, and seen their consent to the present judgment, It is considered and adjudged that the said Arthur Webster do pay and distribute the sum of Six Hundred and twenty eight pounds five Shillings and two pence Currency, balance of his said amount current remaining in his hands as follows, to wit:-

T. Lepratte Dep. 1. S.C

To the ProtoNotary of this Court for entering
this judgment and granting two copies thereof...1.2.6

To Frederick Griffin Attorney of the said
Arthur Webster, for drawing this judgement.2.6.8

For his fees disbursements as the Pet
itionner's Attorney, drawing petitions--
publishing the order of Court, calling
in Creditors, attendances, Notices, &c....4.1.6

P.8.2

7.10.8

To the said William Smith Plenderleath,
Executor of the will of the late Simon
McTavish, the younger;-
Balance of the testator's by any of
L 20,000 Sterling to the said Simon
McTavish & interest thereon.... ..... 20,320.14

Dividend thereon 25515.5

To the said William Smith Plenderl
eath Executor of the will of the late
Mary McTavish, wife of Charles Pashy;-
Balance of the testator's legacies
of L 10.000 Sterling each to the said
late Mary McTavish and the late Ann
McTavish, the said Mary McTavish having
in her life time been entitled to the
lagacy to her sister, the said Ann
McTavish, by right of survivorship.-
and interest..... ..... 20.322.16

Dividend thereon

255.15.6

T. Deputie Depu. S.C.

To the said John McTavish (of Baltimore)

balance of the testator's legacies of
L 2000 Sterling each to himself and his
late brother, Alexander McTavish and
interest thereon..... 2,792.15

Dividend
thereon_____ 35.2.5

To the said Alexander Grant;

balance of the testator's legacy to
him of L 1000 Currency and interest 1,001.2.7

Dividend thereon _____ 12.11.11

To the said Margaret Sutherland,
tutrix as aforesaid; two third parts
of the balance of the testator's legacy
of L 500 Sterling to her daughter,
the late Maria Sutherland, and interest 292.8.11

Dividend thereon_____ 3.13.7

To the said Samuel S. Wood and Marg
aret Hallowell, his wife; one third
part of the balance of the same
legacy and interest..... ..... 149.10.11

Dividend thereon_____ 1. 17. 7

To the said Samuel Gerrard and
George Gregory, Assignees &c, balan
ce of the testator's legacy of L 1000
Sterling to the late William McGill
ivray and of the legacy of L 500 Sterl
ing & L 4000 Currency to Simon McGill
ivray..... .....2.054.19.8

Dividend thereon_____25.17.3

T. Dejpatie Sept 18C

To the said Honorable James
Reid and Elizabeth McGillivray, his
wife, balance of the testator's
legacy of L 500 Sterling to the
said Elizabeth McGillivray..... 193.16.1

Dividend thereon _____ 2.8. 9

To the said Duncan McTavish, as
trust disp. and Executor of the
will of the late Archibald McTav
ish, his father;
balance of the testator's legacies
of L 300 Sterling and int. to the
said Archibald McTavish, and to
Catherine & Elizabeth McTavish,
all Children of the testator's
uncle, Donald McTavish,- the said
Archibald McTavish being at the
time of his decease in the rights
of the said Catherine and Elizabeth
McTavish..... 371._.10

Dividend thereon _____ 4.13.5

To the said Duncan McTavish, James
Soban and Margaret McTavish, his
wife, Donald McTavish and William
McTavish; balamce of the testator's
by any of L 500 Sterling, to their
mother, the late Ann McGillivray,
to whom they are heirs at law.....178.6.1

Dividend thereon _____ 2.4.9

T. Deputy Sep. 1.8.C

PROVINCE OF CANADA,
DISTRICT OF MONTREAL.

IN THE SUPERIOR COURT

No 1538.

EMILY CATON,

PLAINTIFF,

- Vs -

HUGH ALLAN,

DEFENDANT.

Emily Caton,of the City of Baltimore,in the State of Maryland,one of the United States of America,widow of the late John MacTavish,Esquire,in his lifetime of the said City of Baltimore and there exercising the functions of Consul for Her Britannic Majesty Our Sovereign Lady,Victoria,Queen of the United Kingdom of Great Britain and Ireland,as well in her capacity of Executrix of the Will of her late husband,the said late John MacTavish,as in her capacity of Universal Legatee of the said late John MacTavish,Plaintiff COMPLAINS of Hugh Allan,of the City and District of Montreal,Esquire,Merchant,Defendant,and declares:-

That by deed made and passed in the City of Montreal,on the twenty-first day of December one thousand eight hundred and forty-three, before Griffin and Colleague,Notaries,the said John MacTavish by the name and description of John MacTavish,Esquire,of the Town of Baltimore,in the State of Maryland,one of the United States of America,nephew of Simon MacTavish,Esquire,late of Montreal aforesaid,deceased,and the eldest and only surviving son of his late brother Alexander MacTavish being then and theretofore in possession as proprietor of certain property of large extent situate, lying and being at or near the Mountain of Montreal and known as the MacTavish property,thereto acting by Hugh Taylor,Esquire,Advocate of the said City of Montreal,his Agent and Attorney ad negotia sold,ceded and transferred to James Smith,Esquire,of the City and District of Montreal,then Advocate,and Duncan Fisher, Esquire,of the same place,also then Advocate and Queen's Counsel,

T. Depatie p.q.s.

both thereto present and accepting as joint purchasers a certain immoveable property with its dependencies situate and being in the City and Parish of Montreal and described in said Deed as follows, to wit:- "All that certain farm or tract of land and premises situate, lying and being at or near the Mountain of Montreal, known as the MacTavish property" and more particularly by the following description, to wit:-"A lot of land whereof the said John MacTavish is proprietor and possessor, situate and being in the Parish of Montreal, part thereof, in the Saint Antoine Suburb, in the said City of Montreal, and part thereof in the Mountain out of the limits of the said City of Montreal marked in the Terrier of the said suburb Nos 466, 467, 468, 579 and 591 and No 637 on the Terrier of the Island, containing in the whole two hundred arpents of land and more of to be formed in superficies enclosed and bounded within the following limits, in front partly by Janvier Street, partly by John Redpath, partly by the Jewish Cemetery, partly by the Catholic Cemetery and partly by R. & H. Corse, behind by the heirs or representatives of John Gray, on the North-East side partly by the said Jewish Cemetery, partly by the said Catholic Cemetery, partly by the land of McGill College, and near the depth by the Heirs Durocher, and on the South-West side partly by Demoiselle Lydia Hoyle, and partly by the said John Redpath, the said farm or lot of land divided by Sherbrooke Street of the said City of Montreal, having a dwelling house, a large unfinished stone house, covered with tin, a barn and other buildings thereon erected for the certain sum of money therein named, and the said purchasers of said property by virtue of said sale and purchase well and truly thereafter took possession <u>à titre de propriétaires</u> of said property and dependencies, and said sale was well and duly ratified by the said John ... MacTavish, in the said City of Baltimore, by Deed or Instrument in writing bearing date the eighth day of January one thousand eight hundred and forty-four, under the signature and seal of the said

T. Depatie J.P.

John MacTavish in presence of witnesses,as the whole appears on reference to said Deed of Sale,an authentic copy of which is herewith filed as forming part of these presents.

That said property was,by said Deed,sold and transferred as aforesaid as the said lot of land,buildings and premises then actually extended with the exception and reservation as stipulated in said Deed."The Tomb and Monument then erected to the memory of the said late Simon MacTavish,situate and being at the foot of the said Mountain,with such extent of land as the same then occupied and might be reasonably required around the same for the purposes thereof and which should be thereafter agreed upon by the said parties with a road of thirty-six feet in breadth to communicate with the same,which the said vendor,the said John MacTavish,in and by the said Deed of Sale in part above recited,excepted from said sale and therein and thereby reserved always unto and to and for his own use,benefit and behoof and that of his Heirs,Executors, Curators,Administrators and Assigns for ever thereafter as the whole appears in reference to said Deed of Sale.

That the said Plaintiff further saith:- That immediately after the said Sale,it was agreed and well understood by and between the said John MacTavish and the said James Smith and Duncan Fisher that the certain and particular piece and portion of ground exhibited,contained and described in a certain sketch or plan of the said property herewith produced and filed marked M,the said Tomb and Monument having sixty-four feet at the base or front by one hundred and one feet in depth and fifty feet four inches in the rear more or less,and the ground in front of the said Tomb and Monument starting at point C on said plan and proceeding to points D and E,thus forming a semi-circle as shewn on the said plan and containing two thousand six hundred and ninety-four feet in superficies,more or less,should form and compose the reserve mentioned and reserved in and by the said Deed of Sale for the Tomb and Monument and was thereupon set aside and separated from the adjoin-

T. Depatie fils

ing property by a fence and dyke and was planted with cypress trees and shrubs round the semi-circle in front of the said Tomb which fence was wantonly destroyed by malicious persons unknown to the said plaintiff. That the said piece or parcel of ground was never sold or disposed of by the said John MacTavish and continued to be in his possession until the time of his death and since then up to the time of the committing of the grievance hereinafter complained of in the possession of the said Plaintiff and was in truth and in fact a portion of and belonging to the said Tomb and Monument as aforesaid.

That at the date of the passing of the Deed of Sale above mentioned and for many years previous thereto, the said John MacTavish was and had been duly and legally united in marriage with the said Plaintiff, which marriage between them was duly and legally contracted, celebrated and enregistered on or about the fifteenth day of August one thousand eight hundred and sixteen, in the County of Maryland, in the said State of Maryland according to the laws and required formalities of said state.

That the said John MacTavish departed this life on or about the twenty-first day of June one thousand eight hundred and fifty-two at the said City of Baltimore and was there buried on or about the twenty-second day of June one thousand eight hundred and fifty-two.

That previous to his death, the said John MacTavish otherwise called John McTavish did make his Last Will and Testament well and truly by him written in the English language at the said City of Baltimore, in said State of Maryland where he then resided and had his domicile, according to the required forms need the laws then existing and in force, as well in the said State of Maryland as in England and at the Scottain thereof the said John MacTavish did on or about the twenty-fourth day of July one thousand eight hundred and forty-eight well and truly set and affix his seal and

T. Depatie Jr.

signature in his writing and which was then and there by him duly signed,sealed,published and declared by him in presence of the three witnesses therein mentioned and thereto present,who also then and there as such witnesses duly respectively signed their names at the bottom of the said Will in presence of the said Testator and each of them to be his Last Will and Testament and as containing his last dispositions and thereby disposed of all his property moveables and immoveables,and among other dispositions by his said Last Will instituted his said wife,to wit,the Plaintiff,universal legatee of all his moveables and immoveables and of everything he might leave at his death ,and further in and by his said Last Will the said Testator named and left his said wife,the said Plaintiff, his sole testamentary executrix.

That after the death of the said John MacTavish the said Plaintiff duly accepted and took the said universal legacy (legs universel) to her made by her said husband,and by and with the consent of the children issue of her marriage with the said John MacTavish and of every person therein interested,did obtain due deliverance thereof and took possession of all the property moveable and immoveable and of everything left by her said husband,<u>à titre de légataire universelle</u>,and further also well and duly accepted of the office of Testamentary Executrix of her said husband according and in pursuance of the laws of and formalities required either by the laws of the said State of Maryland or this Country.

That also after the death of the said John MacTavish, his said Will was well and truly produced,exhibited,published,proved,deposited and enregistered in the office of the Registrar of Wills for the said City of Baltimore,and that Letters of administration for the moveable property of the said John MacTavish were well and truly granted,given to,and conferred on the said Plaintiff the whole according to the laws and the formalities then in force in the said State of Maryland.

That the said Plaintiff is therefore,as well in her

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said quality of Testamentary Executrix as in her said quality of Universal Legatee, entitled to proceed at law in any case concerning or touching the property to her bequeathed and willed by the said John MacTavish on the possession of the whole or any part thereof.

That on the first day of August last past and for more than a year and a day then next preceding the said Plaintiff was in open possession publicly and peacefully as owner thereof of the said Tomb and Monument with the said extent of land as aforesaid, to wit, the Tomb and Monument then erected to the memory of the said late Simon MacTavish, situate and being at the foot of the said Mountain with such extent of land as the same occupied and was .... reasonably required around the same for the purposes thereof as shewn on the said plan or sketch of the said property so produced and filed as aforesaid marked M, the said Tomb and Monument having sixty-four feet at the base or front by one hundred and one feet in depth and fifty feet four inches in the rear, more or less, and the ground in front of the said Tomb and Monument starting at .... point C on said plan and proceeding to points D and E, thus forming a semi-circle as shewn on the said plan and containing two thousand six hundred and ninety-four feet in superficies, more or less, with a road of thirty-six feet in breadth to communicate with the same and that up to and until the committing of the grievance hereinafter complained of, she, the said Plaintiff had free access to the said Tomb and Monument and ample and sufficient space round and about the same as was necessary and proper to maintain such Tomb and Monument as was requisite and necessary for the purposes thereof to the extent and in the manner shewn by the said sketch or plan, and which said ground had been planted by the said Plaintiff with ornemental trees, shrubs and flowers suitable to the purposes of such Tomb and Monument.

Yet the said Defendant not regarding the said premises

T. Lepatie Esqrs

afterwards, to wit, on the day and year aforesaid, at Montreal aforesaid with force and arms entered upon the said piece of ground so set apart as aforesaid and then and there subverted the soil thereof and erected and caused to be erected a certain stone wall of the height of eight feet, more or less, and extending in such manner as is described upon the said sketch or plan marked W as aforesaid from the point marked A to the certain other point thereon marked B being a distance of about fifty-one feet and enclosing one thousand six hundred and eighty-eight feet superficial feet and more.

By means whereof, she, the said Plaintiff has been troubled in the enjoyment and possession of her said property in the said Tomb and Monument and ground around the same and road and has sustained damage, to wit, in the sum of one thousand pounds current money, and an action hath accrued to her to obtain the demolition of the said wall, the building of which she hereby denounces as a disturbance in fact of her possessory right in and about the said piece of ground, Tomb and Monument and road.

WHEREFORE she prays ACTE of this her denounciation of the recent erection by the said Defendant of the said wall the which she hereby complains of as a disturbance in fact of her possessory right trouble defeat, and thereupon that the said Defendant be ordered and enjoined within eight days from the rendering of judgment in this behalf to quit, abandon and desist from the occupation of so much of the said piece of ground as is taken up and enclosed by the said wall, to demolish the same and to remove and carry away all the materials composing the same, and to replace the premises in the same plight and condition as they stood immediately upon the erection of said wall, and that in default of so doing within the said period of eight days, that the said Plaintiff be authorized and empowered to demolish and pull down the said wall at the expense of him, the said Defendant, that the said Defendant

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be condemned to pay to the said Plaintiff the said sum of one thousand pounds damages together with such other and further sum as she, the said Plaintiff may be compelled to lay out and expend in and about the demolition of the said wall to be ascertained by experts or otherwise as the Court may award in due course of law.

The whole with costs distraits to the undersigned.

Montreal, 2nd November 1861.

(Signed) Henry Stuart,

Attorney for Plaintiff.

(True copy)

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No 1538

SUPERIOR COURT - MONTREAL -

EMILY CATON,

PLAINTIFF,

- Vs -

HUGH ALLAN,

DEFENDANT.

DECLARATION.

Filed 31st December 1861.

(Copy)

.....

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

$250

PROVINCE OF CANADA,
DISTRICT OF MONTREAL.

SUPERIOR COURT FOR
LOWER CANADA

No 1538.

The twenty-eighth day of February one thousand eight hundred and sixty-six.

PRESENT:

THE HON.MR.JUSTICE MONK.

EMILY CATON,of the City of Baltimore,in the State of Maryland,one of the United States of America,widow of the late John MacTavish,Esquire,in his lifetime of the said City of Baltimore and there exercising the functions of Consul for us,as well in her capacity of Executrix of the Will of her late husband the said late John MacTavish,as in her capacity of Universal Legatee of the said late John MacTavish,

PLAINTIFF,

- Vs -

HUGH ALLAN,of the City and District of Montreal,Esquire,Merchant,

DEFENDANT.

THE COURT,having heard the parties by their respective Counsel upon the merits of this cause,examined the proceedings,proof of record and having deliberated,considering that the plaintiff hath established the material allegations of her declaration,and more particularly that the said defendant hath as complained of in and by her said declaration unjustly and illegally encroached upon,and taken possession of and enclosed with a stone wall,a certain portion and extent of ground mentioned and described in the declaration of the plaintiff in this cause,and to her in her said capacities belonging and being part and portion of a semi-circular area of land in front of the Tomb and Monuments of the late Simon McTavish,situated on the side of the Montreal Mountain,and adjoining the property of the said defendant.

IT IS ORDERED that the said defendant do within

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thirty days after the service upon him of the present judgment, demolish and take down the said stone wall, to wit, that portion of a certain stone wall shewn upon the plan marked " W " and produced and fyled by the plaintiff in this cause as her exhibit, extending from the letter " A " to the letter " B ", shewn on said plan, and being fifty-one feet in length, and that he do remove and carry away all the material composing the same, and do replace the premises in the same state and condition as they stood immediately upon the erection of the said wall; and it is further ordered that the said defendant do within the foregoing delay, quit, abandon and desist from the occupation of so much of the said piece of ground as is taken up and enclosed by the said stone wall so ordered to be demolished, and being an extent of ground containing one thousand six hundred and eighty-eight superficial feet, and forming part of the semi-circular piece of land reserved in front of the Tomb and Monument erected to the memory of the late Simon MacTavish and in default of the said defendant to demolish and remove the said stone wall within the delay above mentioned, the Court doth permit and authorize the said plaintiff to cause the said wall to be demolished and the materials removed therefrom at the costs and expense of the said defendant, - the whole with costs against the said defendant distraits in favor of Henry Stuart, the Attorney of the said plaintiff.

(Pap.) S. Monk,
J.S.C.

(True copy)

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~~(True copy)~~

No 1538

SUPERIOR COURT - MONTREAL -

EMILY CATON,

PLAINTIFF,

- Vs -

HUGH ALLAN,

DEFENDANT.

COPY OF JUDGMENT

Rendered the 28th February 1866

.....

Hon. Justice MONK.

.....

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

$1.20

CANADA,
PROVINCE OF QUEBEC,

COURT OF QUEEN'S BENCH
(APPEAL SIDE)

No 85.

Montreal, Thursday, the tenth day of June
One thousand eight hundred and sixty-nine.

PRESENT:-

THE HONOURABLE JEAN-FRANCOIS-JOSEPH DUVAL,
Chief Justice,

THE HONOURABLE MR. JUSTICE CARON,
" " MR. JUSTICE BADGLEY,
" " MR. JUSTICE MACKAY, Assistant.

HUGH ALLAN, of the City and District of Montreal, Esquire, Merchant,

(Defendant in the Court below,

APPELLANT,

- Vs -

EMILY CATON, of Baltimore, in the State of Maryland, one of the United States of America, widow of the late John McTavish, Esquire, in his lifetime of the said City of Baltimore and then exercising the function of Counsel for Her Britannic Majesty Our Sovereign Lady Queen Victoria Queen of the United Kingdom of Great Britain & Ireland as well in her capacity of Executrix of the Will of her late husband the said John McTavish as in her capacity of Universal Legatee of the said late John McTavish,

(Plaintiff in the Court below

RESPONDENT.

THE COURT of Our Lady the Queen, now here, having heard the respondent ex parte by her counsel, the appellant not appearing, examined as well the record and proceedings had in the Court below, as the Reasons of Appeal filed by the appellant and the Answers thereto, and mature deliberation on the whole being had: Considering that there is no error in the judgment appealed from, to wit, the judgment rendered by the Superior Court for Lower Canada, sitting at Montreal, in the District of Montreal, on the twenty-eighth day of February one thousand eight hundred and sixty-six; doth affirm the same with costs to the respondent against the said

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appellant.

AND it is ordered that the record be remitted to the Court below.

AND, on motion of Henry Stuart, Esquire, Attorney for the respondent, the Court doth award him distraction of his costs on the present Appeal in this cause.

(True copy)

(Signed) L. W. Marchand,
Clerk of Appeal.

T. Depatie Dpty

(~~True copy~~)

No 1538

COURT OF QUEEN'S BENCH

FOR

L O W E R C A N A D A

HUGH ALLAN,

APPELLANT,

- Vs -

EMILY CATON,

RESPONDENT.

COPY OF JUDGMENT

Rendered the 10th June 1869.

.....

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

1.00

INVENTORY of all and Singular the Estate property and effects moveable and immoveable Debts, outstanding and Interest in Trader, accounts, Bonds, Bills, Deeds papers and writings of Simon McTavish late of Montreal in the District of Montreal, Merchant deceased.

