

p.421

This is the last Will and Testament of me John Rae of 4 Addison Gardens Kensington in the City of London England. I revoke all former Wills and Codicils by me at any time made I desire that all my debts and legacies be paid out of my personal estate or property and if that should be insufficient I charge my real estate with the payment thereof I give to my sister Marion widow of John M Hamilton of Hamilton City Ontario Canada One thousand pounds sterling to be invested in Trust for her benefit she to receive the interest of the same during her life and on her death the said §

I find that at the date of this my Will being signed I find that the market value of the various investments settled on my dear wife in 1860 has increased from £4950 sterling to over £9715 whilst there is also a very considerable increase of about 20 p.c. or more on the annual income. As this settlement will probably be equal to about two thirds of all the property (personal and otherwise) that I may die possessed of . I bar dower - especially do I give & bequeath to her other good investments to a considerable amount as her own property, namely 100 shares 4 p.° Consol[idate]d B[an]k worth at present time £800 and 10% interest 12 shares fully paid £20 ea[ch] B[an]k of British Columbia 10% div[iden]d worth in market £410 at present

p.422

said sum of One thousand pounds and accumulation of value (if any) of Stock in which it has been invested to be equally divided between her son Gavin Hamilton residing at 150 Mile House British Columbia and her daughters excluding Catherine wife of Alexander Begg her child or children should however the said Gavin Hamilton or any of the daughters above mentioned namely Marion Relict of the late Godfrey Baker of Ottawa Canada Nelly Wife of Theodore H A Begue Barrister &c Dundas Ontario Canada Margaret Widow of the late Charles Locke Doctor of Medicine in the City of Hamilton Ontario Canada and Jessie Wife of W.B Scarth at present M.P of the Dominion and Commissioner of the Canada §

p.423

Canada North West Land Company residing at Winnipeg, have died before the coming into effect of this my Will the portion to which he She or they were entitled to be equally divided among such children as he she or they may have left issue of their marriage. If no children the portion to be distributed among the Survivors In the event of the death of my said sister Marion before this my Will does come into effect I desire that the above mentioned One thousand pounds willed to her to be distributed as above mentioned I give to my niece Margaret Grome (widow) and Ella wife of Walters V.S. Her Majestys Army daughters of my late sister Jessie and her §

p.424

her husband Hector Munro late of Canada the sum of One hundred and fifty pounds each and to their brother Richard Munro Barrister Toronto also One hundred and fifty pounds sterling I give to Helen Jobson (widow) at present residing at 6 East William Street, Edinburgh Scotland to be invested in Canada by my agents or trustees there in her behoof she to receive the interest annually or semi-annually the latter preferred At her death or should that event happen prior to this Will Coming into effect the hundred pounds above mentioned is to be equally divided among her surviving daughters I give to my nephews John and Glen Rae at present in Canada sons of my late brother Thomas §

p.425

Thomas and his wife or widow now married to the Rev[erend] Mr Burnett of Canada the sum of One hundred and fifty pounds sterling each. In addition I give to my niece Margaret G.R.Locke daughter of my sister Marion aforesaid of Hamilton Ontario two hundred pounds sterling and to my name son John Rae Hamilton son of my nephew Gavin Hamilton of British Columbia aforesaid One hundred pounds sterling. I give to my dear Wife absolutely all the furniture, pictures, plate linen &c &c of which I die possessed with the following exceptions These are, my Geographical Gold and other medal or medals, the Silver Spirit Stand presented to me by some kind friends in the Hudsons §

p.426

Hudsons Bay Company's service and the Time piece bought to represent a Belgian prize (value £25) won by me in Rifle shooting at Wimbledon in 1859 whilst a Lieut. In the Orkney Artillery Volunteers all of which I give to my wife for life with the understanding that she bequeath the same to any of my nephews or nieces or their descendants whom she may consider most worthy to have and preserve the same, those having the surname of Rae preferred. I include among the above list a few of the Franklin relics brought home by me in 1854 when I discovered the first information of the unfortunate Ex:-pedition. I also leave to my Wife for life if she §

p.427

she desires to keep them, my stone implements, Eskimo and other Curiosities and after her death or if she does not care to keep them that these be given to the Museum of the Edinburgh University Scotland where I studied medicine and to be placed there if possible in one group. I also desire that in like manner by [sic]deer antlers and other horns be given to the above museum. So as to provide for any expenses apart from funeral charges (which I desire to be of very moderate amount) occurring immediately after my death I authorize the payment to my dear wife of the sum of (not exceeding) £300 (three hundred pounds sterling) which possibly §