COMMENCED and taken this fifteenth day of September in the Year of Our Lord One thousand eight hundred and four, by the Subscribing Public Notaries in and for the Province of Lower Canada residing in the City of Montreal aforesaid. At the request of Margaret McTavish, widow of the said late Simon McTavish and Tutrix to her minor children of her marriage with him, but between whom there was no community of property. And in the presence and with the consent of Simon McGillivray of Montreal aforesaid Esquire, Sub-Tutor to the said Minors and of Isaac Todd, also of the same place Esquire one of the Executors of the Last Will & Testament of the said late Simon McTavish. And first we the said Notaries in the presence and with the consent aforesaid commenced the Inventory of the Household furniture, plate, horses, carriages, trinkets, cloaths and wearing apparel given and bequeathed by the said late Simon McTavish to his said wife in and by his last will and testament bearing date the second day of July last, and found in the dwelling house of the said late Simon McTavish in Montreal aforesaid of which no Estimation or appraisement hath been made the said Margaret McTavish being intitled to receive and take the said Article in the State they are now found in the said dwelling house. And the said parties have with us the said Notaries to these presents set and subscribed their names the day and Year above written.

(Signed) M. McTavish
" Simon McGillivray

A.C.G.

(Signed) Isaac Todd

" W.McGillivray

" Jo. Frobisher

" Bte.Desève
N.P.

" J.G. Beek
Not.Pub.,

. . . . . .

FIRST: In the front Entry, Principal Stair case and landing place of the said dwelling house.-

Two small Carpets.
Two Stair Carpets.
One large Iron Stove and pipe
One House Clock.

SECONDLY: In the sitting room.-

One Sopha
Six Chairs Morocco covering
Two Chintz Window Curtains &c.,
Cornixes
One Piano Forte
OneLooking Glass
One Card Table
One Grate Fender & Fire Irons.
One Carpet and Hearth rug.
One Breakfast Table.
One set of fine English Tea China
One do do Chinese " "
One do common
Two China Vases for Flowers.
One Cut Glass Girandole.

. . . . . .

THIRDLY:- In the Dining Room,

One Large Mohogany Dining Table
Two Mahogany Side-Boards.-
Six " Knife Cases, they and the side Boards containing.
four green handle carving knives & Forks
Three white " " knives &Forks.
One large slicer
One Cheese knife.
Forty-eight Whate Handle, table knives.
One Dinner Tray
Forty-seven Cut glass Tumblers
Forty small Wine Glasses
fifty-one large do
Twenty-large Ale Glasses.
Nine Small do "
Ten Hock glasses.
Three Jelly glasses.
Nineteen fingerglasses

A.E.G.

fifty-seven white handle table forks. Twelve Glass coolers.

Thirty-four green " " knives. Forty-six Cut glass decanters

fifty-two do " " forks. Two green " do

Twenty-eight white small knives. Four Small white mugs

thirty-one white " forks One Dinner set of fine Chinese China

Thirty-one Green " knives. One do " of Bleu English China

forty " " forks . One Mahogany Case with Nine Bottles

One corkscrew. One ditto Celleret or Cooler

Six pair Nutcrackers. Thirteen Chairs Morocco covers

One wooden knife Box. One Carpet.

Two tin do do. Two window curtains & Cornices.

two tin Plate Baskets. One Cut Glass Girondole.

One Japaned plate Warmer.

. . . . . .

FOURTHLY:- In the Large Drawing Room.

Six Cut Glass Girandoles. One Lacquered Card Box.

Ten spar Mantle piece Ornaments Two fire screens.

Four Sophas Two Lamp stands.

Fourteen chairs. two Portraits

Four Window Curtains & Cornices Two Hearth Brushes

Two large Mirrors. One Carpet & Green Baize Cover

Two grates & fire Irons. Two Hearth Rugs

One Green Fender Eight dozen small coloured lamps

four inlaid Card Tables.

. . . . . .

FIFTHLY: In the Passage leading to Mrs.McTavish's room, and dressing room.

One Carpet & one Brass Girandole.

SIXTHLY:- In Mrs. McTavish's Room.

One Bed and Furniture. One Iron Stove & Pipe.

Two Mahogany Chests of Drawers containing wearing apparel Four Winsor Chairs.

One large writing Desk. One Carpet & Stair Carpet.

one childs bed. two cornices for window curtains

A.E.S.

SEVENTHLY:- In Mrs. McTavish's Dressing room.

Onelarge Wardrobe))
One do Bureau)) containing wearing apparel
One Chest of Drawers))
Two wash handstands, Basons &c.,
One large Mirror.
two small do

One Sopha
One Sopha
Two Chairs
One Window Curtain
One Carpet
One working Table.
One dressing Box.

. . . . . .

EIGHTHLY:- In a Small Back room adjoining the above.

One Bed and furniture.
One Carpet.

Two Boxes for Cloaths.
One Window Curtain.

. . . . . .

NINTHLY:- In a large Bedroom, second story.

One Bed and furniture
Two wash handstands Basons &c.,
One table
One small writing Desk

One Sopha & Arm Chair with cushe-ons.
Three Green windsor chairs.
two carpets
One Stove and pipe

. . . . . .

Tenthly:- In the front room, over the sitting room.

One Bed & Furniture.
One Table, One Carpet.

One Stove and pipe.
Five Green Windsor Chairs

. . . . . .

ELEVENTHLY:- In a small room front at the Top of the Stair Case.

One Bed & Furniture One Carpet. Two Windsor Chairs, A Closet, containing as follows. Forty seven fine Damask Table Cloths.- Eighteen common Table cloths, Niniteen pair fine Sheets. Thirty pair common sheets, Twelve childrens sheets, fifty-nine fine Pillow Cases Twenty common ditto, Seventy four fine Damask Napkins, One hundred & fourteen chamber Towels, Ninety-six Dowlases, fourteen rollers, or servant Towels, twenty-four Dusters, three Bed Furnitures Callico,

A.C.G.

Three do Dimity, A half piece of Stuff for Towels, Nine White Large Bed Quilts, five childrens white Bed Quilts, eighteen servants Callico quilts, eleven chintz window Curtains, forty glass Cloths. Seven chintz Sopha covers, Twenty-four chair covers.

TWELFTHLY:- In a store Room.

One Tea Box.
One Carpet
One Hearth Rug.
Sundry Indian Ornaments, such as Dagger, shot Pouch, powder horns Plumes of Feathers &c.,

. . . . . .

THIRTEENTHLY:- In the Garret.

One Cril.
Two Trunks contg. Mr. McTavish's wearing apparel
Five Trunks containing old apparel &c.
Ten Tin chandeliers
Two Violins in Cases.
Two Guitars in Cases
One large Screen to divide a room
Four Benches for Dining room
Five Mattrasses
One feather bed & one Pillow
two Green Baze Carpet covers.
Two floor matts
One Bed Chair.
two fire screens
Two window cornices.
two Globe glass lamps.

. . . . . .

FOURTEENTHLY:- In the cooks room.

One Bed & furniture
One Stove and pipe.
One Table four chairs.
One washhandstand.
Two Window Curtains
One Carpet.
One set fire Irons.

. . . . . .

FIFTEENTHLY:- In the Coachmans room.

One Bed & furniture.
One washhandstand
One table, five chairs.
One Carpet & hearth rug
One Window Curtain.

. . . . . .

SIXTEENTHLY:- Kitchen Furniture.

Seven Copper Sauce Pans	Six Jelly moulds.
Fourteen tin ditto	Five Spits.
five Iron Potts	Two turnspits
Three Gridirons	Three Frying Pans
Two pepper & one coffee Mills	one Griddler Two Cullenders
Three fish Kettles One dutch oven	Five Basket moulds
One Coffee Pot	One large Kettle
One Marble Mortar	Six Candlesticks
Two tin tubes	Two dozen dishes assorted
three dozen Plates	one soup Tureen
Two Sallad dishes	One fish strainer

. . . . . .

SEVENTEENTHLY:- Belonging to the Nursery.

Twelve dishes,	Thirty Plates
six small juggs	One Tea set Blue China
One Tea Caddy.	

EIGHTEENTHLY:- In the Passage and Pantry Leading to the Cellars.

Floor Matts.	One Stove & pipe.
One table and several Benches. closets &c.,	

. . . . . .

NINETEENTHLY:- Sundry other furniture viz:-

Two window curtains	Eleven Pictures in gilt Frames
One Barometer	One Portable writing Desk
Three Bedsteds & Bedding	One small ditto
Four Bodettes & Bedding	sixteen Blankets
Four Green Winsor Chairs	One Cane Bed-step
One common Dining table.	One common side-board.
One Chinese floor matt.	One floor Cloth
One mahogany Tea Table.	Six Common Tables.

A.E.J.

Three Bed room Mirrors.

Ten Baskets,

Ten small Japd. Candlesticks. & Snuffers.

Seven Tubs

One Tea Caddy & Silver spoon

One Brass Patent Lamp.

Three Large Jugs.

Five Closets for Linen &C.

Four Lanthorns

Twelve Brooms

Two tea trays.

One perspective Glass.

. . . . . .

TWENTYTHLY:- PLATE as follows:

One	Large	Silver Waiter	Six	Silver	Bottle Stands.
Two	small	" do	One	"	Bread Basket
Four		" Sauce Boats	Two	"	Soup Spoons
Four		" Sauce Spoons	Six	"	Gravy Spoons
One		" Sugar Spoon	Forty-six	silver	table spoons
One		" cruet Frame with cut glass bottles	Thirty-five	"	dessert spoons
			Thirty-table	"	forks.
One		" ditto for fish sauces	Two - -	" - "	Fish knives.
		with two sets of spare bottles	One- - -	"	asparagus tongs
			One- - - -	"	Tea Pot & stand
One		" Butter Trowel	One-Sugar-	"	Sugar Bowl.
One		" Mustard pot & spoon	One. . . .	"	Cream do & spoon
Two		" Skewers.	Nineteen .	"	Tea spoons
Two		" Goblets gilt inside	One	"	Coffee Pot.
One		" pepper Box.	One pair. .	"	sugar tongs
Eight		" Candlesticks	Two	Silver	Branches.
Two		" Bedroom do	Two pr.	"	snuffers & Stands.
Six		" Saltsellers & spoons	One	"	Argile.
One		" dispatching dish & Stand	One	"	Toaststand
Nine		"c Wine Labels	One	"	Narrow Spoon
One		" Punch Ladle	One	"	Wine Strainer
two		" Wine Funnels	One Tea	"	Tea Urn.

One Plated Epern.

Three plated waiters, silver rims

A.E.S.

Two pair Plated Patent Lamps.

. . . . . .

Horses, Carriages &c.,

One Coach & Harness complete.

Two Coach Horses.

One Gig & Harness.

In Continuation of the foregoing Inventory We the said Notaries on this eighteenth day of september following took down in writing the Following Articles of Moveable Property belonging to the abovesaid Estate in manner as the same were valued & estimated by Messrs. Alexander Henry and Roderick McKenzie of Montreal aforesaid Esquires appraizers named by the said Margaret widow McTavish, guardian and the sub-tutor and Executors. Who signed with the said parties and Notaries these presents.

(Signed) M. McTavish
" Simon McGillivray
" Isaac Todd
" W.McGillivray
" Jo. Frobisher
" Alexander Henry
" Rod. MacKenzie
" Bte. Desève
Nory.
" J.G. Beek
Not.Pub.,

VIZ:-

One Chariot & Harnesses valued the chariot at eighty pounds
Harnesses at Ten . . . . . £ 90 " "
One Phaeton, valued at fifty pounds . . . . . 50 " "
One Calash and Harnesses valued at seven pounds
ten shillings 7.10

One covered Carriole & Harness for tandem valued at Ten pounds	L IO - -
Three Sadles valued at three pounds & fifteen shillings.	3.15
One half covered Cariole valued at twelve pounds ten shillings	I2.IO
Two open Carrioles valued at five pounds	5.
Two Buffalo & one raccoon robes valued at fifteen shillings	I5
Carried up	LI79.IO

. . . . . .

IN THE CELLAR STORE ROOM

Five dozen best Champagne at thirty shillings per dozen	7.10
Four & a half dozn.Burgundy at twenty shillings per dozen	4.10
Three dozn. Champagne, from Quebec at twenty shillings per dozn.	3.
Thirteen dozn.Port wine at twenty shillgs.. .	13.
Ten dozn. English Claret at twenty shillings per dozen	IO.
Seven dozn. New-York Claret fifteen shillings per dozen	5.5
Six Dozn.Old Madeira at thirty shillgs per dozen	9.
Five dozn. Old Hock at twenty-shillgs per . . . dozen	5.
five dozn English Ale) at six shillgs pr.dn.	2.2
Two dozn. Burton Ale) One cask Burton Ale at forty-five shillings.	2.5
One Tierce Spermaceti Oil half full at seven pounds ten shillings	7.10

A.G.

Two Boxes spermaceti Candles at five pounds . . 5.

Eight Basket Salt at four shillings . . . . . 4.

Thirty four Loaves refine sugar at seven shillings & six pence per loaf I2.I5

Two and a half dozn. Good Port at Twenty shillings per dozen. 2.10

One Chest containing about thirty pounds of Hyson Skin tea at four shillings per pound. . 6.

20 libs sperm; Candles valued at 1.13.4

I4 lbs vermicelly at 10.6

7 " Isinglass at . . . . . 2. 9.

8 " White Pepper at 11.4

I0 " Black do at 11.8

I0 " Almonds at 8.4

I8 " Sago at 11.3

66 " currants at . . . . . 2.15.

6 dozn. Porter valued at 2.17.6

5 dozn. & 7 bottles Claret at 1. 5.7

5 " 8 " ditto at 5.13.4

6 " 7 " porter at . . . . . 2.19.

7 " " " ditto at 3. 2.8

5 " 8 " Claret at 5. 8.7

5 " 3 " Porter at 2.16.10

5 " 3 " do at 3. 1.2

6 " " " do at 3.12.6

5. " 7 " Claret at 4.,6.3

3. dozn Cyder at 13.2

2 " 7 " ditto at 9.2

I3 libs. of Pine apple Chesse at 10.10

I8 " " " " " at 1.1.1

37 " Dble Gloschester " at 6.2

A E J.

63 libs. Gloschester Cheese at . . . . . 3.3.

38 " hams at. . . . . 19.

26 " do at. 14.1

I. Barrel Harrings at. 8

I. Keg do at . . . . . 3.

I. " sprats at. 2.1

9 Bottles Anchovish at 7.2

4 dozn & LO Bots. Burgundy at 3.12.6

6 " " " Claret at 3.12.6

6 libs Hair powder at . . . . . 3.

41 " " " at 1. 6

6 bottles essence of Pearl at . . . . . 3.

II " " " " valued at 5.6

IO Bottles of Lemon Juice at. 6.8

I2 " of Sundry Sauces at . . . . . 15.

I2 " " " " at 1. 1

I2 " " " " at 1. 5

I2 " " " " at 1.6

I2 " " " " at . . . . . 10.

4 bottles mustard at 13.4

3 " Pickles at 8.2

One Doble Iron Stove at 7.2. 6

One Iron Grate at . . . . . 5.

One Barrel of Nuts at 7.6

One Box of Salt Fish at 1.11½

One Box do .at 7.6

One Settlebed at. 16.3

two small Bedsted .at , ...1.10.

Amount of the appraizal of Goods in town £ 353.10.1½

CATTLE, sheep, horses farming and gardening utensils, at the Farm near the Mountain of Montreal,

valued at two hundred pounds 200

Crop of oats pease potatoes and apples on the premises valued at one hundred pounds 100

TOTAL :- £ 653.10.1½

Thus the amount of the appraised effects is the sum of six hundred fifty three pounds ten shillings and three half pence current money of the Province aforesaid.

One gold Watch & appendages one case contg.a fowling piece ,one case contg a pair of Pistols,one leather powder flask & shot bag.) To be preserved for the late Simon McTavish his heirs.

DEBTS OUTSTANDING.

There is due to the Estate of the said late Simon McTavish by Joseph Bouchet Esquire of Quebec a sum off four hundred pound currency with interest from the 8th May last as appears by his obligation of that date passed before Jh. Plante Public Notary.

There is due to the said Estate by Samuel Langley of Lassomption hatter, a sum of . . . . . pounds currency, for which an obligation before a Notary is believed to have been given by the said Sam. Langley, but of which the said parties tothis Inventory have not been able to procure any certain information .

There belongs to the said Estate the Interest arising from a Capital of one thousand pounds sterling vested by the said late Simon McTavish in the West India Docks in London, the arrears whereof can not at this moment be ascertained.

There is also owing to the said late Simon McTavish Esqr., by the House of McTavish Frobisher and Company

Company whereof he was a partner, a Balance being his share of the stock in Trade of the said house, Which Balance William McGillivray Esqr. a Partner of the said House and one of the Executors of the said late Simon McTavish declares can not now be as certained as its amount will depend upon the result of certain commercial speculations in which it is now engaged. But as soon as these speculations can be closed, the said balance will be settled and inserted into this Inventory.

REAL PROPERTY.

ESTATE and Seigniory of Terrebonne in the District of Montreal, containing in the whole two leagues in front by six leagues in depth bounded in front by the River Jesus, in the rear by the waste lands of the Crown on one side by the Seigniory of Blainville with all the appurtenances as well in Fief as in Roture, grist mills and Saw Mills, Seignioral houses buildings cens et rentes with all the right, priviledges and prerogatives attached & belonging to the said Seigniory.

One half of the Township of Dorset, in the District of Quebec as mentioned and contained in the Deed of Sale by the Honble. John Young to the late Simon McTavish before Ch. Prevost and Louis Chaboillez Public Notaries dated 16th July 1802.

A piede of land situate at the foot of the Mountain near the City of Montreal of an Irregular form containing in the whole one hundred & seventy acres and nine perches in superficie, joining on one side to the Honble. James McGill, and on the other side to Francis Desrivières Esqr. in the front to Pierre Guy Esqr., Jos: Aussem, Parthenay & others and behind to the Lands of St.Catherine, also a small piece of ground consisting

A.C.V.

of half an acre & thirty feet in front by about three or four Acres indepth bounded in front by the Street behind Angus McDonell Esqr., behind by the aforesaid piece of land, on one side by David David and on the other side by Mr.Wagener, also a certain other lot or piece of land of an irregular figure consisting of an acre six perches & six feet at one End & at the other of nine perches two acres & five feet by thirteen acres eight perches & twelve feet in depth, bounded in front by Charles Ménard dit. Parthenet & Prre. Guy behind and on one side by the lots of land hereinbefore mentioned & on the other side by the Honble. James McGill Esqr., with a right of passage upon the land of the said Parthenet to the Main Street of the St.Antoines Suburbs, the said three last mentioned lots or pieces of land comprehending the Property entailed by the said late Simon McTavish in and by his said last will and Testament upon the male line of his family, as therein mentioned & described as lying near the Mountain of Montreal with a dwelling house, barn and stables thereon erected, also the materials for the constructing of the New house or building commenced by the said Simon McTavish in his lifetime.

A house and lot of ground situate at Montreal, in Ste.Jean Baptiste Street the certain contents of the said lot can not well be ascertained by the said parties considered that the former proprietor Richard Dobie Esqr., purchased the same in several parcels from several former owners by several deeds of sales as by the Deed of Sale from the said Richard Dobie to the said late Simon McTavish passed at Montreal before John G.Beek and J.Bte.Desève Notaries, on the 26th day of February 1795, doth appear

A.E.G.

which dwelling house is bequeathed by the said late Simon McTavish in his said will and Testament to Mrs. McTavish during her life.

The Estate of Dunardry in the shire of Argyle in Scotland, of which no description can now be given as none of the said parties to the present Inventory is possessed of any of the Deed or titles respecting the same.

DEEDS AND PAPERS.

Deed of Purchase of the Seigniory of Terrebonne by the late Simon McTavish Esqr., from Edward Wm.Gray Esqr. Sheriff of the District of Montreal dated I4th December I802, Inventorized No. One Estimation of that part of the said Seigniory Subject to the payment of the Quint, dated 9th October I803, and receipt of the Receiver General for the Quint thereon dated IIth November I803, Inventorized No.two.

Foi & Hommage of William Burns as Attorney of the said late Simon McTavish Esqr., for the said Seigniory dated 22nd May I804, Inventorized No.three.

D Deed of Sale of the Township of Dorset by the Hon: John Young to the late Simon McTavish executed before Chaboillez & Prevost Notaries & dated at Montreal the I6th day of July I802. Inventorized No. Four.

Deed of Sale of a certain lot of land situate at the Coteau St.Louis as herein before described by Joseph Aussem and Antoine Marie Branconnier his wife to the said late Simon McTavish, executed before Chaboillez & Prevost Notaries the 30th May I804. Inventorized No. five.

Deed of Sale of a certain parcel of land as herein before also mentioned made by Patrick Robertson and Francis Desrivières as Tutor to the Minor children of the late Alexander Robertson, to the said late

Simon McTavish, executed before the said Chaboillez and Prevost Public Notaries the 28th day of July I803. Inventorized No. six.

Deed of Sale of an other lot of land also herein before mentioned made by Charles Menard Parthenet and Marie Louise Prudhomme his wife to the said late Simon McTavish before the said Chaboillez & Prevost Notaries the 27th sept I803 Inventd., No. seven.

Notarial Copy of an Obligation for four hundred pounds currency made by Joseph Bouchet Esqr., of Quebec to the said Simon McTavish Esqr., before Plante Notary, dated the 8th May I804, Inventorized No. Eight.

THUS INVENTORIZED and appraized as far as for the present was practicable at Montreal aforesaid in the House of the said late Simon McTavish, in St.Jean Baptiste Street and wherein his widow now dwells, on this nineteenth day of september in the year one thousand eight hundred and four, and signed the parties to these presents with us Notaries after being duly read over.

Sworn and closed at Montreal) this twentieth day of septem) ber I804.)

(Signed) J.Ogden J.P.M.

(Signed) M. McTavish
" Simon McGillivray
" Isaac Todd
" W.Mc Gillivray
" Jo. Frobisher
" Alexander Henry
" Rod. MacKenzie
" Bte. Desève Nry.
" J.G. Beek Not. Pub.

AND ON THE FOURTEENTH, day of January of the year one thousand eight hundred and Five,

PERSONALLY CAME AND APPEARED Before the said Notaries the before named William McGillivray one of the Executors of the Last Will and Testament of the said late Simon McTavish, and one of the Partners in the house of McTavish Frobisher and Company, who in the presence of the said Margaret McTavish Tutrix to the Minor children of the said late Simon McTavish her husband and of Simon McGillivray, sub-tutor to the said children and also of Joseph Frobisher, Isaac Todd, and James Reid the other Executors of the said Last Will and Testament now in this Province, declared that on winding up the Accounts of the said House of McTavish, Frobisher and Co. on the thirtieth day of November last, there appeared to be due to the Estate of the said late Simon McTavish a Sum of forty-thousand seven hundred and seventy-three pounds fourteen shillings and five pence, currency after having charged him with his proportion of the Outfit to the North-West of last year amounting to twenty-five thousand nine hundred & ninety nine pounds, eight shillings and two pence the return for which may probably be realised in two years hence, and will be placed to the Credit of the said Estate when ascertained.

That the said Estate is further Interested in the profit or loss which may accrue from the winding up of the three North West Adventuras preceeding that of the Year one thousand eight hundred and four in the sale of the ship Montreal, and in any further loss which may be sustained in realising the property of the Terrebonne concern in which the said McTavish Frobisher and Co held a share

A E J.

share. That from the nature of the Business in which the above mentioned sums are engaged no part thereof can be paid to the said Executors without loss and inconvenience to the concerns in which the said late Simon McTavish was a Partner, before the End of the seven years from the decease of the said late Simon McTavish, as expressed in his said Last Will and Testament, which said declaration the said William McGillivray hath made in consequence of a Statement delivered into him, by the said House of McTavish Frobisher and Co. and now by him produced and hereunto annexed. The said William McGillivray in his capacity aforesaid further declares that from the Books of Account aforesaid of the said McTavish Frobisher & Company there further appears to have been paid expended and laid out for the said late Simon McTavish, a sum of twenty-nine thousand nine hundred and twenty-eight pounds eight shillings and ten pence current money aforesaid for the purchase of the said Estate and Seigniory of Terrebonne and the Improvements made thereon.

That there hath been paid for the purchase of the said Township of Dorset a sum of four thousand six hundred & fourteen pounds five shillings like currecy with which said two last mentioned sums of money the said Estate hath been debited in the aforesaid Statement.

And the said Tutrix and Sub-tutor and Executors do for themselves severally say and declare, that they have seen exemined and perused the aforesaid Books of Account of the said McTavish Frobisher and Company and are severally convinced and satisfied that the aforesaid Declaration and Statement delivered in by the said William

A E G.

McGillivray are just and true, and do therefore severally accept and receive the same according to their form and tenor.

And the said Tutrix and Sub-tutor and Executors do further declare that there appears to be due by the Estate of the said late Simon McTavish and secured by Mortgage upon the said Seigniory of Terrebonne the following sums of money Viz.,

To Catherine Jordan wife of Jacob Jordan Esqr., and to her heirs the sum of one thousand pounds Currency . . . . . £ I000.

To Marie Anne Baby widow of the late Jacob Jordan Esquire, the sum of six hundred pounds . . . . . 600.

To Deidrick Brehmn, the sum of three thousand seven hundred and twenty-two pounds four shillings and five pence 3722.4.5

To Margaret Noel widow of the late James Noel of Montreal, shoemaker the sum of twelve hundred pounds. . . . . I200.

and

To Frances Lindley alias F.Ledger the sum of two hundred and eighty-five pounds eleven shillings and three pence 285.11.3

£ 6807.15.8

Making in all six thousand and eight hundred and seven pounds fifteen shillings and eight pence Current money aforesaid & bearing interest at the rate of six per cent per annum.

Of which said declarations Act hath been by

A.C.J.

by the said parties requested of us the said Notaries and by us hereby granted for the benefit of all concerned and the said parties have with us the said Notaries hereunto subscribed their name the day and year above written after being duly read over.

(Signed) W.McGillivray

" M. McTavish

" Simon McGillivray

" Jo. Frobisher

" Isaac Todd

" Js. Reid

" Bte. Desève
Nory.

" J.G. Beek
Not-Pub.,

True copy of the original found in the notarial records of Mtre. J.G. Beek Notary Public for the Province of Quebec, the said notarial records remaining deposited in the Archives of the Superior Court at Montreal.

Montreal, 28 octobre I922.

R E Grandbois

Dep.P.S.C.

No. 1798

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The 20th september 1804.

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I N V E N T O R Y

. . . . .

of the Real and Personal
Estates of the late Simon
McTavish Esqr., Deceased.

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C O P Y

Me. J.G. Beek N.P.

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

HM120/31

CANADA
CITY OF MONTREAL
District of Montreal

Form 0649

Superior Court
MONTREAL

Department of the registers of Acts of Civil Status

Simon McTavish Esquire of the City of Montreal died on the sixth day of July one thousand eight hundred and four and was buried on the eighth following by me

(Signed) Simon McGillivray
" P. Larchevegue
" Jo Frobisher
" Ls. Chaboillez
" Jt. Mountain
Rector

I, THE UNDERSIGNED, DEPUTY PROTHONOTARY of the Superior Court in and for the Province of Quebec, District of Montreal, do hereby certify, that the foregoing is a true Extract from the register of the Acts of Civil Statue for the year one thousand eight hundred and four
of Christ Church, church of England, Montreal

and deposited in the Archives of the said Superior Court at Montreal.
MONTREAL, the 25th day of October 1921

D McKenzie
Deputy Prothonotary, S. C.

The 8th day of July 1804

Extract of Burial

OF

Simon McTavish

& 5 children

Christ Church (Anglican)
Baptisms
4 children

Chiswick church London
Burial certificates
4 children
William and Mary Simon

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

I Simon McTavish now of the City of Montreal in the Province of Lower Canada, Esquire, do make and declare this to be my last will and testament .

I desire and request that all my just Debts may be paid and fully satisfied, after which I hereby devise bequeath and dispose of all and singular my Estate property and effects in manner following, that is to say .

Whereas in and by my marriage contract with my wife Margaret McTavish bearing date at Montreal afore said the first day of October one thousand seven hundred and ninety three, it is stipulated and agreed that after my decease she shall receive have hold and enjoy during her natural life an annual rent or annuity out of my Estate of three hundred pounds current money of this Province, now my will is, that over and above the said sum of three hundred pounds, my said wife shall after my decease as aforesaid have and received out of my said Estate an additional sum of nine hundred pounds per annum during her natural life, making to her in all an annual rent or annuity of Twelve hundred pounds Current money aforesaid ;

And my Executor hereinafter named are requested and charged to secure to my said wife out of the first assets that shall come to their hands out of my said property and Estate, a sufficient sum of money to be by them employed either in the purchase of Real property, or in some other sufficient manner so as to raise and secure to my said wife the aforesaid annual sum or annuity of twelve hundred pounds - I likewise give and bequeath to my said wife the free use and occupation of my present dwelling house in the City of Montreal with its appurtenances free of all charge and incumbrance, during her lifetime, and after her decease the same shall revert and belong to my Residuary Legatees herein

herein after named- I further give and bequeath to my said wife all my household furniture and plate, one pair of horses a four wheeled carried and a calash, also all the trinkets cloaths and wearing apparel I possess in this Province.

It is my will and desire, that until my children are of age to be removed to England for their education they shall remain under the care and management of my said wife, to whom a further allowance of fifty pounds per annum shall be made for the board of each of the said children- and as to whatever other necessaries may be requisite for the said children or either of them, the same shall be furnished and supplied out of their respective fortunes and legacies I hereinafter bequeath to them and each of them- That the majority of my Executors in this Country shall determine when any of my said children is of a proper age to be removed to England for their education, with which determination my said wife must acquiesce.

To each of my two Daughters Mary and Anne I give and bequeath the sum of Ten Thousand pounds Sterling money of Great Britain to be by my said Executors vested in the British Funds or on some other good security as soon as my property and Estate can be realised and withdrawn out of the trade and commerce in which I am now concerned in this Country .

That the interest arising from the said two last mentioned legacies so vested and secured as aforesaid shall accumulate for the benefit and behoof of my said two Daughters respectively(except such part thereof as shall be necessary fortheir maintenance and education as aforesaid) which said Interest with the aforesaid principal sums of Ten thousand pounds shall be paid to each of my said daughters on the day of their marriage((provided such marriage be made with the consent of the

the majority of my said Executors)or when they shall have respectively attained the age of majority, which ever shall first happen- And in case of the death of any one of my said Daughters before she shall be so married or shall have attained the age of majority, the legacy hereby given and bequeathed to her shall revert and be paid to the survivor of them.

To my son Simon I give and bequeath the sum of twenty thousand pounds like Sterling money to be secured and paid to him in the same manner as the two last before mentioned legacies are directed to be paid and secured to my said two Daughters, and in case of the decease of the said Simon before he attains the age of majority, or with out lawful Issue, then the legacy hereby made to him shall revert and be paid to my residuary legatees hereinafter named- And should my said wife hereafter bear any child or children to me, I give and bequeath to every such child or children the sum of Ten thousand pounds like Sterling money to be secured paid and applied in the same manner as the aforesd Legacies to my other children.

To each of the two sons of my decease brother Alexander by his wife Marjory, now or lately at College at Aberdeen in Scotland, I give and bequeath the sum of two thousand pounds sterling money aforesaid to be paid to each of them on his attaining the age of majority- that the said sum of money shall in the mean time be placed out at Interest which shall be applied towards educating them in a proper manner- and in case either of them shall die before the attains the age of majority then my will is that the survivor of them shall have and receive the legacy of the deceased- And I hereby nominate and appoint as Trustees and Trustee to superintend the education of my said Nephews, Simon Fraser of Faralim, Esquire , Sheriff of the County of Inverness, and the Revd Mr Peter Grant Minister of the Gospel at

at Boleskene in the said County , and the survivor of them, whom I request to accept of this charge- And I hereby give and bequeath to the said Simon Fraser and Peter Grant the sum of Twenty pounds Sterling money aforesaid each to purchase a ring or other trinket as a mark of my friendship for them.

I give and bequeath to each of my nephews William McGillivray and Duncan McGillivray a sum of One thousand pounds like Sterling money; To their brother Simon and each of their Sisters I give and bequeath the sum of five hundred pounds like Sterling money.

I give and bequeath to each and every of the surviving children of my late Sister Elizabeth Fraser wife of Hugh Fraser of Bright money, Esquire, the sum of Five hundred pounds like Sterling money.

I give and bequeath to each and every of the Surviving children of my deceased uncle Duncan McTavish by his lawful wife the sum of three hundred pounds like Sterling money.

I give and bequeath to Magdalen McGillivray wife of William McGillivray the sum of one thousand pounds current money of this Province.

I give and bequeath to Angus Shaw Esquire, now at Quebec, the sum of One thousand pounds like current money of this Province.

I give and bequeath to Donald McTavish now a Partner in the North West Company, and to each and every of his surviving brothers and sisters children of the deceased Alexander McTavish my uncle, the sum of three hundred pounds Sterling money aforesaid.

I give and bequeath to each and every of the surviving children of my deceased uncle Donald McTavish , the sum of three hundred pounds like Sterling money.

To my godson Joseph Frobisher son of my friend and

and late Partner Joseph Frobisher of Montreal aforesaid Esquire, I give and bequeath the sum of Five thousand pounds current money aforesaid to be secured on Interest by my Executors , the said Interest to accumulate and to be paid to my said godson on his attaining the age of majority together with the principal

To my godson John Fraser son of my Partner John Fraser, Esquire of London , I give and bequeath the sum of one thousand pounds Sterling money aforesd.

To my sister in Law Rachel McKenzie I give and bequeath the sum of One thousand pounds Current money aforesaid.

To my sister Marjory now in Scotland I give and bequeath an annuity of Fifty Pounds Sterling money aforesaid to be paid to her yearly and every year during her natural life- And my desire is that this legacy be under the particular direction of my brother in law Hugh Fraser Esquire of Brightmoney herein before named, as a Trustee by me for this purpose specially named and appointed.

Tp my father in law Charles Chaboillez late of Montreal aforesaid, Esquire, I give and bequeath an annual rent or annuity of one hundred and fifty pounds current money afore said to be paid to him yearly and every year by my Executors during his natural life- and I likewise acquit and discharge him of and from all claims or demands whatsoever I may now have against him for monyes I have heretofore advanced to him .

I give and bequeath to the said Hugh Fraser of Bright money, Esquire, and to my said Nephews William McGillivray and Duncan McGillivray a Sum of One Thousand pounds sterling money to be by them and the survivors and survivor of them held in tryst for the special use and intent of applying the interest thereof yearly and every year in assisting such of my poor relations in

in Scotland as I may have neglected to provide for by this my last will and testament

I give and bequeath to the surviving children of William Kay late of Montreal aforesaid, merchant, deceased the sum of one thousand pounds current money aforesaid, as I am doubtful whether I was justly entitled to the amount of the judgment rendered in my favor in hthe Court of Appeals in this Province against the Estate of the said --- late William Kay respecting the property of the late David McCrae.

I give and bequeath to my friend Dr George Selby the sum of two hundred pounds current money aforesaid, as a mark of my esteem and regard- And to William Selby his son I give and bequeath the sum of five hundred pounds like Current money

I give and bequeath to each of the two Religi ous Communities of Nuns in this City ., commonly called, the Hospital General, or Grey sisters, and Hotel Dieu, the sum of one thousand pounds current money aforesaid being convinced that the said communities are of great public benefit, and deserving attention.

I give and bequeath to my cousin Simon Fraser senior, late of Quebec, now in Scotland, an annuity of Two hundred pounds Sterling money aforesaid to be paid to him yearly and every year out of my Estate during his lifetime .

I give and bequeath to my god daughter Maria Suther land, daughter of Daniel and Margaret Sutherland of this City of the sum of Five hundred pounds, current money afore said to be paid to her on the day of her marriage or when she shall attain the age of majority whichever shall first happen; that in the meantime the interest upon this legacy shall be paid yearly to the said Margaret Sutherland her mother towards defraying the expense of her education- And in case the said Maria shall die before she becomes enti tled to receive this legacy my will then is that the same

same shall goand be paid to the said Margaret Sutherland her mother.

I give and bequeath to Joseph Frobisher Esquire the sum of One hundred guineas as a mark of my friendship and regard.

I give and bequeath to my friend and partner John Gregory one hundred pounds and to William Hallowell a like sum of One hundred pounds current money aforesaid

I give and bequeath to James Reid of Montreal afore said Esquire, the sum of one hundredpounds current money aforesaid.

I give and bequeath to Harry McKenzie now at Terrebbnne one hundred pounds current money aforesaid.

I give and bequeath to Alexander Grant son of Com modore Grant, and now at School at Quebec , the sum of one thousand pounds current money aforesaid to be secured paid and applied in such manner as my Executors shall s ee fit.

I give and bequeath to Madame Doeg an annual rent or allowance of twelve pounds to be paid to her yearly during her lifetime.

I give and bequeath to Miss Charlotte Chaboilley my sister in law an annual rent or allowance of twenty pounds to be paid to her yearly during her lifetime.

I give and bequeath to my nephew Simon McGilli-vray besides the sum hereinbefore mentioned the additional sum of four thousand pounds current money aforesaid.

To my servants Joseph Church and Pierre Fournier I give and bequeath ten guineas each

I give and bequeath to John McTavish now at the Kings Posts the sum of Five hundred pounds current money aforesaid.

And it is my will and desire that none of the foregoing legacies exceeding one hundred Guineas be paid out of my Estate until seven years at least after my decea se, unless sufficient monies for that purpose shall have

have been realised therefrom without loss or inconvenience to the concern or concerns in which I am now a Partner.

And as to all the rest and residue of my Estate property and effects whatsoever and wheresoever, or of what nature or kind soever, whereof or wherein I shall be anywise possessed or interested at the time of my decease, I give, devise and bequeath the same and every part thereof to my son William and to his heirs for ever, to be by him held and enjoyed as soon as he shall have attained the age of majority, and in the mean time that the same be held and enjoyed by my said Executors in trust for him- And in case of the death of the said William before he attains the age of majority, I then give devise and bequeath all the aforesaid rest and residue of my said Estate property - and effects to my said ~~#~~ Simon and to his heirs for ever, subject to be held by my said Executors in trust for him until he shall attain the age of majority-

And case of the death of my said son Simon before he attains the age of majority I then give devise and bequeath all the aforesaid rest and residue of my said Estate property and effects to my said Daughters Mary and Anne and to their heirs to be equally divided between them share and share alike, and in case of the death of either before she attains the age of majority, or with out issue her body lawfully begotten that the whole shall go to the Estate of Dunardary in the Shire of Argyle in Scotland which I purchase some time ago from Neil Malcolm ,Esquire, and also the lot of ground and appurtenances which I lately purchased near the mountain at Montreal aforesaid it being my will and intention that the said Estate and lot of ground and appurtenances shallbe taken held and enjoyed by the male line of my family in manner as herein after limited, that is to say, I give devise and bequeath the said Estate of Dunardary and all and singular its rights and appurtenances , and also the lot or parcek of

of ground belonging to me near the said mountain with all the improvements thereon and appurtenances thereun to belonging, to my said son William and to his heirs male for ever, but until my said son William shall attain the age of majority my will is that my said Exe- cutors do hold and possess the same in trust for him.

And in case of the death of my said son William without heirs male of his body lawfully begotten I then give devise and bequeath the said Estate of Dunardary and lot of ground aforesaid to my said son Simon and to his heirs male for ever, subject however to be held and enjoyed by my said Executors in trust for my said son Simon until he shall attain the age of majori - ty- And in case of the death of my said son Simon without heirs male of his body of my said son Simon without heirs male of his body lawfully begotten, then I gdve devise and bequeath the said Estate and lot of ground and all and every the appurtenances aforesaid to John McTavish the eldest of my nephews son of my late brother Alexander and to the heirs male of his body lawfully begotten- And for want or in default of such heirs of the said John McTavish then I give devise and bequeath the said Estate and lot of ground to the younger son of my said late brother Alexander, who I believe is named Alexander, or by whatever other name he is called or known, and to the heirs male of his body lawfully begotten- And for want or default of such heirs of the said Alexander , then I give devi- se and bequeath the said Estate of Dunardary and lot of ground aforesaid to my said Nephew William McGilli - vray and to the heirs male of his body lawfully begotten And for want or in default of such heirs of the said William McGillivray then I give devise and bequeath the said Estate and lot of ground to my nephew Duncan

Duncan McGillivrayand to the heirs male of his body lawfully begotten - And for want or in default of such heirs of the said Duncan McGillivray then I give devise and bequeath the said Estate and lot of ground to my said other nephew Simon McGillivray and to his heirs for ever. Provided always that in the aforesaid limitations to the succession and right of claiming and holding the said Estate of Dunardary and lot of ground aforesaid the eldest of the male line shall always succeed alone to the whole of the said Estate and lot of ground, and that the same shall not be liable to any division among younger heirs; and provided also, that such of the persons hereinbefore named or their heirs or any or either of them as shall or may under the limitations herein before contained be entitled to claim hold and enjoy the said Estate and lot of ground, who are not named McTavish, shall be held and bound in order to entitle him or them to claim hold or enjoy the same, to assume take and bear the name of McTavish and also my arms, and on default of any of the said persons complying herewith the said Estate and lot of ground shall thereupon be transferred to and vested in the next heir, to the person so refusing, according to the limitations aforesaid, who shall their upon be entitled to claim have hold and enjoy the said Estate and lot of ground in the same manner as if the person or heir so refusing as aforesaid had never existed or had deceased, upon such next succeeeding heir bearing my name and arms as aforesaid.

And in case all my said children should die before they are entitled to receive and have the several legacies herein before given devised and bequeathed to them and each of them. I then give devise and bequeath all the aforesaid rest and residue of my said Estate property and effects (save and except as to the said Estate of Dunarday and lot of ground afore-

aforesaid which shall be held and taken agreeable to the limitations herein before contained and not other wise) to my said nephew John McTavish, and in case of his death before he attains the age of majority, then to my other nephew Alexander McTavish and to his heirs, or by whatever other name he may be called or known, being the younger son of my said late brother Alexander And in case of the death of my said nephew Alexander McTavish or younger son of my said late brother Alexander before he attains the age of majority , then to my said nephews William McGillivray Duncan McGillivray and Simon McGillivray equally among them and their respective heirs share and share alike.

And for the execution of this my last will and testament and the due performance of all and singular the matters and things hereinbefore mentioned and contained, I hereby nominate and appoint my said Nephews William McGillivray and Duncan McGillivray the said Joseph Frobisher, Esquire, my partner John Fraser of London Esquire, my brother in law Hugh Fraser of ~~London Esquire, my brother in law~~ Bright money, Esquire, my friend Isaac Todd of Montreal, Esquire, and the said James Reid Esquire, and the survivors and survivor of them my Executors and Executor, hereby giving power to them and every of them to remain vested and seized of all and singular the Estate property and effects by me now bequeathed and devised for the purposes contained in his my last will and testament, and to hold and exercise the trust now hereby reposed in them and each of them over and beyond the year and day limited by the laws of this Province, willing and intending that their power under the present last will and testament and their trust aforesaid shall not cease or determine until all and every the dispositions provisions and appointments hereinbefore mentioned and

and contained shall have been fully paid satisfied and complied with- And my will also is, that whenever it shall appear useful and necessary. for the behefit of my Estate, the said Executors and the survivors and survivor of them shall and may sell and dispose of such parts and parcels of my real property (save and except the said Estate of Dunardary and lot of ground aforesaid) as to the majority of my said Executors shall seem meet and circumstances may require.

I hereby revoke and annul all other wills and Testaments and Codicils thereto by me at any time heretofore made

In witness whereof I have to this my last will and testament contained on this and the twelve preceeding pages of paper set my hand and seal at Montreal aforesd this second day of July one thousand eight hundred and four

(Signed) Simon McTavish (L.S.)

Signed Sealed and Declared by the said Simon McTavish the Testator for and as his last will and testament in the presence of us, who at his request and in his presence and in the presence of each other have here unto set our names as witnesses

published

J.A.D.
D.S.L.

(Signed) Simon Fraser Bout de l'Isle de Montreal

,, Wm Gilmore

,, Lewis Charles

Montreal ------ Be it remembered that on this 15th day of August of the year 1804, personally Came and Appeared before the Honorable Pierre Louis Panet & Isaac Ogden Justices of the Court of Kings Bench for the District of Montreal in the Province of Lower Canada, William Gilmore, of the City of Montreal in the said District master mason and Lewis Charles of the same place Gardner, who severally made oath as follows ,

and first the said William Gilmore, deposeth and saith that on the second day of July last he this Deponent was present together with the said Lewis Charles & Simon Fraser Esquire of Bout de l'Isle de Montreal and did see Simon McTavish late of Montreal aforesaid, Esquire, deceased, sign amd publish & declare the with within & foregoing Instrument as and for his last will & testament that at the time the said Simon McTavish was weak of body but of sound and disposing mind and memory- That the name Simon McTavish set and subscribed to the said last will and testament and also upon and across the seal holding the tape by which the said last will & testament is nound together, is of the proper handwriting of the said late Simon McTavish and was subscribed to the said last will & testament & upon the said seal in the presence of this Deponent & of the said Simon Fraser & Lewis Charles, and also that the names Simon Fraser, Wm Gilmore and Lewis Charles, ~~and also that the names Simon Fraser~~ set and subscribed to the said last will and testament as witnesses to the execution thereof, are of the respective proper hand writing of the said Simon Fraser of this Deponent & of the said Lewis Charles, who at the request of the said late Simon McTavish in his presence & in the presence of each other subscribed their names as witnesses to the execution of the said last Will and Testament

(Signed) Wm Gilmore

Sworn at Montreal this 15th day of August 1804
before us

(Signed) P.L.Panet J.K.B.

,, J. Ogden J.B.R.

I the undersigned, do hereby certify that the foregoing Last will and testament amd the order touching the probate of the aforesaid Last will and

testament of the late Simon McTavish are true copies of the originals remaining deposited in the said Superior Court at Montreal

Montreal. 26th Decem. 1921

J. D. Valiquette

Dep. Prot. S.C.

Form 0629

Superior Court

Judicial District of Montreal

No. 27

Last Will and Testament

of the late

SIMON McTAVISH

Probated the 2nd July 1804

COPY

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

PAR DEVANT les notaires publics pour la province du Bas-Canada, résidans à Montréal, soussignés

FURENT PRESENTS: Simon McTavish Ecuyer, demeurant en cette ville rue St-Gabriel, d'une part et Dame Marguerite Larchévêque épouse de Charles Chaboilliez écuyer actuellement absent de cette province, la ditte dame aussi demeurante en cette ville en sa maison sise rue Saint Paul, stipulante pour Demoiselle Marguerite Chaboilliez sa fille mineure demeurante avec la ditte dame sa mère, à ce présente et de son consentement aussi pour elle et en son nom, d'autre part.

LESQUELLES PARTIES en présence et du consentement des sieurs et dames leurs parents pour ce assemblés ci-après nommés, savoir: Joseph Frobisher écuyer, Dame Charlotte Jobert, son épouse, Docteur Jean-Baptiste Jobert écuyer et Dame Charlotte Larchevêque son épouse et Sr. Benjamin Jobert, ont volontairement reconnu et confessé avoir fait et accordé entre elles le traité de mariage et conventions qui suivent savoir: que la ditte Dame Marguerite Larchevêque épouse du sieur Charles Chaboilliez a promise donner la ditte demoiselle Marguerite Chaboilliez sa fille, de son dit consentement, par loi de mariage au dit Simon McTavish écuyer, pour icelui faire célébrer lorsqu'une des parties en requérera l'autre.

A été expressément convenu et accordé qu'il n'y aura point de communauté de bien entre lesdits sieur et demoiselle futurs époux et que chacun jouira séparément des biens à lui appartenans, nonobstant

la coutume de Paris, ou autres semblables, qui introduisent communauté de biens, auxquels ils ont par ces présentes dérogé et renoncé.

Ne seront lesdits futurs époux tenus des dettes l'un de l'autre faites et créées avant la célébration dudit mariage, lesquelles seront payées et acquittées par celui ou celle qui les aura créés et sur son bien, sans que l'autre ni ses biens en soient aucunement tenus en quelque manière que ce soit.

Et d'autant que ledit sieur futur époux entend faire la dépense de la maison, tant pour le logement et nourriture, que pour les meubles nécessaires, hardes et linges pour laditte dame future épouse, aussi les gages et entretien de domestiques qu'il désirera prendre tant pour lui que pour la ditte demoiselle future épouse, a été convenu que ledit sieur futur époux en fera toute la dépense à ses propres frais, sans que la ditte épouse en soit nullement tenue.

En faveur duquel futur mariage, ledit Simon McTavish écuyer futur époux, a donné et donne par ces présentes à laditte demoiselle Marguerite Chaboilliez, future épouse, ce acceptante, en cas qu'il la prédécède soit qu'il y ait des enfants dudit mariage ou qu'il n'y en ait pas, la somme de trois cents livres cours actuel de la province, de pension et rente viagère à prendre sur tous les plus clairs et apparents biens meubles et immeubles qui lui appartiendront au jour de son décès, en quelques lieux et endroits qu'ils soient situés et assis, pour en jouir par la ditte future épouse, de la ditte somme de trois cens livres du dit cours sa vie durante, et ce en cas seulement qu'elle survive ledit Sieur futur époux, ayant

A Fols.

été expresséement convenu entre eux, que si la ditte demoiselle future épouse le prédécèdait, la présente pension viagère demeurera nulle et sans effet; se réservant ledit sieur futur époux à disposer du capital de la ditte somme, par acte de dernière volonté, aussi de tous ses autres biens généralement quelconque, ainsi qu'il le jugera convenable.

Et pour faire insinuer ces présentes partout où besoin sera, lesdits futurs époux ont fait et constitué leur procureur le porteur, donnant pouvoir d'en requérir acte.

Car ainsi ont été faites ces présentes, qui autrement n'eussent été consenties et annoncées; promettant &c, obligeant &c, renonçant &c, fait et passé au dit Montréal en la maison du sieur Charles Chaboilliez, l'an mil sept cent quatre-vingt treize, le premier jour d'octobre après-midi, et ont les dittes parties signées avec nous, notaire, lecture faite.

(SIGNE) Margueritte Chaboilliez
" Simon McTavish
" Margueritte L'h.Chaboilliez
" Jobert
" Joseph Frobisher
" Benj. Jobert
" Jobert Frobisher
" Larch.Jobert
" J.B.Papineault
" Jean Guill. Delisle, N.P.

Pour copie conforme à l'original trouvé parmi les actes notariés de Mtre Jean Guill. Delisle, notaire public pour la province du Québec, lesquels actes sont déposés dans les Archives de la cour supérieure à Montréal.
Montréal, ce 16ième jour de décembre 1921.

A. E. Grandbois

Dép. Protonotaire C.S.M.

NO 761

- - - - - - - - - - - - - - - - - - -

Le 1er octobre 1793.

- - - - - - - - - - - - - - - - - - -

CONDITION de mariage entre

SIMON MCTAVISH écuyer

et

DELLE MARGUERITE CHABOILLIEZ.

- - - - - - - - - - - - - - - - - - -

C O P I E

J.G. DELISLE notaire.

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2082
MONTREAL

MONTREAL

To the Hon. the Judges of the Court of Kings Bench for the district of Montreal.

The Petition of Margaret McTavish widow of Simon McTavish, late of Montreal in the said district .

HUMBLY SHEWETH:

That on the sixth day of July last the said Simon McTavish died, leaving issue of his marriage with your petitioner four minor children to wit: William aged eight years, Mary aged six years, Anne aged four years and Simon aged fifteen months.

That in and by the last will and testament of the said Simon McTavish bearing date the second day of July last, it is ordered and dictated that the property and estate thereby left and bequeathed to the said Minor children shall be held and manage by the executors therein named and that when all or any of the said children shall be of an age to be removed to England for their education, the majority of the said executors in this Province shall order and determine respecting the same.

That your petitioner being desirous that a tutrix or tutor and a sub tutor be appointed to the said minors who shall in every respect comply with and carry into effect the intentions of the said deceased respecting their persons and property.

Therefore humbly prays that a competent number of the Relations and friends of the said minors may be called before Your Honors at such time and place as you shall think fit to appoint, and that upon their advice and opinion, a tutrix or tutor and a sub tutor may be named and appointed to the said minor children who shall hold their trust and charge subject to the directions contained in the said last will and testament respecting the property of the said Minors; and

A. E. J.

that as soon as it shall be determined by the majority of the said executors in this Province that the said minors or any of them are or is of an age to be removed to England for their education it shall and may be lawful for the said executors, and become their duty to remove such child or children for this purpose and to direct and manage their education in such manner as they shall see fit and most conformable to the intentions of the said late Simon McTavish.

(signed) Margaret McTavish

Let a competent number of the Relations and Friends of the said minors assemble, before me at the Prothobotary's office this day at ten of the clock in the forenoon for the purpose of the foregoing petition.

Montreal 13th September 1804

(signed) J. Ogden J.B.R.

Be it remembered that on the thirteenth day of September of the year one thousand eight hundred and four.

PERSONALLY CAME AND APPEARED: before me the Honble. Isaac Ogden, Esquire, one of the Justices of the Court of King's Bench for the District of Montreal, Margaret Mc Tavish widow of Simon McTavish late of Montreal aforesaid, esquire, deceased, who informed me the said judge that pursuant to the order or fiat on her petition to me presented, she had caused to assemble before me a competent number of the relations & friends of William McTavish aged eight years Mary McTavish, aged six years Anne McTavish aged four years and Simon McTavish aged fifteen months her minor children issue

A.E.G.

of her marriage with the said deceased, for the purpose of giving their advice and opinion touching the election & appointment of a tutrix or tutor & subtutor to the said minor children, who shall be held & bound in every respect to conform to and comply with the directions & intentions of the said deceased respecting the care & education of the said minors & the management of their property, as signified in his said last will & testament, and expressed in the prayer of the said Petition. Whereupon personally appeared Simon McGillevray and Donald McTavish cousins of the said minors; Roderic McKinzie, their maternal uncle, The Honourable James McGill, John Gregory James Caldwell and William Hollowell, friends of the said minor children, who having heard the said petition read and being duly sworn to give their advice in the premises, upon deliberation say, that they are unanimously of opinion that the said Margaret McTavish be appointed tutrix to her said minor children, according to the terms & conditions expressed in her said petition; and that the said Simon McGillvray, be their sub tutor .And that it shall and may be lawful for the said executors and becometheir duty to remove such child or children for this purpose and solely & without the interference of the said tutrix to direct and manage their education in such manner as the sd. executors shall conceive most fit & proper & conformable to the intentions of the sd. deceased.

Which said advice nomination and appointment, I the said Judge have & hereby do homologated & confirm and order in consequence that the said Margaret McTavish be and remain tutrix to her said minor children to hold & exercise the said trust & charge subject to the directions contained in the last will & testament

A.E.G.

of the said late Simon McTavish respecting the property of the said minors and that as soon as it shall be determined by the majority of the executors of the said late Simon McTavish in this country that the said minors or any of them are or is of an age to be removed to England for their education, it shall and may be lawful for the said executors and become their duty to remove such child or children for this purpose, and Solely & without the interference of the said tutrix to direct and manage their education in such manner as the said executors shall conceive most fit & proper & conformable to the intentions of the said deceased, And the said Margaret McTavish & SimonMc Gillvray being now personally present do voluntarily accept of the said charge of tutrix & sub tutor to her said minor children under the conditions aforesaid each promising will & truly to discharge the trust reposed on them respectively according to law and the intentions of the said testator hereinbefore expressed, and for this purpose have taken the usual oath of office And the said William McGillvray, Joseph Frobisher Isaac Todd & James Reid, of Montreal aforesaid Esquires, the majority of the executors of the said late Simon McTavish in this province being now also present do accept the trust as hereinbefore limited and expressed respecting the removal & care of the said children and the direction of their education as aforesaid, according to the intentions of the said late Simon McTavish & the special consent aforesaid of the said Tutrix & sub tutor.

IN witness whereof the said parties have to these presents with the said Judge set & subscribed their names the day & year first above written.

(signed) Simon McGillivray

" Don. McTavish

(signed). Rod. Mackenzie
" James McGill
" James Caldwell
" John Gregory
" Wm.Hollowell
" M.McTavish
" J.Ogden J.B.R.
" W.McGillivray
" J. Frobisher
" Isaac Todd
" Js.Reid
" J. Reid Prothy.

True copy of the original hereof remaining deposited in the Archives of the Superior Court at Montreal.

Montreal December 19th 1921

A. E. Grandbois
Dep.P.S.C.

No-

13.Sept. 1804.

.....

MARGARET McTAVISH

widow of

SIMON McTAVISH, Esquire.

(Petition and act of tutorship.)

.....

Copy.

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

SELBY

- Vs -

Wm.McGILLIVRAY et al,

- & -

Wm.PLENDERLEATH et al,

Intervening parties.

Par reprise d'instance.

Defendants' exhibit No 2.

SAMUEL M. BAYLIS,
808 University Street
TELEPHONE UP. 2032
MONTREAL

No 5.-

REPORT of Robert Griffin Commissaire or Examiner named in the cause of Selby vs McGillivray & others Defendants & diver Intervening parties under a certain Interlocutory Judgment dated 18th June 1814 - The said report dated & made 1st October 1815 and filed in the said cause pursuant to the rules and orders on that behalf on the said 1st day of October 1815.

George Selby,
Plaintiff
- Vs -
Wm.McGillivray & others,
Defendants,
- & -
Wm.J.Plenderleath et al,
Intervening parties.

Exhibit No 2 filed by Defendants 1st April 1821.

ESTATE

of

SIMON McTAVISH ESQ.,

CONTENTS, VIR.,

Statement of the several Estates Real and Personal of the Testator previous to, and at the time of his decease and the estimated value thereof----------folios 1 a 3.

-of the debts at the time of his decease . . . . 4 a 5

---

of Incombrances on his Real Estate . . . . . 5 & 6

---

of his personal property & effects received by Executors 6--

---

of his personal property discovered after his decease . . . . . .

---

of Profit and Interest arising since his decease.. 7 & 8

---

of Payments on account of personal Estate. . . . . 8 a 11

---

of Real Estate come to the Hands of the Executors. 12

---

of Rents Issues and Profit thereof. 13

T. Dejpatie Lyps

of Payments and charges upon Real Estate. . . . .13 a 18

Abstract of the Will of the Testator. . . . . .18 a 24

Amount of Specific Sums Bequeathed. 24

of Annuities &ca. 24

of do lapsed. 25

of Payments on account of Bequeathes. . . . . 25 a 32

Statement of Money and Property in the Hands of the Executors. . . . . 32 a 33

of Charges and drawbacks thereon. 34

of Legacies and Annuities Still due. . . . . 34 a 36

of Sums paid on account Principal or Interest .. 34 a 36

of Property forth coming to pay off the Legacies 36

Lest of Bequests that should bear Interest according to Will. 37

(True Copy)

T. Dejpatie Dep. N.P.

District of Montreal
385--October 1811----
George Selby---Plts.
----vs-----
William McGillivray--
Executors & others Dfts
-----&-----
divers Intervening Parties

1st. OCTOBER 1815

IN PURSUANCE of an Interlocutary Judgment of this Honorable Court bearing date the eighteenth day of June 1814 whereby James Caldwell Esquire was appointed Commissaire or Examiner to enquire and report upon the state of the Effects and Estates of what nature soever of the late Simon McTavish Esquire which were at the time of his decease and since; And also to hear the several Parties if desired by them or either of them previous to forming his report, which should represent as therein directed.-- And in pursuance of a Rule of Court bearing date the twenteith day of February 1815 whereby the said Interlocutary Judgment was enlarged to the first day of June then next, and I was named and substituted in the room and place of the said James Caldwell, who was rendered incapable by sickness of fulfilling the said Interlocutary Judgment.-- And also in pursuance of another Rule of Court bearing date the nineteenth day of June 1815, whereby the first mentioned Interlocutary Judgment was extended to the first day of October then next.--I have proceeded to Examine and Enquire into the Accounts, Books and Documents produced and to hear such of the Parties as desired--after notice First previously given to them----------

I find That the Several Estates Real & Personal that pertained to the deceased previous and at the time of his decease, and the estimated value thereof, Were as follows:

T. Dupratt Dep. A.G.C

Real Estate viz
A Farm and its improvements at the
foot of the Mountain of Montreal.... L5956.17.1

A House and Emplacement situated
in J.Bte Street in the City of
Montreal. 2597.18.9

L8554.15.10

A Seignory or Fief situate in the County
of Effingham in the District of Montreal
commonly called Terrebonne Containing
Three Concessions of two leagues in front
by two leagues in depth each Concession--
The two front Concessions are free from
Quint and enjoying the Right of "Mines et
Minières". 34.272.2.3½

An Island situate in the River Jesus
commonly called Isle St. Jean or Isle
Vigercontaining about three hundred
acres en superficie. 230.4.2

---

a BakeHouse situate on Isle Moulin in
the Village of Terrebonne 804.15.7

---

a House and Emplacement situate in St.
Louis Street in the said Village of
Terrebonne perchased from Pierre Augé..... 1106.15.3

Another House and Emplacement situate
in St. Louis Street in the aforesaid
Village purchased from Joseph Clement. 104.19.4

T. Depatie Dep. P. S. C.

Another House and Emplacement
situate in St.Francois Street
in the aforesaid Village purc
hased from J. J. Timme. 89.4.2

Sundry Emplacements situate in
the said St. Louis Street in
the Village aforesaid. 139.3.9½

The Township of Dorset consisting
of two hundred and fifty one lots
of Land; Each Lot containing two
hundred superficial acres making
in the whole Forty Eight Thousand
Two humdred Superficial Acres
situate in the District of Quebec
purchased from the Honorable John
Young Esquire who is bound by a
covenant in the Deed of Sale to
complete the Quantity of Fifty
Thousand Superficial Acres.....14614.5

L49.916.5.5

An Estate called Dunardry situate
situate in the District of Knap
dale in Argyleshire in that part
of Great-Britain called Scotland..6500 56416.5.5

PERSONAL ESTATE viz

An Obligation by Joseph Bouchet
te bearing date of the 8th of
May 1804-Passed before Planté
Notary. 400

T. Deputy dep. P.E.C

A sum of money Invested in a share
in the West-India-Docks in London..1111.2.2

The balance of the Testator's acc
ount Current with his Partners
made up to the thirteith day of
November 1804 according to their
articles of Agreement and entered
in Inventory on the Fourteenth
day of January 1805..L40.773.14.5

Inventory R.fo.17

Hisproportion of their stock
in the North-West-Company on
the thirteith day of November
1804 and Entered in Inventory
on the Fourteenth day of Jan
uary 1805. . . . . R . .. 25.999.8.2 66.773.2.4 which sum
is declared on the Inventory
"not to be paid for 7 years".

The household furniture,plate,
Horses, Carriages, trinkets,
cloaths and wearing apparel,
of which no valuation or appr
aisement was made.--The wife
of the Testator being entitled
to receive and take the same
at his decease in the manner
they were found in his Dwell
ing-House. But the other part
of the household furniture
with the stock on the Farm at
the foot of the Mountain were
appraised by Alexander Henry
& Roderick McKenzie Esq.R.fo.11..549.14.11½ 68.833.19.8½

Currency. L 125.250.5.1½
R G.

T. Depatie Dep. N. S.C.

Amount of the Real Estate of the Testator, at the time of his decease, and also of his personal Estate on the Thirteith day of November 1804 (when his account Current with his Partners were settled according to their articles of Agreementas far as the same could at that time be ascert ained) is, as above stated, one humdred and Twenty-Five-thousand-two hundred and fifty pounds-five Shillings and one penny Half penny Halifax Currency.

SECOND And I find, That the Several Debts of the Testator at the time of his decease were as follows

To John Clarke; Butcher. L	52.10.3
Louis Gareau; Blacksmith.	21.17.9
William Logan; Baker.	29. 7.6
George Kittson; Merchant.	22. 6.11
do do do another account..	19
do do do do	9.10
John Campbell do	12.
Charles Forest; Upholterer.	71. 7.8
Lewis Charles; Garden services.	13.10.6
The Balance due Servants for wages. . . .	80. 8.
General Hospital of Quebec.	30.
Wadsworth & Co...druggists.	17. 9.3
Hagar; Shoemaker.	4. 2.6
Daniel Sutherland, water-works.....	21.10.
Jean-Baptiste Duplesis for Oil.....	2. 5.
Alexander Henry & Co, Auctionneers. . . .	25.17.9
Tait; Schoolmaster.	17. 2.6
G. Glagow; Saddler.	40.16.6
Marshall; plants and garden seeds. . . .	5.15.6
Assesments for 1804.	8. 8.
James Cladwell; wine.	99. 1.7

T. Depatie dep. P.S.C

Sundry duties; 1/4; and L 4.6.1.	4.7.5
James Dunlop; Candles.	6.
J and I Hall; Hatters.	1.10
McTavish Fraser & Co for part of Inv. S.M^{t}.	184. 5.5
do do & do for Invoice M.Montreal...	632.11.5
Frederick Gunnerman.....Oats.....	2.
Samuel Park. . . Cabinet Maker.	5.10
Alexander Campbell, Merchant.	2.
Andrew Hayes, Toys.	1.92
Mrs McClement.	4. 6
John Shuter, Glassware.	28. 16.4
Kenneth Walker, Hair dresser.	5.15.10
Je Desforges, Blacksmith.	10. 9.3
Duncan Fisher, Shoemaker.	3. 3
G. Goddard, Brewer...	4. 5
	L1480.16

Debts Continued

To Benaiah Gibb; Merchant Taylor.....	231.16 11
George Platt, Iron monger.	27.11 2½
James Woolrich, Merchant.	253.14 3½
Robert Cruickshank, Silversmith.	20.2.2
Robert Griffin, Soap and Candles.	11.83½
Henry MacKenzie Agent at Terrebonne.	2.1.8
James Brown; Stationer.	13.3
Madame Saupin, pension	18.
James Reid, Law Charges.	52. 7.2
The North-West Company, Store Account. . . .	1.3.10½
John Wilson, Tinsmith.	38. .9
Currency.....L	2137.15. 7

R G.

I find that all the above debts were paid by order of the Executors by his Partners previous to the Account Current

T. Depatie Dep. S.C

aforesaid being balanced on the 30th November 1804 and entered on the Inventory the Fourteenth January 1805---
And I also find that the Funeral Expenses and Sundry Legacies under One Hundred Guineas were likewise paid by his Partners and charged in the above mentioned Account Current of 30th November 1804.

R.G.

And I Find that his Real Estates were Charged with the foll owing Mortgages and Incumbrances viz

---

To Margaret McTavish his widow for an annuity by her marr iage Contract of Three Hundred Pounds Halifax Currency

-------and----------

To Catherine Jordan; wife of Jacob Jordan Esquire.	L 1000
Marie Anne Raby, widow of the late Mr Jordan.	600
Aeidrick Brehem.	3722.4.5
Margaret Noel; widow of the late James Noel.	1200
Frances Lindley, alias St.Leger. . .	285.11.3
The Heirs of Alexander Robertson. ..	750.
Charles Menard dit Partenay.	291.13.4
Joseph Anssem.	20.16.8
Joseph Clement a life rent of Forty Bushels. of.wheat.valued at.ten.years purchase a 6/8.	133.6.8
	L 8003.12.4
To André Viger and his wife a life Rent upon their Joint and several lives of L 17.107 valued at twelve years purchase.	1210.
Currency	L 8203.12.4

R.G.

T. Depatie Dep 1918

Mortgages and Incombrances Continued

Say..... Amount of Martgages and Incombrances, as stated above, Eight Thousand two hundred and Three Pounds twelve Shillings and four pence Halifax Currency; and Three Hundred pounds said Currency per annum, payable during her natural life to Margaret McTavish wife of the Testator in virtue of her Marriage Contract.--
R. G.

Third

An I further Report The said Executors have executed their trust as follows

1st. They have received the following personal property and Effects viz 1805 November 30th Received amount vested in West India Docks in London. . . . . L 1111.2.2

1806 May.. 31st. Received for a Pheaton & Harness..... 64.

1807 Sept.30th " produce of Farm.... . 124.19.8

" Novm. 30th " Bouchettes Mortgage.. 124.14.5½

1809 Decm.31st " for paint & Oil. . . . 20.

1815 Oct. 1st " From McTavish McGill ivrays & Co from the 30th November 1804 to the 1st October 1815 their account Current, at different times } 38,592.3.2

L 40.236.10.5½
R G.

Say Forty Thousand Two Hundred and Thirty Six pounds ninet een Shillings and five pence Half penny Currency R G.

An I find that there have come to the Hands of the Executors several sums of money and other personal effects which were not known or discovered at the time of his decease or at the time of making out the Inventory of his property and which are as follows, and which are as follows--

T. Deputie Dep P.S.C.

1805	november	30	Received	drawback on wine..	L 35.5.
"	"	"	"	for proceeds of Oak..	26.17.6
"	"	"	"	Profit on West India Docks	682.17.4
1806	January	31	"	2 Cases Sheet Iron...	6.10.
"	November	30	"	Net proceeds of Wine in London	917. 3.11
"	"	"	"	" do of Furniture do	115.13.4
1807	February	28th	"	from dr.Lehoulier on account for a Mortgage	20.
1808	"	28	"	divident on Estate of Destimauville	1. 1.3
"	November	30	"	Rent from Bouchettes House purchased by the Executors to save the Mortgage.	37.10
1809	September	30	"	proportion on Burton & & McCulloch's House. . .	46. 7
"	November	30	"	for Estate of W.Waldock.	40.15.1
"	"	"	"	Rent of Bouchette's House	51. 3.3
1810	Feb.	28	"	From Estate of Hugh Finlay	46. 9.9½
"	October	31	"	Old premiums.....	186.12.9
"	"	"	"	Proportion of Burton & McCullochs Ho.	32. 9. 4
"	November	30	"	Rent of Bouchettes House	110.16.8
1811	May	31	"	" do do	8.19.1
"	"	"	"	Old premiums..	133.18.11½
1812	Novemb.	30	"	Rent of Bouchettes House to 1st Augt.....	17.10
"	"	"	"	part Insurance on Terre bonne Mills.	63. 8.7
1814	October	31	"	for Sale of Bouchette's House. . . . .L 1250.... less pd. by the Exers for purchase.....L 900.7½	349.19.4½
"	"	"	"	Rent of do do.	87.10
				Currency L	3018.18.2½

T. Deputie Dep. 1 S.C

R G.

Say Three Thousand and Eighteen pounds eighteen Shillings and two pence Half penny Currency aforesaid-- R G.

And I further find That there has arisen to the Estate of the deceased certain sums of Profit and Interest from that part of his personal property and Effects which consisted of the Balance of the Account Current with his late Partners on the 30th November 1804, arising from the Sundry transact ions in which the said Balance was engaged according to their Articles of Copartnership and which is submitted to the Honorable Court in the following statement (Extracted from McTavish McGillivrays & Co. a/c wt.ye. Executors)

1805	Novem.	30	One Year Interest on Stock of L 25999.8.2.....	L 1559.19.3
1806	"	30	a Profit.	1986. 9.3
1810	"	30	a do	14. 7.1
1811	July	6	Interest.	20165.13.11
"	Nov.	30	a Profit.	272.15.6
1813	"	30	a do	80.17.3½
1815	Octb.	1	Interest.	9193. 4.7
				L 33.273.6.10½

The following contingencies have happened to diminish the said Profit and Interest viz

1805 November 30th Sundries Conting encies & adventur es in 1804 and pre vious to that priod. 1811.12.2

1807 May 30th Interest. 22. 6. 4

" Nov. " Sundry further Conting encies on adventures in 1804 and previous to that period..... 655.4.11½

T. Depratie Jep 1 & Co

1808 Nov. 30 Sundry further contin
gencies on adventures in
1804 and previous to that
period.....121.13.6

1809 " " Interest on L375.5.9½
returned to family
Chaboillez.....69.11.6½

" " " Sundry Contingencies as
stated above. 20.8.10

1810 Oct.31 do do do 40.10.10

1811 July 7 Demarary debts.....5000.

1814 Nov.30 do do 219.14.3

Currency L25.312.4.5½

R G.

Say Profit and Interest, from 30th November 1804 to the 1st October 1815 which arose from the Balance in the Hands of the Surviving partners on the former date, is, as above stated, Twenty five Thousand Three Hundred and twelve pounds four Shillings and five pence Half penny Currency aforesaid

R.G.

I find also that the said Executors have paid and Expended for and on account of and respecting the personal Estate of the Testator the sums following viz

1804 december 3 Paid J. Wickwire p desire
Wm McGillivray L 4. 16.8

" " 5 Paid W. Edge p order of James
Reid. 36. 4

" " 6 Roussin p order of
William McGillivray 9. 5

" " 10 Paid p J. Reid's or
der..... 1.

" " 14 Ruben Wait p J.Reid's
Order..... 12.10

T. Deputies by p. 8.C

1804 december 15 Paid Felix Gosselin p
James Reid's order 7.2.11
" " Paid Lewis Charles
p James Reid's Order . . . . 20.
1805 Jany 31 Paid Revd. J. Jackson's acct
for Schooling 132.19.2
" " " Less Paid in
England for
Mr Jackson 87.11.8 . . . . 45.7.6
" " 3 Metchler p William McGill
livray's Order 1.15
" " 4 Mrs Thompson do do. . . 51.14.1
1805 " 10 Paid Duplessis on L.180.19.7
order of W.McGill
livray. 1.10
" " 12 Paid Poitra p order of
J. Reid. 116.9
" " 14 " Fournier, Cook p
order of J.Reid. . . . 2.13.4
" " 16 " Miss Thornton p
order of M.McGill
evray. . . . . .15.14.
" " 19 " G.Radford p order
of J.Reid. 3.14.2
" " " " James Caldwell p order
of W. McGillivray . . . 9.17.9
" " " " Lewis Charles p order
of James Reid. . . . . .20.
" " " 24 L.Charland p. order of
William McGillivray. . .10.
" " " 25 W. and B.Wragg p. ord.
of J. Reid. 28.14.2
" " " 30 J. Connor p order of
J. Reid. . . . . 1.

T. Depratie Dep. P.C.

1805 Feb.	28	Paid	Account for Election at Ste Rose in 1804.	151.15.11½
" "	5	"	Mrs Lane & Daughter for arrea rs of wages in 1804 p J.Reids order.	41.
" "	11	"	Edward Edward's Balance of an Acc. p J.Reid's order	18. 9.1½
" "	13	"	Annual Subscription to Scotch Church p J.Reid's Order. . . .	5.
" "	21	"	Lewis Charles " "	15.
" "	28	"	Seguin Courier for former serv ices.	3. 2.6
" March	11	"	Dr Rowand for attendance on family.	58. 6.8
" "	"	"	Rent of a pew in French Church	3.10
" "	"	"	Lewis Charles p order of J.Reid	15. 7.9
" April	1	"	Dr Selby attendance on family to 1st January.	58. 6.8
" "	22	"	Subscription to Commercial Adv ertiser in 1804.	3. 3.9
" May	31	"	Rent of lower part of Ho. adjoin ing dwelling Ho.	2.
" Sept	24	"	Subscription to Lyon p order of Wm.McGillivray.	". 10
" Nov.	30	Pd.	by McTavish Fraser & Co. viz	
	1804		Aug.14 To Duncan McGill ivray. . . . . .Str.L 4.9. .	
		"	July 31 John Boon to go out as butler "	19.14.6
		"	Aug.22 do's Express for Falmouth . . . ."	5. 6.3
		"	Sept.20, Cancelling Agreement wt.him. . "	25. . .

T. Deputie Dep. n. S.C.

Expenditure continued and Brought forward

		Paid			
1804	Oct. 6	Mrs. Harris on aut.McTavish	Str.L	40. .	
"	Nov.10	Boon's passage p British King	"	25. .	
1805	Mch.10	Notary for Boon's Agreement	"	3.13.6	
"	" "	Balance their Interest a/c.	"	17.12.	
"	Jany 26	Bogg for Probate of will & opinion &ca.	"	76. 7	
"	Feb. 26	Mrs. Tarral on aut.of former	"	43. 9.6	
"	May 31	Further Interest p a/c . .	"	8.16.	
"	" "	Postages.	"	. 7.6	
"	Oct 26	McQuinn's children comfortable to promise in Testator's life time made by him p Letter. . .	"	100. . .	
			Str.L	369.15.3-400.16.10	
			L	1062. 9. .	

		Paid			
1805	Nov.11	Paul Metteberger p J.Reid's order.			15. 3.6
"	" 16	Louis Chaboillez/p aut. do p do			1. 5
"	" 30	Ben Gibb p aut. do p do ..			6. .
"	" "	J. G. Beck's do p do			33. .
1806	Feb 28.	24 Gentlemen and Ladies Mourning Rings.	Str.	55.3..	
"	" "	Tin boxes for papers . .		1.1	
	May 31	Balance of Interest a/c.		12.2	
1807	Jany 13	McQuinn's Children as before mentioned.....		100.	
		Paid by McTavish Fraser & Co London.	Str.	168.6------	186.19.11
"	May 31	Pd.Wragg Blacksmith access. in 1804..			12.
"	Oct.31	" Insurance on Bouchette's House			4. 9.5
"	" 31	" by McTavish Fraser & Co. viz			
	1806	Sept. 28th Grace Wine Cooper		9.6	
	"	May 31st. Postages		18.1	

T. Depatie Dep. n. S.C

Expenditure continued and brought forward

Paid

1807 May 31 Interest p a/c . . . . . .43.17.

" " 31 do on advances to Mrs..

M. T..... 33.6.8

Sterling L 78.11.3 87.5.10

1808 Nov.30 Pd. McTavish Frazer & Co.

viz. . . . . ..

" 1808 Jany 31 Fees of Coun

sel on Will..... . . L 54.17

" May 31 Interest p their a/c 26. 7.9

" " " do p do a/c 27.19.2

" " " McQuinn's Children

2 Nov. 1807... . . . . .100. . .

Str. L 209. 3. 10

232.8.11

" " " " S. Sewell's Account against

the Estate..... . . . . 6.

" " " " Interest on Mrs McTavish's 44.10.10

annuity. . . . . .

1809 Nov. 30 McTavish Fraser & Co. viz

" May 31" Interest on their a/c.....L 28. 5.9

" " " " do . . . . . 19.11.

" " " " Postages 14.4

" " " " McQuinn's Children 2 Nov 1808-100.

Str. L148.11.1

165.1.4½

" " " " Kerr Attorney Costs against

Findlay's Estate. 2.18.4

" " " " Interest on advances to Mrs

McTavish. 51.14.3

1810 Jany 31" James Stuart Retainer for the

Estate. 11.18

" May 31 " Half fees in suit against Find

lay's Estate. 1.13

T. Depatie Exp'ts

Expenditure continued and carried forward

1810 Oct. 31 Paid McTavish Fraser & Co. } L 300. .
Law Charges in Chancery }

1810 May 31 Postages Law papers &c . . 7.9.2

" " " McQuinn's Children 2 Nov..
1909. . . . . 100 . .

Str. L 407.9.2 - 452.14.10

L 2366.4.2½

1810 Nov. 30 Paid Interest on Mrs McTavish

" a/. 3.12.5

" " " " Expenses on denning's pros
ecution. 90.16.5

1811 Mar 31 " Costs to Jonathan Sewell.. 10. .

" McTavish Fraser & Co. viz
1810 Paid costs in Chancery
19 July 1810.....Str. 365.3.11-405.15.6
1810 their Interest a/ Str. 31.18.
" Postages. 1.17.1

Str.L 33.15.1-37.10.1

1812 May 31 Costs in
Chancery. . . . . Str.L 227.2.8-252.7.5

" " " McTavish
Fraser & Co. for
Postages. . . . . 8 . .

" May 31 McTavish Fraser
& Co. Interest. 11.10. 1

Str.L 18.18.1-13.4.6

1813
Nov. 30 Pd. McTavish Fraser & Co viz
1812 dec. 31 Procuring City
Seal to acct. sent to Canada

Str. 5.17.8

1813 May 31 Postages
& Interest. 18. 3.9

Str.L 24.1.5--26.14.11½

T. Depatie

Expenditure Continued & brought forward

1813 Nov.	30	Pd.Notary Beck Copy of Inventory	3.
1814 May	31	" D. Ogden Costs procuring certificates for Mr Todd respecting suit &ca.	4.2.6
" Oct.	31	" McTavish Fraser & Co.postages & Interest. Str. 25.17.3 --	28.14.9
" Nov.	30	" Notary Beck another copy of Inventory.	4.
1815 April--		" Book for accounts Current for the Estate.	6.10.
" July	5	" for copy of Rule of Court appointing Mr Griffin Auditor. . .	6.2½

L 3252.18.11½
x 1111. 2. 2

add. amt. to the Miss McG's prior to his decease see folio 26

Curry L3252.18.11½
R G.

L 4364. 1..½
R.G.

Say, Three Thousand two Hundred and Fifty two pounds Eighteen Shillings and Eleven pence Half penny Currency aforesaid expended respecting the personal Estate of the Testator--

R G.

And I report that it does not appear that sufficient assets have at any time come to the Hands or Power of the Executors or Trustees to have enabled them to invest any sum or sums of money upon security according to the directions in the Will-- And Further That it appears that the Household Furniture Trinkets &ca given by the said Testator to his Wife Margaret have been delivered to her------

R G.

T. Depatie Dep. S.C.

2nd. I Find that the following Real Estates have come to the Hands and Power of the said Executors viz-------

The Estate or Seignory of Terrebonne Isle of St.Jean or Isle Viger

a BakeHouse on Isle Moulin
a House & Lot in St.Louis Street
a House & Emplacement on St.Fra$ St
another House & Emp.in St.Louis St.
Sundry Emplacements but.of Chaumont

all which are leased to Henry McKenzie Esq., at the rate of twelve Hundred pounds Currency per annum.

The Farm at the Mountain Leased to Lewis Charles per L 70 Curr encyper Annum.

The Township of Dorset, which has been neither rented nor improved and is without any revenue or profit arising therefrom--

R G.

And I Report that not sufficient assets having been received by the Executors from the Estate of the Testator to raise and secure the annuity of L 1200. to his wife as mentioned in his Will they the said Executors have fixt and secured the said annuity to her the said Wife in the following manner as will appear more fully per agreement with her passed before Notary Beck on the 18th July 1805, which states--"whereas the said Executors in order to "comply with the said last Will and Testament as far as circumsta "nces will at present permit have determined and agreed that out "of the present revenue of the Estate and Seigniory of Terrebonne "there shall be secured and annually paid to the said Margaret "McTavish a sum of L700. Also the sum of L70 arising from the "Rent of the Farm at the foot of the Mountain and that the remain "ing sum of L350 to complete the aforesaid annuity of L1200 to be "paid out of the Testator's property in the Hands of John Gregory "William McGillivray, Duncan McGillivray William Hallowell and "Roderic MacKenzie trading under the Firm of McTavish Frobisher "&Co--And that as soon as the debts now due upon the said Estate "of Terrebonne shall be paid off the whole of the said annuity "shall be secured to the said Margaret McTavish from the Revenue

T-Depatie Dep. S.C

of that Estate" In consideration of which She the said Margaret McTavish gave up all claims respecting her said annuity upon the said Testator's other Real Estates as well as personal property--

And I find that they the said Executors have received the under mentioned Rents Issues and Profits arising from the said Real Estates--viz

1805	Nov.	30	Received	one	Year's	Rent	of the	Seigniory of Terrebonne.	L 1200.
1806	"	"	"	on	account	of	Rent	Farm at the Mountain. . .	32.6
"	"	"	"	one	year's	Rent	of the	Seigniory of Terrebonne..	1200.
1807	"	"	"	do	do	do	do		1200.
1808	"	"	"	do	do	of do	do		1200.
1809	"	"	"	do	do	of do	do		1200.
1810	"	"	"	do	do	of do	do		1200
"	"	"	"	Rent of Farm at Mountain 5 years at L 70. L 420. less recv.on acct. 30 Nov. 1806				32.6	387.14
1812	"	"	"	from the Estate of Dimardry. . .					431. 4.4
								Currency.....L	8051. 4.4

R G.

Say Eight thousand and fifty one pounds four Shillings and four pence Currency----------

R G.

And I find that the said Executors have disbursed for and on account of charges touching the Testator's Real Estates and for upholding the same the following sums viz

T. Depatie dep. S.C.

Upholding the Real Estates Continued

and amount brought forward

1804 dec.	3	Paid	James Reid's Order to J.Bte Sené for Ho.at Mountain. .	85.7.10
" "	5	"	" " to Pierre depencier. .	3.18
" "	"	"	" " to Pierre Deshautel. .	67.14.2
" "	6	"	" " to Pierre Poitra. . . .	3.
" "	10	"	" " to T. Millar.	5.
" "	12	"	" " to Wm.Gilmore.	100.
" "	"	"	" " to Jos.Lecompte.	23.19.6
" "	17	"	" " to Louis Garreau.	29. 2.6
" "	20	"	" " to Thomas Barlow.	94. 5.3
" "	21	"	" " to W. Gilmore.	.394.17.4
" "	24	"	" " to J. Shay.	30.
" "	12	"	" " to Wm. Edge for Ho.in Town	42. 3.10
" "	19	"	" " to Pierre Lambert. . . .	.143.15.11
" "	22	"	William McGillivray's Order to Louis Charland for Farm at the Mountain	20.
				L 1043. 4.4
1805 Jan.	9	Paid	Copy of Patent dorset Township and diagram.	2. 5.
" "	3	"	J. Shay for house at the Mountain	10.9
" "	31	"	Marie anne Jordan Half years Int. on Mortgage.	18.10.9
" Feb.	28	"	Margaret Noel 12 months Int. on Mortgage.	72.
" Mrch	31	"	J. Sewell assisting Council in cause Porteous v. the Dam.	25.
" April	30	"	Catherine Jordan 12 months Interest on Mortgage.	60.
" May	1st	"	Louis Charland Half Expenses survey ing Dam at Terrebonne.	18.
" "	27	"	Booth for bringing down timber. . .	5.13.4
" "	8	"	James Anssem Mortgage on Farm at the Mountain.	20.16.8

Continued and Carried Forward

T. Depatie Dep.t 8c

Upholding the Real Estates Continued

And amount brought forward:. . . . . .

1805 1905 May 13 Pd. 10.000 case nails for house at the Mountain. . . . . 2 .5

" " 15 " James Anderson & William Thompson p James Reid's Order 12.15.

" June 30 " Willm.Thompson for House at " " the Mountain..... " " 12.

" " 29 " do & Js. Anderson for do do 8.

" July 16 " Wm. Gilmore, repairs. . do per do 44.4.4½

" " 22 " C. Trudeau dwelling house in town. . . . . do per do 12.10

" Aug. 6 " J. Campbell taking down oak do pr do 20.

" " 17 " do do do . . . . . 2.

" Sept 2 " Frs.desrivieres Interest on Mortgage to the Minors Robertson. . . . . 45.

" " 14 " Assesment on House and Farm. 2.13

" Oct. 1 " C.Menard for Mortgage in part payment say Interest. 17.10

1804 July 16 " Instalment on West India Docks London 100.

1815 May 15 " Deidric Berhein Interest on Mortgage 223.6.8

" Nov. 11 " Charles Patney dit Menard on do. .. 41.13.4

" " 20 " Barceleau inspecting house at the Mountain. 1. 3.4

" " 18 " Ogden, D. fees cause Porteous v.New Dam.7. . .

Continued and Carried forward

T. Deputie Dep n B.C.

Upholding the Real Estates Continued
and amount Brought Forward. . . . .

1805

1815 Nov	20	Pd.	Oak contracted for last summer (1804)	176.13.8
" "	30	"	James Reid's acct. cause Agt. the Dam at Terrebonne.	51.12.10
" "	30	"	disbursements commenced at Terrebonne in Testators life time	199.19.10
" June	5	"	Mary Ann Jordan Int. on Mortg.6 mths.	18.
" Nov.	30	"	do do do 6 do	18.
" Dec.	5	"	J.Shay's acct. for Ho. at the Mountain	60. 1.11½
" "	20	"	Young do do do	1. 2.6
1806 Jan.	3	"	Fencing Farm at the Mountain.	9. 4.2
" Feb.	28	"	Margaret Noel Int. 12 Mths.on Mortgage	72.
" May	31	"	Jos. Turgeon on acct. of Right of Saw Mill at Mascouche.	80.
" July	12	"	F. Desrivieres 1 years Int.on Mortgage	45.
" Sept	30	"	Poitra for work at house at Mountain	20
				L 3169.4.9
" Oct.	31	"	Joseph Menards Mortgage and Int. in full	265.4.9
" May	27	"	By McTavish Fraser & Co Int. on Breheins Mortgage.	223.6.8
" Nov.	5	"	Poitras acct. for Caulking House at the Mountain.	35.3.6
" "	5	"	Assessment on House and Farm do	2.3.
" "	29	"	Wm. Gilmore's for work do order J.R.	3.4.7
" "	"	"	M.A. Jordan one year Int.on Mortgage	36.
" "	"	"	Jos. Turgeon, for saw mill Mascouche	425.
" "	"	"	Heirs of Buisson Claim on Isle Viger	1.19.9
1807 Feb.	2	"	Notary Gray Agreement with Jos Turgeon for Saw Mill.	1.15.10
" "	"	"	Margaret Noel 12 Moths.Int. on Mortg.	72.
" "	26	"	Catherine Jordan 1 year's Int. per Judgment.	69.4.

Continued and Carried forward. . . .

T. Deputie dep. P.S.C

Upholding the Real Estates Continued

and Amount brought forward..

1807	April	30	Pd.	Catherine Jordan i years Interest per Judgment.	60.
"	July	18	"	F. Desrivieres Int. on Mortgage 12 months.	45.
"	Aug.	31	"	Assessments on Farm at the Mount ain.	2.10
"	Sept.	30	"	M. A. Jordan 1/2 year's Interest on Mortgage.	18.
"	Oct.	31	"	By McTavish Fraser Co in May 1807 Interest to Brehein.	223. 6.8
"	"	31	"	Insurance on Terrebonne Mills. . .	57. 7.4
"	Nov.	3	"	Frances Lindley Balance on Mortgage	336.19.3
"	"	7	"	Catherine Jordan 6 months Interest on Mortgage.	30.
"	"	7	"	Attending assemblée de parens for erecting a Grist Mill &ca.	1.13.4
"	"	7	"	Defendi ng suit against Gibb about C. Jordan Mortgage	5.12.2
1808	Feb.	28	"	Mrs Noel 1 years Int. on Mortgage	72.
"	"	12	"	M. A. Jordan 1/2 year do do	18.
"	April	30	"	Catherine Jordan 1/2 do on do	30.
"	June	11	"	M.A.Jordan 1/2 year do on do	18.
"	Sept	24	"	Assessments on Farm at Mountain	2.10
"	Oct.	1	"	Catherine Jordan Mortgage in full	1000.
"	"	"	"	Interest on do do	32.10
"	Nov.	30	"	M. A. Jordan 6 Months Int.on Mortg.	18.
"	"	"	"	Wilson for repairs done to dwelling House.	2.7.6
"	May	27	"	By McTavish Fraser & Co. Int. 12 mts. to Brehein. 223. 6.8	
"	Nov.	30	"	J.G. Beek Nty. attending assemblée de Parent for Terrebonne Mills. ..	10.

Continued and Carried Forward...

T. Depratte Esqr N. & C.

Upholding the Real Estates Continued

Amount Brought Forward...

1808	Nov. 30	Pd.	Compromise with T. Porteous respecting Dam	50.
"	" 30	"	on acct. of new Grist Mill per assemblée de parens.	1100.
1809	" 17	"	F. Desrivièrefor Interest on Mortgage Minor Robertson, 1½ year. . . .	67.10
"	Feb.28	"	Mrs Noel Interest 12 Mhts. on Mortgage.	72.
"	July 31	"	Arthur Gilmore work at Ho.on the Mountain.	3.12.2
				L 7794.17.2
1808	Nov. 30	"	Paid for rebuilding a Dam carried off at Terrebonne by the flood. ..	451.15.10
1809	Aug.31	"	M. A. Jordan 6 mths Int.on Mortgage	18.
"	Sept 30	"	Assessments on Farm at the Mountain	2.13.
"	Oct. 31	"	Lods & ventes on do do	100.16.8
"	" "	"	Arrears on Seigniorial Rents on do..	8.
"	" "	"	Louis Chaboillez Copies Sundry Deeds	1.6.
"	" "	"	The Honorable James M.Gill for Half Fence at Mountain.	4.3.4
"	May 27	"	by McTavish Fraser & Co. Int. on Mortgage to Brehein.	223.6.8
"	" 14	"	M. A. Jordan 6 months Interest on Mortgage.	18.
"	" "	"	A pair of Large Cloathur's Shears for the F. Mill.	4.3.9
"	Dec. 2	"	Insurance on the Terrebonne Mills being one years premiun.	46.9.6
1810	Jan. 31	"	Work on House at the Mountain. . .	1.10.9
"	" "	"	Louis Charles for gate.	4.1.9
"	Feb.28	"	Mrs Noel one years Int. on Mortgage to 7th instant.	72.

Continued and Carried Forward...

T. Deputie Depn. &c

Upholding &ca., The Real Estates Continued .....

1810	Mch. 31	Pd.	F. Desrivieres 1 years Int. on Mortgage to 1st Jan. 1810.	45.
"	May 31	"	M. A. Jordan 1/2 years Int. to 10th instant.	18.
"	June 30	"	Dedric Brehein in full for his Mortg.	3847.12.2
"	Aug. 31	"	Assessment on Fram at the Mountain. .	2.10
"	Sept.30	"	Quittance per Notary Plante by Mr.Dunn for Deidric Brehein.	11.6
"	Nov. 30	"	Notary Gray passing Deed of Sale to R. McKenzie of Lots fr. Chaumont.....	17.6
"	"	"	J. Reid, Prothy. for Registring Deed of assemblée de parens for P Sale....	15.
"	"	" R G.	for building the Grist Mills at Terre bonne recommended by assemblée de parens in 1808 and Sundry repairs to uphold the same per acte notarié & attested accts	2507.2.½
"	Dec.31	"	Insurance being one years' premiun on old and new Mills	46.7.
1811	Jan. 9	"	F. Desrivieres 12 mths. Int.on Mortgage	45.
			M.A. Jordan 6 do on do	18.
"	Feb.28	"	Mrs Noel 12 months do on do	72.
			Certificates of the burning of the Terre bonne Mills on 9th Jany. 1811.	7.6
"	Dec. 18	"	By McTavish Fraser & Co. Int. on Mortgage to Brehein.	66.13.4
"	July 20	"	Le Compte per James Reid's Order for Farm at the Mountain.	4. 6.3
"	Aug. 31	"	Assessment on Farm at the Mountain. .	2.10
"	Sept.30	"	M.A. Jordan 6 mths. Int.on her Mortgage	18.
"	Oct. 31	"	Louis Chaboillez registric quittance for Deidric Brehein.	11.6
"	Dec. 31	"	Premiun of Insurance on the Terrebonne While rebuilding	110.13.3

T. Depatie Jr. & Co.

Continued & carried forward.....

Upholding the Real Estates continued.....

1812 May 31	Pd.	M.A. Jordan Interest on Mortg. 6 Mths	18.
" June 30	"	do do do do do	18.
" Aug. 31	"	Assessment on Farm at the Mountain. .	2.10
1813 Jan.31	"	F. Desrivieres Int. on Mortgage to 1st instant 2 years.	90.
" " "	"	M. A. Jordan 6 Mths Int. on Mortgage .	18.
1812 Feb.28	"	Mrs Noel do do to Jan.18. 1812.....	72.
			L 15.776.11½
1813 Feb. 28	"	Mrs Noel Int. 12 months on Mortgage to 1st instant.	72
" Apr. 1	"	Building a new Ho. and Barn on Isle Viger per attested acct.	203.17.4½
" " "	"	Erecting a Cooper shop contignous to the Mills Terrebonne.	193.17.10½
" " "	"	for finishing the Bake Ho. begun in the life time of the Testator. . . .	54.4.10
" " "	"	for finishing House & Gate of Lot bought of P. Auger.	18. 2.4
" " "	"	for Sundry enclosures round Lots bot. of Chaumont.	123. 1.4
" " "	"	for disbursements and rente viagere on Lot from Jos. Clément.	197.6.7
" " "	"	For disbursements on Ho. & Lot bot. of J.J. Timons.	15.4.10
1812 May 3	"	Premium of Insurance on Terrebonne Mills	66.5
" June 30		M. A. Jordan 6 months Int. on her Mortga ge.	18.
" Sept. 30	"	Assessment on Fram at the Mountain. . .	2.
1813 Nov. 30	"	Rebuilding Mills after fire per acct. .	1963.8.10
" Dec. 31	"	Premiun of Insurance on do	66.
1814 Jan. 31	"	F. Desrivieres 12 months Interest on Mortgage.	45.

T. Deputié Exp. 8c

Continued & carried Forward.....

Upholding the Real Estates Continued.....

1814 Jan. 31	Pd.	Mrs M. A. Jordan 6 moths.Int.on Mortgage.		18.
" Feb. 28	"	Mrs Noel 1 years Int. on do....		72.
May 31	"	Mrs M. A. Jordan " 6 mths do....		18.
" Nov. 30	"	Assessments on Farm at the Mountain		2.
" " "	"	Mrs M. A. Jordan 6 Mths Interest		18.
1815 Jan. 31	"	F. Desrivieres 12 Mths Int.on Mortgage		45.
" June 30	"	M. A. Jordan 6 mths do do		18.
" " "	"	Assessments and Insurance on Ho.in Town		46.6
1814 Dec. 5	"	Premiun of Insurance on TerrebonneMills		66.
1813 Feb.21	"	Mrs Noel 12 Months Interest on her Mort gage.		
		Currency..	L	19.190.6.5½

L 19.413.7.6½

Say nineteen thousand one hundred and ninety pounds six Shillings and five pence Half penny Currency & add to dedric Brehein 29th november 1809 Interest on Mortgage omitted:

223. 1.1

Cy- L 19.413.7.6½

R G.

And I find that the Estate of Dunardry in that part of Great Britain called Scotland is not in the Hands Power or Possession of the Dfts the Executors, and that the same is under the Direction of certain persons legally named and appointed according to the Laws of that Country.--Nevertheless the said Executors have received a certain sums of money from such persons amounting to L 431.4.4 which has been applied by them for the use of the Heir at Law William McTavish and is accounted for by them in this their Gestion.--

And also that the Dwelling House of the Testator situate in St. Jean Baptiste Street in the City of Montreal is in the occupation and profession of his widow Margaret McTavish under the authority of his Will.-

T. Deputie dep. S.C.

I find that there is no other Real Estate whatever come to the knowledge of the said Dfts the Executors.-- RG.

FURTHER

I find that the said Testator duly made and published his last Will and Testament bearing date the second day of July 1804, whereby after directing all his just Debts to be paid he divises of all his Estate Property and Effects in manner followi ng.--

After reciting his marriage contract with his Wife wherein it was stipulated that after his decease she should receive and enjoy during her life an annuity of L 300 Currency out of his Estate.-He gives to his said wife over and above such annuity an additional sum of L 900. Currency per annum during her natural life, making altogather an annuity of L 1200. Currency, and he directs his Execut ors to secure out of the first assets arising from his Estate sufficient money to be employed upon Real or other sufficient Property to raise the said annuity of L 1200.- He also gave to his said Wife the free use and occupation of his then present Dwelling House in the City of Montreal with its appertenances free from all incumbrances during life with a remainder to his residuary Legacies.-
He further gave to his said Wife all his Household Furn iture & Plate, one pair of horses, a four wheel carriage and a calash; also all the trinkets, cloathes and wearing apparel he possessed in this Province.-
He directs that until the children were of an age to go to England they should remain under the care of their mother, to whom he orders a further sum or allowance of L 50, Currency per annum to be given for each of his said

T. Deputie Sept. 8C

Wife should acquiesce.--
He gives and bequeaths to each of his Daughters Mary and Ann the sum of L 10.000 Sterling to be vested in the British Funds or other good security as sonn as his prop erty could be realized and would be drawn out of the Trade and Commerce in which he was engaged or concerned in this country and he directs that the interest arising therefrom so vested should accumulate (except such part as went for their maintenance) and which said Interest with the Princ ipal should be paid on the day of their marriage (to be made with the consent of the majority of his Executors) or at the age of Majority.--And in case of the death of either of them before such contingencies then with benefit of survivorship.....say each L 10.000 Sterling is Currency.....L 22.222.4.4

He gave to his son Simon L 20.000 Ster ling to be secured and paid as the above mentioned Legacies and in case of his death before he should attain the age of Majority or without Issue, with remainder of his residuary Legatees L 20.000 Sterling is Currency. . . . . L 22. 222.4.5

And in case of Postumous Issue he gave to each the sum of l 10.000 Sterling to be secured and applied as the afore said Legacies.--

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To each of the two sons of his brother Alexander by his Wife Marjory L 2000 Sterling payable at the age of Majority. The Interest to be applied to their aduca tion

T. Depatie Dep. P.S.C

tion, with benefit of survivorship in case of death before the age of Majority. And he appoints Simon Fraser of Faralim and the Revd. Peter Grant and the survivor Trustees thf. Each L 2000 Sterling is Currency. 4444.8.10

------To the said Simon Fraser of Faralim the sum of L20. Str. is Currency . . 22.4.5

------To the said Revd. Peter Grant of Boleskine L20. Str. is Currency . . . 22. 4.5

------To his Nephew William McGillivray L1000 Str. is Currency. 1111.2.2

------" " Duncan " L1000 " " is Currency. 1111.2.2

------To his Nephew Simon McGillivray L500 . 555.11.1

------To each of their sisters L500 Str. viz

May McGillivray (Mrs Shaw) " " Currency " 555.11.1

Anne McGillivray (Mrs Arch McTavish) L500 Str. is Currency..... 555.11.1

Mary McGillivrayL500 Str. is Currency.. 555.11.1

Elizabeth McGillivray (Mrs Reid) L500 Str. is Currency. 555.11.1

To each surviving child of his late sister Elizabeth Fraser Wife of Hugh Fraser of Bright money L500 sterling viz

Elizabeth Fraser 1st daughter of his said wife of Donald McQueen-- sister/L500 Str. is Currency 555.11.1

Anne Fraser 2nd daughter of his said wife of Thomas Fraser sister/L500 Str. is Currency. 555.11.1

Catherine Fraser 3rd daughter of his said sister L500 Str. is Currency. . . . 555.11.1

L 55.599.19.5

Continued and Amount Currency Card. Forward

Signed R G.

T. Depositeiap 1. 8.C

L 55.559.19.5

Amount of Bequeaths Brought forward Curry.

---To each of the surviving children of his Uncle Duncan McTavish viz Catherine McTavish/wife of Donald Monro (the only surviving child) L 300 Str. or currency. 333. 6.8

---To Magdelen McGillivray Wife of William McGillivray. . . . . Currency. 1000.

---To Angus Shaw Esquire. . . . . 1000.

---To donald McTavish then a Partner of the North West Company and to each of his surviving Brothers and Sisters; Children of his uncle Alexander McTavish L 300 Str. viz

---The said donald McTavish 1st Son 1300 Str.is Cury 333.6.8

---Alexander McTavish 2nd Son deceased L300 " " by Hugh McTavish his Tutor. 333.6 8

---Hugh McTavish 3rd Son . . . . . .L300 " " 333.6.8

---Elizabeth McTavish/1st Daughter Wife of Duncan McDonald L300 " 333.6.8

---Magdalen McTavish/2nd Daughter Wife of John McTavish L300 " 333.6 8

---Mary McTavish/3rd Daughter Wife of William McBean L300 " 333.6.8

---To each of the children of late Uncle donald McTavish L300 Str. viz

---Archibald McTavish 1st Son L300 Str. or Currency 333. 6.8

---Duncan McTavish 2nd Son L300 " " " 333.6.8

---Catherine McTavish 1st daughter deceased 2 Claimants/ L300 " " 333.6.8

---To his Godson Joseph Frobisher the sum of " L5000 Currency to be secured on Interest " and to be paid at the age of Majority with " the accumulation. . . . . ." 5000.

---To his Godson John Fraser L 1000 is Currency 1111.2.2

---To Rachel MacKenzie his sister in law L1000 " 1000.

---To his sister Marjory an annuity of L50. Str. to be paid to her yearly--and he places the said Legacy under the particular direction of his Brother in Law Hugh Fraser of BrightMoney as a Trustee.--

Continued & Carried forward Currency
Signed R G.

T. Depatie Lgn S.C.

Amount of Bequeaths brought forward . . . .

---To his Father in Law Charles Chaboillez an annuity of L 150 Currency to be paid him Yearly and gives release and discharge---

---To Hugh Fraser above mentioned and to his said Nephews William McGillivray and Duncan McGillivray L 1000 Str. to be held by them upon Trust for such of his poor relations in Scotland as he might have neglected to provide for by this his Will (the Interest to be paid Yearly) L 1000 Str. or Currency. 1111.2.2

69.488.171

---To the surviving Children of William Kay late of Montreal aforesaid 1 1000 Currency. . . 1000

---To his friend Doctor George Selby 1 200 " . . . 200

---To each of the two Religious Communities L 1000 Currency viz

The Hopital-General or Grey Sisters in Montreal 1000

The Hotel-Dieu or Nuns Hospital in do 1000

---To his Cousin Simon Fraser Senior late of Quebec an annuity of L 200 Sterling to be paid to him Yearly.

---His God Daughter Maria Sutherland the sum of L500 Currency payable on the day of her marriage or at the age of Majority, which ever should first happen and in the mean time directs the Interest to be paid yearly to Margaret Sutherland her Mother for her education with benefit of survivorship to her said Mother. 500

---To Joseph Frobisher, Esquire, 100 Guineas. 116.3.4

---To John Gregory and ---To William Hollowell } each 100 L Currency. . . . . 200.

---To James Reid, Esquire L 100 Currency. . . . . 100.

---To Harry MacKenzie then at Terrebonne L 100 Currency

Continued & carried forward Currency Sig.R G.

T-Deputy Sept 08

Amount of Legacies brought forward Currency.....

---To Alexander Grant son of Commodore Grant L1000 Currency to be secured and paid in such manner as his Executors should see fit. . . . . 1000.

---To Madame Doeg an annuity of L 12. Currency to be paid to her yearly. . . . . .

---To Miss Charlotte Chaboillez his sister in Law an annuity of L 20. Currency to be paid to her yearly

---To his Nephew Simon McGillivray an additional sum of L4000 Currency. . . . . 4000.

---To his Servants Jos, Church & Pierre Fournié each 10 Guineas. 23.6.8

---To John McTavish then at the King's Posts L500 Cy. 500.

L 79.728.17.1

Sig. RG.

And The Testator directs that none of the foregoing Legacies exceeding 100 Guineas should be paid out of his Estate until 7 years at least after his decease, unless sufficient monies for that purpose should have been realized therefrom without loss or inconvenience to the concern or concerns in which he was then a partner---

And as to his Residuary Estate Property and Effects the said Testator gave devised and Bequeathed the same to his Son William and his Heirs For ever upon attaining the age of Majority and in the mean time to his Executors upon Trust for Him--

Remainder--

To His Son Simon and his Heirs Forever, subject to the same Trust till the age of Majority

Remainder--

To His DaughtersMary and Anne and Their Heirs

T. Depatie dep. S.C

Sig. RG.

Amount of Legacies brought forward

L 79.728.17.1

to be equally devided between them, and in case of the Death of either of them before attaining the age of Majority or dying without Issue with the benefit of survivorship. . . . . Except

The Estate of Dunardary in Scotland and the Lot of Ground and appartenances near the Mountain of Montreal, which it was the intention of the Test atorator should be held in Tail-Male--as follows--

To his Son William and His Heirs (Male) under Trust of the Executors till the age of Majority. Remainder

To His Son Simon and His Heirs (Male) under the same Trust till Majority

Remainder

To John McTavish the Eldest of His Nephews Son of His late Brother Alexander and His Heirs (Male)

Remainder

To the Younger Son of His Brother Alexander aforsaid who he believes was named Alexander and to his Heirs (Male)

Remainder

To His Nephew William McGillivray and His Heirs Male

Remainder

To His Nephew Duncan McGillivray and His Heirs Male

Remainder

To His other Nephew Simon McGillivray and His Heirs for ever---With the proviso that in the above said limitations the Eldest Son of the Male should always succeed alone to be whole of the said Estate and Lot of Ground and that the same should not be liable to any division among younger Heirs.--

With the proviso also that the Tenants in Tail-Male who are not named McTavish, should take the name and Arms of McTavish--and in default of their so doing

Amount of Legacies Brought Forward.....L 79.728.17.1

that then the next Remainder Man shall enter into possession--

And in case of the death of all His said Children before they are entitled to receive their Legacies Then the Testator gives divises and Bequeathes all the aforesaid rest and residue of the said Estate property and Effects (save and Except the said Est ate of Dunardry & Lot of Ground) to His said Nephew John McTavish--And in case of his death before the age of Majority, then to his said other Nephew Alexander McTavish (the younger Son of his said late Brother Alexander and His Heirs--

And in case of his death before Majority, then to his said NephewsWilliam McGillivray, Duncan McGillivray and Simon McGillivray and their Heirs in equal proportions.--

And the Testor appoints his Nephews William McGillivray and Duncan McGillivray the said Joseph Frobisher his part ner, John Fraser of London, his Brother in Law Hugh Fraser of Bright Money, his Friend Isaac Todd and the said James Reid and the survivors or survivor of them his Executors and he continues their Execution of his Will beyond the Year and day limited by Law in the Province--with power to sell and dispose of his Real Property (Except Dunardry and the Lot of Ground aforesaid) whenever it should appear for the benefit of His Estate--He revokes all former Wills &ca.

L &9.728.17.1

Currency

Sig. R. G.

AMOUNT OF LEGACIES brought forward Currency - £79728",17",1.

AND the Testator directs that none of the foregoing legacies exceeding 100.Guineas should be paid out of his Estate until 7 years at least after his decease,unless sufficient monies for that purpose should have been realized therefrom without loss or inconvenience to the Concern or Concerns in which he was then a partner.

AND as to his Residuary Estate Property and Effects, the said Testator gave,divised and bequeathed the same to his son William and his Heirs forever upon attaining the age of majority and in the meantime to his Executors upon Trust for him.

REMAINDER.

To his son Simon and his Heirs for ever subject to the same Trust till the age of majority.

REMAINDER.

To his daughters Mary and Ann and their Heirs to be equally divided between them,and in case of the death of either before attaining the age of majority or dying without issue with the benefit of Survivorship.

EXCEPT.

The Estate of Dumardary in Scotland and the lot of ground and apprutenances near the Mountain of Montreal, which it was the intention of the Testator should be held in

TAIL-MALE - as follows:-

To his son William and his Heirs (male) under Trust of the Executors till the age of majority.

REMAINDER.

To his son Simon and his Heirs (male) under the same Trust till majority.

REMAINDER.

To John McTavish,the eldest of his nephews,son of his late brother Alexander and his Heirs male.

REMAINDER.

To the younger son of his brother Alexander aforesaid who he believed was named Alexander and to his Heirs male.

REMAINDER.

(Signed) R.G.

T-Deputies Dep't S.C

AMOUNT OF LEGACIES brought forward .....£79,728"17"1.

To his nephew William McGillivray and his Heirs male.

REMAINDER.

To his nephew Duncan McGillivray and his Heirs male.

REMAINDER.

To his other nephew Simon McGillivray and his Heirs for ever - with the proviso that in the above said limitations the eldest son of the male line should always succeed alone to the whole of the said Estate and lot of ground and that the same should not be liable to any division among younger Heirs.

With the proviso also that the Tenants in Tail male who are not named McTavish, should take the nam name and arms of McTavish.-and in default of their so doing that then the next REMAINDER man shall enter into possession.

AND in case of the deaths of all his said Children before they are entitled to receive their legacies then the Testator gives, divises and bequeaths all the aforesaid rest and residue of his said Estate property and effects (save and except the said Estate of Dumardry & lot of ground) to his said nephew John McTavish,-and in case of his death before the age of majority, then to his said other nephew Alexander McTavish (the younger son of his said late brother Alexander) and his Heirs.

AND in case of his death before majority, then to his said nephews William McGillivray, Duncan McGillivray and Simon McGillivray and their Heirs in equal proportions.

AND the Testor appoints his nephews Willm. McGillivray and Duncan McGillivray, the said Joseph Frobisher his partner, John Fraser of London, his brother-in-law, Hugh Fraser of Bright Money, his friend Isaac Todd and the said James Reid and the survivors or survivor of them, his Executors and he continues their execution of his Will beyond the year and day limited by law in this Province,-with power to sell and dispose of his Real Property (except dumardry) and the lot of ground aforesaid) whenever it should appear for the benefit of his Estate .- He revokes all former Wills &c.....

(Signed) R.G. Currency. £79,728"17"1

T. Lepatie Dep. P.S.C

I FIND that the gross amount of the legacies of specific sums of money by his said Will is £79,728.17.1.Say seventy-nine thousand seven hundred and twenty-eight pounds,seventeen shillings and one penny Halifax Currency. AND the amount of the annuities by his Will is £1559.15.6.Say One thousand five hundred and fifty-nine pounds fifteen shillings and six pence Currency (not including the annuity granted to his wife by Marriage Contract and recited in his said Will. Say Three hundred pounds Currency p.annum) as will more fully appear by the following statement viz:-

2nd Annuity	to Margaret McTavish his widow p.Will Cy.	£900"	""	"
"	to do for allowance p.an.for the 4 Minors.....	200"	""	"
"	to Marjory McTavish his sister £50.Str.....	55"	11"	1.
"	to Charles Chaboillez his father-in-law.....	150"	""	"
"	to Simon Fraser his Cousin Str.£200.....	222"	4"	5
"	to Madame Doeg.....	12"	""	"
"	to Charlotte Chaboillez,his sister-in-law...	20"	""	"
	Currency.....	£1559"	15"	6.
"	to Margaret McTavish,p.Marriage Contract £300 pan:...	300"	""	"
	p.annum Currency.....	£1859"	15"	6.

(Signed) R.G.

T. Lepaitre Dep. P. S.C

3rd. I FIND that the following yearly allowances and annuities are lapsed viz:-

The allowance of £50.Currency p.annum to Mrs McTavish for Board of each of the 4 Children,Cy..	£200"	""	"
The annuity to Charles Chaboillez his Father-in-law.....	150"	""	"
The annuity to Simon Fraser his Cousin £200 St...	222"	4"	.5
The do to Charlotte Chaboillez his sister-in-law.....	20"	""	"
The annuity to Madame Doeg.....	12"	""	"
Currency.....	£604"	4"	5.

(Signed) R.G.

Say six hundred and four pounds four shillings and five pence Currency.-(Signed) R.G.-

4th. And upon examination of the accounts and vouchers I find that the said Executors and Trustees have made payments on account of the Bequests in the Testator's Will and which payments the periods when,and to whom made here follow - viz:-

1804.	Decem.	11th	to Margaret McTavish p.orderof W.McGillivray	£100"	""	"
"	"	31st	" " " p. do do	50"	""	"
"	"	"	" a fur cap for William McTavish 28th inst.	3"	""	"
1805.	Jany.	22nd	" Mrs.Jackson for mourning for Boys.....	3"	19"	10½
			do for do for herself.....	5"	14"	3½
			do for do for M.Jackson....	7"	7"	6
			do Sundries for Wm.McTavish.....	9"	""	"
		"	" Proportion of Wm.McTavish's expenses from Quebec.	3"	17"	6.
		"	" Taylor's account for mourning for Alex. Grant...	4"	"".	7.
		"	" Sundries for Alex.Grant p.M.Jackson's acct.	3"	16"	--
		"	" M.Jackson's account for schooling do.....	14"	3"	11.
		"	" Proportion of Expenses from Quebec do.....	3"	17"	6.
		31	" Margaret McTavish p.W.McGillivray's order	50"	""	
	Feby.	7	" do do sundry accounts for her..	64"	3"	1½
	"	"	" A.Simpson taking W.McTavish to Quebec.....	2"	""	"
"	March	1st	" Margaret McTavish p.Wm.McGillivray.....	50"	""	"
"	"	6th	" do do p. do	100"	""	"
"	"	8th	" Board & tuition of the Miss McTavishs.....	10"	2"	10.
"	April	30th	"Shoes for Wm.McTavish.....	1"	1"	3
				£ 486"	4"	4½

Continued and Carried forward.-

T. Depatie Dep. P.S.C

BEQUESTS paid Continued and Brought forward..... £ 486" 4" 4½

1805.	April	27th.	to shoes for William McTavish and other children	2" 8" 9
"	"	"	to Alex.Grant paid shoes 15/.and schooling £ 7" 7" 7.....	8" 2" 7.
"	"	11th.	" Margaret McTavish p.order.....	100" "" "
"	May	4th.	" do do p. do IsaacTodd.....	50" "" "
"	"	13th.	" Mrs.Porter's account for minors.....	6"17" 4.
"	"	15th.	" John Larkin's do for two girls.....	4" 5" "
"	"	22nd.	" Miss Thornton's account for dancing.....	3" "" "
"	June	30th.	" M.Bercy for drawing lessons for Miss McTavish	5" 5" "
"	July	25th.	" Margaret McTavish - Bills on London.....	300" "" "
"	"	19th.	" do do Balance of annuity & Exp's. for children in full for 12 months annuity to 1st August 1805.....	33"19" 1.
"	"	1st.	" George Kittson for children p.Is.Reid's order	59"12" 5.
"	"	2nd.	" Hagar's " " p. do.....	9"18" 4.
"	"	6th.	" Miss Thornton Education of do.....p. do....	9"17" 6.
"	"	10th.	" Woobrich sundries for do.....p. do....	43"10" 5.
"	"	19th.	" B.Gibb cloathing for do.....p. do....	15" 3" 6.
"	"	"	" Metchler Music for girls.....	1"15" "
"	"	20th.	" Proportion of passage money to England for children.....	151"13" 4.
"	"	"	" Debercz for girls - p.James Reid's order.....	""11" 8.
"	"	"	" Polley's account for do .....p. do.....	1"15" "
"	"	24th.	" I. and T.Hall for do....Hats p.do.....do...	6" 3" 5.
"	"	22nd.	" Miss Thornton for tuition p.do.....do...	6" 3" "
"	"	19th.	" B.Gibb for cloathing for A.Grant p. do..do...	10" 9" 6.
"	"	23rd.	" Skakel for schooling of do.....do...	16"11" 7.
"	Aug.	17th.	" Extra passage money to England for children..	69"16" 8.
"	"	"	" Taylor's account against William McTavish....	6"16" 4.
"	"	"	" Charlotte Chaboillez one year's annuity to 1st inst....	20" "" "
"	"	31st.	" Madame Doeg..... do annuity in adv....	12" "" "
"	Sept.	18th.	" Maria Sutherland 1 year's interest on legacy	30" "" "
"	Oct.	21st.	" Skakel tuition of children p.T.Reid's order..	8"17" 6.
"	Nov.	12th.	" Jackson Board and Education of Wm.McTavish...	29"12" 9.

deducted at the end being for the personal Estate fo.11. (Signed) R.G.

1804.	Aug.	7th.	Paid Mary McGillivray legacy £ 500 St.....	555"11" 1.
"	"	"	" Elizabeth McGillivray legacy £ 500 St.....	555"11" 1.
"	May	24th.	" Alexander McTavish on account of legacy.....	434" 8"10½
1805.	Mar.	2nd.	" John McTavish on account of legacy.....	16"13" 4.
1804.	Dec.	29th.	" Marjory McTavish ½ year's annuity £ 25 St.....	27"15" 6½
1805.	Mar.	7th.	" Simon Fraser Sen. ½ year's annuity £100 St.....	111" 2" 2.

Continued and carried forward..... 3211"12" 1½

T. Deputie Sup. P.S.C

PAID for and on account of BEQUESTS Continued and brought forward..... £ 3211" 12" 1½

1806. May	16th.	Paid Skaked for A.Grant's Board & Schooling.....		17"	14"	10.
" "	31st.	" Charles Chaboillez Sen. annuity to 6th July 1805 inst. to 6th do 1806.....		159"	""	"
" "	12th.	" Skakel for Tuition of A.Grant (& Board.....		14"	4"	4.
" July	19th.	" do for do of A.Grant & Board.....		10"	8"	10.
" Augt.	29th.	" Madame Doeg 1 year annuity in advance		12"	""	"
" Sept.	24th.	" Maria Sutherland 1 year's interest to 6th July 1806		30"	""	"
" Oct.	22nd.	" Skaked Board & Tuition of A.Grant...		17"	2"	4.
" "	"	" " Sundries for..... do.....		3"	""	"
" "	24th.	" Shorts the shoemaker for the children		9"	4"	2.
" Nov.	30th.	" 1806. May 19th. Alexander McTavish on acct. of legacy.....		105"	10"	6.
		" Jan. 31st. Simon Fraser one year's annuity....		222"	4"	5.
		1805. Sep. 19th. Expenses &c. for children on landing at Deal.....	ST. 37" 15" 3.			
		" Nov. 4th. Entrance School for Girls.....	6" 6"			
		1806. Feb. 11th. School Bill for Girls..	6"			
		" " " School for William....	24" 11" 6.			
		" " 15th. Shoemaker for them...	2" 11"			
		" " " for linen for them...	10" 8" 11			
		" April 26th. washing for them.....	18"			
		" May 9th. Drs.Bill for them, ill of Marler.....	20"			
			St. £ 125" 12" 8.	139"	11"	10.
		" Jan. 1st. Majory McTavish for half years annuity.....		27"	10"	1.
		" Feb. 11th. Revd. Peter Grant legacy £ 20 St...		22"	4"	5.
		" April 5th. John McTavish on acct. of legacy....		36"	7"	8½
		1805. Dec. 10th. Interest on sum bequeathed to poor relations....		66"	13"	4.
1806. Nov.	30th.	Paid C.Chaboillez 1 years annuity due 6th July last & 4/5 Mon Inst.....		153"	12"	
1807. Feb.	28th.	" Skaked for Education of A.Grant 2nd inst....		8"	0"	10.
" April	30th.	" Mrs.McTavish for 1 years annuity to 1st Augt. 1806....		1200"	""	"
" "	"	" allowance to do for Simon fm. Augt. 1st, 1805 to 1st Augt. 1806.		50"	""	"
" "	"	" do to do for Mary & Ann for do to 1st May 1806. 9 months....		75"	""	"
" "	"	" do to do for Wm. 3. months fr. do to 1st November 1805.....		12"	10"	"
" May	31st.	" Skaked for Tuition & Board of A.Grant		13"	11"	11.
" June	30th.	" A.Grant p I.Reid's order.....		28"	5"	
" Sept.	8th.	" Mrs.Doeg annuity to 6 July next.....		12"	""	"
" "	"	" Maria Sutherland 1 years interest on legacy to 6 July.....		30"	""	"

T. Deputie Sep. 1. 8. C

1807. Feby. 10th.	Paid	Simon Fraser's annuity for half a year...	£	222" 4" 5.
" Jany. 9th.	"	Alex. McTavish on account of his legacy...		160"10" 2.
1806. Dec. 30th.	"	Marjory McTavish annuity one year.....		55"11" 1.
1806. Feby. 11th.	"	Simon Fraser Sheriff his legacy.....		22" 4" 5.
		Continued and carried forward.....	£	6148" 4" 9.

T. Depatie Dep 1 D.C

MONIES paid on account of BEQUEATHS Continued and

amount brought forward..... £ 6148" 4 " 9

1807.Oct.31st.Paid by McTavish Fraser & Co.for the children viz:-

1806.Aug. 5th.	William's Board & Lodging.....	St. £ 24"18"10		
" " 6th.	Washing during Holidays.....	6" " 6.		
" " 16th.	Girls' Board & Education till mids.....	87"16" 7.		
" " 17th.	Mrs.Abraham's Bill for sundries	6" " "		
1807.Jan.31st.	Shoes for them.....	1"11" 6.		
" " "	Simon McGillivray sundries for them.....	8" "" 6.		
" Feb.10th.	Board for William.....	36" 9" 5.		
" " 27th.	Miss Mum ½ years' Board - Girls to Xmas.....	120" 1" "		
" Mars 11th.	Hatters acct.for Girls.....	5"19" -		
" " 24th.	Mrs.Davis' Bill for children till Easter.1806.....	13" "" 8.		
		Sterling	£ 309" ".18	344" 0" 8.
1806.Dec.13th.	Interest on legacy for poor relations.....			66"13" 4.
1807.July 9th.	Heirs of William Kay their legacy			1000" "" "
1807.Nov.13th.	Paid John Murray & Sons admission fee and advances to John McTavish on a/c of legacy.....			312"18" 10½
" " 30th.	Paid Margaret McTavish 1 years annuity to 1st Aug.1807.....			1200" "" "
" " " "	Margaret McTavish 1.years Board for Simon.....			50" " " "
" " " "	Charles Chaboillez 1.years annuity & Int.fr.6th.July 1807			153"12" "
1808.Aug.18th. "	Maria Sutherland 1.years interest on legacy.....			30" "" "
" " 23rd. "	A.Grant to Dickson 1.years interest on legacy.....			60" " " "
" May 31st. "	Mad.Doeg on account of annuity			10" "" "
" Nov.30th. "	by McTavish Fraser & Co.viz:			
1807.June30th.	Majory McTavish ½ years annuity..			27"15" 6.
" July10th.	Alex.McTavish on account of legacy	St.£50"-.-.		
" Dec.16th.	do do do do	25"-.-.		
		St. 75.-		83" 6" 8-
"	by McTavish Fraser & Co.for the minors viz:-			
1807.Sep. 3rd.	½ years Board for Wm.McTavish	36"17.-		
" " 12th.	do Girls to midsummer.....	153" 7" 8.		
1808.Feb. 6th.	do do to Xmas.....	136"19" 3.		
" " 16th.	William's Board.....	39" 7" 6.		
" Mars 17th.	Taylors' acct.for Mary,Ann & Simon	28" 2" 6.		
" April 2nd.	Simon McGillivray for disbursements for Simon.....	4"10" -.		
" May 31st.	Taylors' acct.agst.William.....	3"11" 6.		
		Sterling.	£ 402"15" 5.	)447"10" 5.
1807.Oc.t27th.	Interest on legacy to poor relations.....			71" 2" 2.
1808.Nov. 7th.	Annuity to Simon Fraser.....			222" 4" 5.
1808.Nov.30th.	Paid Mrs.McTavish 1.year's annuity to 1st Augt.1808.....			1200" "" "
" " "	Paid Charles Chaboillez 1 1/4 years to 1st Augt.1808.....			186"18" 8.

Continued and carried forward.....£11,614"13" 5½

I- Separate Sep. P. S.C

MONIES paid on account of BEQUESTS continued

		and amount brought forward.....		£ 11614"13" 5½
1808. Dec. 31st.	Paid	Alexander Grant on account of legacy.....		15"15" "
1809. Oct. 31st.	"	Maria Sutherland 1 year's interest on legacy.....		30" "" "
" Nov. 30th.	"	Margaret McTavish 1 year's annuity to 1st Augt. 1809.....		1200" "" "
" " "	"	by McTavish Fraser & Co. viz:-		
1808. June 17th.		Majory McTavish ½ year annuity		55"11" 1.
" Nov. 29th.		do do do		
" June 20th.		Alexander McTavish on acct. of his legacy..		55"11" 1.
" July 29th.		Simon Fraser ½ year's annuity.....		222" 4" 5.
1809. Feby. 11th.		do do ½ do.....		
		For the children viz:-		
1808. Sept. 3rd.		Pd. Board of William McTavish St.	£ 38"12"11.	
" " 6th.		" Girls' Board & Education..	148"12" 7.	
1809. Feby. 6th.		" Board of William McTavish..	53"14"10.	
" " "		" Simon's Board.....	38"11" 6.	
" Mar. 10th.		" Girls' Board to Xmas.....	158"11" 7.	
" Apl. 18th.		" William's Entrance to Charter Ho..	8" 8" "	
" " 19th.		" do Board.....	13"11" 4.	
		St.....	£ 460" 2" 9.	511" 5" 3.
" " 9th.		Paid interest to poor Relations on legacy.....		62" 4" 5.
1809. Nov. 30th.	Paid	Alexander Grant 1 year's interest on his legacy.....		60" "" "
" " " "		allowance for Simon's Board fr. 1st August 1807 to 1st May 1808.....		37"10" "
" July 31st.	"	Alexander Grant interest 1 year &c. on legacy.....		65" 9" 4.
" Augt. 1st.	"	Mrs. McTavish 1 year's annuity to this date		1200" "" "
	"	by McTavish Fraser & Co. Viz:-		
1809. June 17th.		Majory McTavish ½ year's annuity.....		55"11" 1.
" Dec. 19th.		do do ½ do.....		
" June 28th.		Alex. McTavish on acct. of legacy.....	£ 50. St.	
" July 22nd.		do do do.....	£ 50."	222" 4" 5.
		For the children:		
1809. July 3rd.		Simon's Board.....	£ 31" 6"6.	
" Sept. 2nd.		Girls' Board & Education.....	158"17""	
" Dec. 24th.		Taylors Bill for Simon.....	5" """	
1810. June 20th.		Girls' Board & Education to Xmas.	131" 7"8.	
" Feby. 2nd.		St. Aubin's Acct. for Girls in 1808.	12" 6"-	
" Apr. 7th.		Simon's Board.....	37"13"8.	
" " "		Girls do.....	20"11"6.	
" " 21st.		Simon's do.....	28" 9"6.	
" " "		Girls do & Education.....	49" 3"6.	
		St.	£ 474"15"4.	527"10" 4.
		Continued and carried forward.....		£ 15935" 9"10½

I. Separate Dep.t S.C

MONIES paid on account of BEQUESTS Continued

and amount brought forward.....£ 15,935" 9"10½

Paid by McTavish Fraser & Co.viz:-

1809.	Augt. 9th.	Annuity to Simon Fraser .....£ 100 St.)		
"	Feb. "	do to do do..... 100. ")	222" 4" 5.	
"	Nov. 29th.	Interest to poor Relations on Legacy.....	60" "" "	
1810.	Nov. 30th.	Interest on legacy to Maria Sutherland.....	30" "" "	
1811.	Apr. 30th.	Paid Alexander Grant for interest on his legacy.	50" "" "	
"	May 31st. "	do do do	10" "" "	

Paid by McTavish Fraser & Co.viz:-

1810.	June 8th.	Majory McTavish ½ year's annuity.. £ 25"St.)		
"	Dec.15th.	do do ½ do ..... 25".)	55"11" 1.	
"	Aug.23rd.	Alexander McTavish on acct.of his legacy.....	55"11" 1.	

Paid for the children viz:-

"	Aug.22nd.	Simon's Board till midsummer	£ 31"19" 6.	
"	" "	Mary at Campden Ho.....	112"17" 9.	
"	" "	Ann at do do.....	72"19"11.	
1811.	Mar. 9th.	Mary at do do.....	97" 1" 7.	
"	" "	Ann at do do.....	65"19" 1.	
"	May 4th.	Physician fee for Girls.....	12"12" -	
"	" 23rd.	Simon's Board in full.....	28"10" 6.	
		St.	£ 422"" " 4.	468"18" 2.
"	Feb.15th.	Interest on mortgage to poor Relations.....	60" "" "	
1811.	Nov. 30th.	Maria Sutherland Interest 12 months.....	30" "" "	
1812.	Mar. 31st.	P.Mrs McTavish annuity to 1st Augt.1811.....	1200" "" "	
"	" "	do do to 1st.Nov.1811.....	400" "" "	
"	Nov. 30th.	Pd.by McTavish Fraser & Co.viz:-		
1811.	June 11th.	Marjory McTavish ½ year's annuity£ 25 St.)		
"	Dec. 12th.	do do ½ do do 25" ")	55"11" 1.	

Paid for the children viz:-

1811.	July 13th.	Physician for Simon.....St.£	3" 3" -	
"	"	do for Mary & Ann..	8" 8" -	
"	Augt.19th.	Simon's Board &c.to mid-summer.....	44" 5" 4.	
"	" 27th.	disbursements at Malvern Wells &c.....		
		for Mary.....£ 44"18" 4.)		
		" Anne..... 26" 4" 6.)	75"14" 9.	
		" Simon.....24"11"11.)		
"	Sept.12th.	School Bill for Mary.....)		
		£-107"11" 3.Ann £ 83" 3" 6.)	190"14" 9.	
1812.	Jany.25th.	Green Laws' account for ... Simon.....	44" 8" 3.	
"	Mar. 7th.	Mary £ 98" 7" 3.Ann £ 82"15 at Campden Ho.....	181" 2" 3.	
		St.	£ 547"16" 4.	608"13" 8.

Continued and carried forward.....£.19,241"19" 4½

T. Deputies &c

MONIES paid on account of BEQUESTS Continued

and amount brought forward ..... £ 19,241"19" 4½

1812. Nov. 30th.	Pd. by McTavish Fraser & Co. viz:-			
1811. Sept. 23rd.	Alexander McTavish on acct. of legacy....			55"11" 1.
" Dec. 17th.	Interest on legacy to poor Relations....			60" "" "
1813. June 30th.	Pd. Mrs. McTavish on account of her annuity....			1000" "" "
" Augt. 31st.	" do on do of do.....			133" 6" 8.
" Nov. 30th.	Pd. by McTavish Fraser & Co. viz:-			
1812. June 11th.	Marjory McTavish ½ years annuity	St.	25" "-	
" Dec. 18th.	do do ½ do		25" "-	55"11" 1.

For the children viz:-

" July 23rd.	Doctor Greenlaw for Simon..	St. £	41"16"10.	
" Augt. 27th.	Campden Ho. for Mary.....		114" 2"11.	
" " "	do for Ann.....		84"17"11.	
1813. Jany. 4th.	Doctor Greenlaw for Simon.....		41"13" 5.	
" " "	Charges on a gun case & pistolets p. Everetta.....		" " 7" 6.	
" " "	Carriage of a parcel for Wm.....		" " 1" 4.	
" March 25th.	School Bill for Mary.....		38" 8" "	
" " "	do for Anne.....		35" 6" 9.	
" " 29th.	do for Mary & Anne to ....Xmas.....		127" 1" "	
" April 12th.	do McKinnon for Anne.....		10"10" -	
" May 31st.	Use of Piano Forte & Harp for Mary.....		3"11" 6.	
		St. £	498"17 "2.	554" 5" 9.

1812. Dec. 26th.	Interest on legacy to poor Relations.....		60" "" "
" Sept. 15th.	Alexander McTavish on acct. of legacy.....		55"11" 1.
1814. Oct. 31st.	Paid by McTavish Fraser & Co. Viz:-		
1813. June 5th.	Marjory McTavish ½ years annuity St.	25" "-	
" Dec. 9th.	do do ½ do	25" "-	55"11" 1.

For the children viz:-

" June 30th.	Dr. Greenlaw for Simon	St. £	51"12" 3.	
" " "	Bucknell Milliner for Mary		" 19" 6.	
" " "	do do for Anne		" 19" 6.	
" Augt. 18th.	Major Plenderleath's disbursements for Mary		137"10" 1.	
" " "	do do for Anne.....		68"11" 3.	
" " "	do do for Simon.....		30"14" 5.	
" " 21st.	Campden Ho. for Miss McTavish...		112" 8" 6.	
" " "	do do for Anne.....		51"14" 9.	
1814. Jany. 24th.	Dr. Greenlaw for Simon.....		42" 7"10.	
" Mar. 16th.	Hire musical instruments for Miss McTavish...		34" 1" 6.	
" Apr. 16th.	M. Plenderleath for Board of do.		125" "" "	
		St. £	655"19" 7.	

Continued and carried forward..... £. 21,271"16" 1½

T. Deputie Dep. P. & C

MONIES advanced for BEQUESTS Continued

and brought forward			£ 21,271"16" 1½
1814.Oct. 31st.	Sundries for the Children by McTavish Fraser & Co.brought forward	£655"19" 7.	
1814.Apr. 27th.	Paid Gews account agt. Miss McTavish....	19" 2" -.	
" May 13th.	" Mrs.Plenderleath for Miss McTavish.....	75" "" -.	
" " 21st.	" Mrs.Lawton's Bill for Board of Anne...	126"18" -.	
	St. £	876"19" 7.	
	Cy.	974" 8" 5.	
	less disct. on M. Christian's Bill for Miss McT.....	3" 2" 2.	971" 6" 3.
1813.July 20th.	Pd.Alexander McTavish on account of legacy.....		55"11" 1.
" Dec. 30th.	" Interest on legacy to poor Relations.....		55" "" "
1815.June 30th.	Paid Joseph Frobisher at sundry times on acct. of his legacy.....		4687" 2" "½
1814.Nov. 30th.	" Mrs McTavish on acct.of annuity....		1066"13" 4.
1815.July 11th.	" do do do of do.....		533" 6" 8.
	Currency.....		£.28,640"15" 6

(Signed) R.G.

deduct amount paid the Miss McGillivrays & charged in this account as paid in London the 7th August 1804,being an allowance by the Testator prior to his decease..... 1111" 2" 2

£ 27,529"13" 4

LASTLY; I find that the sums of money and property in the hands or powers of the Executors belonging to the Estate of the Testator for the payment and discharge of the several legacies consist of the following .....viz:-

(Signed) R.G.

THE SEIGNIORY of TERREBONNE valued at ..... Charged with Mrs McTavish's annuity of £ 900. and a mortgage in favor of Margaret widow Noel of £-1200.Cy.and with another mortgage in favor of Marie Anne widow Jordan of £ 600. Cy.-	£ 32,155" 6" "-
THE ISLE ST.JEAN or ISLE VIGER valued at..... Charged with a life rent of £ 17"10.in favor of Mrs.Viger aget about 72 years.-	430" 1" 3½
THE BAKE HOUSE on Isle Moulin valued at	859" "" 5.
The House and Emplacement bought of Pierre Augé valued at	1124"17" 7.
The House and Emplacement bought of Jimmie Augé valued at	104" 9" "
The House and Emplacement bought of Joseph Clément valued at ..... Charged with a life rent of 40.Bushels of Wheat p.annum to him and his wife aged 70 years each	302" 5"11.
The dwelling House in J.Bte Sheet Montreal valued at and subject to Mrs.McTavish's free use and occupation during life.-	2597"18" 9.
Continued and carried forward.....	£ 37,579"18"11.

I- Separate Sep 1.8 C

Brought forward..... £ 37579"18"11.

The Township of Dorset valued at..... 4616"10" ")42196" 8"11

Balance of Account current with his late partners..... £ 53493" 3"10½

There appears to be due for rent of the Seigniory of Terrebonne to 1st October 1815. 4.y.& 10 months £ 1200 p.annum } £ 5800"-"-

LESS

For interruption caused by fire for year - from 30th Nov.1810 to 30th Nov.1811.....1200"-"-.
& from 30th Nov.1811 to the 30th May 1812..... 600"-"-.
For diminution in rent for damage - the Mills not being in the situation to work as they were previous to the fire from 30th May 1812 to 1st October 1815. 2 years and 4 months at £ 400.p.an..... 933" 6" 8.

2733" 6" 8.

3066"13" 4.

Roderick McKenzie for purchase of sundry lots at Terrebonne - sold him p.avis de parens. } 189"17" 6.

There remains certain stock or utensils of farming at the Mountain appraised at ..... 67" 3" 6.
seeds and other utensils not appraised valued at ..... 30" "- " 97" 3" 6.

56840"18"2½

£ 99043" 7"1½

(Signed) R.G.

It further appears from recent advices from England that a certain sum called the "Demarrory debts" which is carried as diminution of the profits arising from the Testator's Estate is now likely to be recovered in part but cannot at present be ascertained.-

(Signed) R.G.

T. Deputie Dep. S.C

From the foregoing amount it will be necessary to deduct the following incumbrances and debts which are still chargeable upon the preceding mentioned Real Estate and Property.-

Margaret widow Noel.....p.Mortgage.....Ł 1200" " -.		
and interest from 6th Feby. to 1st October 1815.7 4/5 months.....	46"16"-.	Ł 1246"16"-.
Mrs.Mary Anne Jordan.....p.Mortgage.....	600" " -.	
and interest from 10th May to 1st October 1815. 4 2/3 months.....	14" " -.	614" " -.
The Heirs of Alexander Robertson p.Mortgage Ł	750" " -.	
and interest from 1st Jany. to 1st October 1815. 9 months.....	33"15"-.	783"15"-.
		Ł 2644"11"-.
To William McTavish for balance of the rents of the Estates entailed upon him received by the Executors.....		364"18"11.
The Annuity settled upon Mrs.McTavish by Marriage Contract.....p.annum Ł 300.		
Currency.....		Ł 3009" 9"11.
and p.annum:		Ł 300" "-"-.

(Signed) R.G.

AND further I find that there remains to be paid upon the following legacies and annuities, viz:-

To Mrs.McTavish the Testator's wife an annuity of	Ł900" "-"-.	
and for arrears upon her whole annuity of Ł 1200 from the 1st August 1811.....		Cy.Ł 1866"13" 4.
To his sister Marjory McTavish alias Mrs. McDonell an annuity of Ł 50. St.Ł 55"11" 1. Currency.		
To Mary McTavish his eldest daughter.....St.Ł10000" "-"-.		Cy. 11111" 2" 2.
advanced to do to 30th May on acct.of Principal or interest Cy.....	2225"16" 4.	
To Anne McTavish, his second daughter St.Ł10000 is advanced to do to 31st May 1814, on acct.of Principal or Interest Cy.....	1664" 5" 2.	Cy. 11111" 2" 2.
To Simon McTavish, his younger son St. Ł200,00 is advanced to do to 31st May 1814 on acct. of Principal or Interest.....	Ł 669"19" 4.	22222" 4" 5.
	Ł4560" "-10.	Ł 46311" 2" 1.

Continued and carried forward.-

T. Depatie Dep. R.C

	Brought forward.....	£ 4560""""10.	£ 46,311" 2" 1.
	John McTavish first son of his brother Alexander.....		2,222" 4" 5.
	advanced him on account of Principal or Interest.....	329"12" 2½	
deceased -	Alexander McTavish 2nd son of his brother Alexander		2,222" 4" 5.
	advanced him on account of principal or interest.....	1283"16" "½	
	William McGillivray his nephew £ 1000 St.or.....		1,111" 2" 2.
	Duncan McGillivray..... do £ 1000 St.or.....		1,111" 2" 2.
	Simon McGillivray ..... do £ 500 St.or.....		555"11" 1.
	May McGillivray now Mrs. Shaw his niece.....£ 500 " "		555"11" 1.
	Anne McGillivray now Mrs. Arch'd McTavish.....£ 500 " "		555"11" 1.
	Elizabeth Fraser,wife of Donald McQueen.....£ 500 " "		555"11" 1.
	Catherine Fraser.....£ 500 " "		555"11" 1.
	Catherine McTavish,wife of Donald Munro.....£ 300 " "		333" 6" 8.
deceased -	Magdelen McGillivray,wife of Wm.McGillivray.....		1000" "" "
	Angus Shaw,then at Quebec.....		1000" "" "
	Donald McTavish.....St. 300 £		333" 6" 8.
deceased -	Alexander McTavish by Hugh McTavish tutor..... " 300 "		333" 6" 8.
	Hugh McTavish..... " 300 "		333" 6" 8.
	Magdalen McTavish,wife of John McTavish..... " 300 "		333" 6" 8.
	Mary McTavish,wife of Wm. McBean..... " 300 "		333" 6" 8.
	Elizabeth McTavish,wife of Duncan McDonald..... " 300 "		333" 6" 8.
	Archibald McTavish..... " 300 "		333" 6" 8.
	Duncan McTavish..... " 300 "		333" 6" 8.
deceased -	Catherine McTavish two Claimants..... " 300 "		333" 6" 8.
	Elizabeth McTavish widow Fraser..... " 300 "		333" 6" 8.
	Joseph Frobisher Jun.....		5000" "" ""
	advanced him on acct. of principal or interest...	4687" 2" " ½	
	John Fraser Jun..... £ 1000 St.....		1111" 2" 2.
	Rachel Mackenzie (Mrs.Rod. McK.).....		1000" "" ""
	Poor Relations in Scotland £ 1000 St.....		1111" 2" 2.
	Paid on account of interest.....	561"13" 3.	
	George Selby.....		200" "" ""
	William Selby.....		500" "" ""
	Hospital General.....		1000" "" ""
	Hotel-Dieu.....		1000" "" ""
	Maria Sutherland.....		500" "" ""
	Paid her on acct.of Principal or Interest.....	210" "" ""	
	Contained and carried forward.....	£ 11632" 4" 4½.	£ 73399"19" 5.

(Signed) R.G.

T. Deputie Sup.t I.A.

LEGACIES to be paid continued and Amount bro't forward.....£ 73399"19" 5.
Amount of advances on account of interest or principal continued and brought forward..... 11632" 4" 4½
Alexander Grant..... 1000" "" ""
advanced do on account of interest or principal..... 437" 3" 3.
Simon McGillivray aforesaid..... 4000" "" ""
John McTavish (George) ..... 500" "" ""
(Signed) R.G. Elizabeth McGillivray (Mrs.Reid £ 500 St. 12069" 7" 7½ £ 78899"19" 5.
Mary McGillivray..... 500 "
£1000St.

..... 1111" 2" 2.
Currency.. £ 80011" 1" 7.

It appears from the foregoing statements that all the property under the Control of the Executors whether in Real Estate or in personal property are:- (Signed) R.G.

1st. The Real Estate valued at £ 42,196" 8"11.
less value of the Hse.in Town 2,597"18" 9.
39,598"10" 2.
less the mortgages with int.to 1st October 1815.... 2,644"11" "
36,953"19" 2.
less principal sum to insure the payment of the Marriage Contract of £ 300 p.ann.
£ 5000""" ""
& less a principal sum to insure payment of the annuity to Mrs.McTavish of £ 900 p.ann. left to her by will and mortgaged by the Executors to her before J.G.Beek, M.B. -18th July 1815..... 15000""" ""
& less a principal sum of £1000 St. to insure the payment of £50 St.annuity to Marjory McTavish..... 1111" 2" 2.
21,111" 2" 2.
15,842"17" ".

2dy. The amount of personal property due the 1st October 1815 p.statement..... 56,846"18" 2½ 72,689"15" 2½
Amountof Bequests to be paid as above 80,011" 1" 7. (Signed) R.G.
Less paid on account of Principal or Interest of which this Honorable Court will decide ..... 12,069" 7" 7½
£ 67,941"13"11½ 67,941"13"11½
(Signed)R.G. 4 748" 1" 3.

All which is humbly submitted to this Honorable Court.-
(Signed) R.Griffin.-

T. Dépatie Dep. A.G.

WE the Prothonotaries of the Court of King's Bench for the District of Montreal in the Province of Quebec, Canada, do hereby certify the foregoing to be a true copy from the original Report of Robert Griffin, of the City of Montreal, Gentleman, filed of record in the cause No 385, October 1811.- Wherein George Selby was Plaintiff versus William McGillivray and others, Executors, Defendants, in Testimony whereof we have signed our names, Montreal, the fifth day of July 1816.

(Signed) L. Lévesque, P.K.B.

(Signed) S.W.Monk, P.K.B.

(True copy)

T. Lepailleur Sep. P.K.B.C.