p.428

possibly may be at my credit at the time of my death with my Bankers at present the Charing Cross Branch of the Consolidated Bank but if there is no such balance there, this sum of £300 is to be raised by sale of shares to the required amount of one or more of Investments held by me that may be most readily and profitably disposed of particulars of such investments will be found in a rough Ledger kept by me in one of the left hand drawers of a writing desk in the Dining Room of this house. Also in an older Ledger marked No 1 which gives details of an earlier date. The Trust money and investments the Settlement §

p.429

Settlement on my Wife (yielding at the present time including quinquennial bonus on the Canada Life Assurance Co[mpany]'s Shares an annual income of more than £550) are in the hands of James McLennan Esq., Q.C. of Toronto Street Toronto Ontario Canada one of the Executors of this my Will and also Trustee of my Wife. To my Sister Marion Widow of the late J.M. Hamilton before mentioned I give two thirds of the remainder of my property In trust for her life she to receive the interest thereof. After her death, or should that event take place before this Will comes into effect the same to be equally divided between or among her son Gavin Hamilton of §

p.430

of 150 Mile House British Columbia and her daughters already mentioned (Catherine or Katie wife of Alexander Begg excepted) but if any of these should have died before this Will comes into effect such share or shares as he she or they would have

been entitled to is to be equally divided among the Children or given to the child if only one of the deceased. The remaining one-third of my property or estate to be equally divided among the surviving sons of my late sister Jessie Munro and the sons of my brother Thomas aforesaid or if any of these five persons at present living are dead before this my Will comes into effect his §

p.431

his her or their shares are to go to their his or her legitimate child or children if any. I desire that the provision heretofore made for my dear Wife shall be in lieu of all Power out of my real or personal estate. I have also to notice my wishes as to the disposal of the Trust Settlement by me made on my dear Wife aforesaid for life. After her decease to be distributed as follows namely to John Rae son of my late brother Thomas, at present Indian Agent on the Saskatchewan River North West territories of Canada one-fifth the proceeds of such Settlement provided always that he has a son considered worthy to keep §

p.432

keep up the name and honor of the family otherwise to have one tenth only. To my niece Margaret Locke of Hamilton Canada afore mentioned or to her Children if she is deceased at the time of this Will coming into effect 1/10 (one tenth) of the above named proceeds To my nephew Gavin Hamilton aforesaid 1/10 (one tenth) of the same or in the event of his death before this Will comes into effect to be distributed among his surviving children and excellent Wife share and share alike with the exception that the son John Rae Hamilton so named after me is to receive a double portion. The remaining three fifths (3/5ths) or seven tenths (7/10ths) as the case may be of the proceeds of Settlement to §

p.433

to be divided equally among my remaining nephews (Thomas Hamilton (son of my sister Marion excepted) and my nieces Catherine wife of Alexander B and the daughters of my late Brother William excepted) share and share alike, including those to whom the two fifths (2/5ths) as the Case may be have already been willed, and that the Child or Children (if any) of such nephews or nieces, or the grand Children of them should the nephews or nieces be deceased at the time of this Will coming into effect shall have such share or shares as he she or they would have been entitled to, divided equally among them Regarding certain lands in Manitoba §

p.434

Manitoba possessed by me at present as follows:-\_\_\_\_\_

Sectn T.ship Range

320 acres 1st class lands W ½ 9 24

320 " 2nd " " E ½ 5 20

319 " 3rd " " W ½ 33 18

320 " 4th " " N ½ 33 16

159 " 1st " " SW ¼ 31 19

1438 acres

Also in regard to certain small town lots in the City of Hamilton Ontario at present under charge of Theo H.A. Begue, solicitor Dundas Ontario, as the time for the advantageous sale of these lands in Manitoba (which cost \$4113 and the town lots in Hamilton must be uncertain I desire that the proceeds of other investments or property of mine which are more readily disposable be distributed (if convenient to the Executors) as far as they will §

p.435

will go in the carrying out the provisions of this my Will instead of waiting for the uncertainty of the sales of the above mentioned lands and town lots but taking care that my Executors in Canada retain sufficient of my property or money to pay the taxes and other charges (if any) on the above mentioned lands and town lots until a favorable time for sale may arise. There is also a parcel of hill land in Orkney called "Westhill" 160 acres or more which belongs to me. The Title deeds &c in connection with this property are in the hands of the Firm of solicitors Messrs MacRae and Robertson of Kirkwall Orkney. I devise unto my Executors §

p.436

Executors and Trustees, hereinafter named All my real and personal estate wheresoever situated of which I may die seized or possessed for any purpose whatever And I desire that the same may be sold at such time as thought advisable and converted into money for the purposes of this my Will, but as land or real estate in Canada may not at the time be easily sold for their fair value, I give my Executors and Trustees full and absolute direction to withhold the same (or any part thereof) from sale as long as they may think proper and they shall not be held responsible for any loss which may arise from the delay so caused. They may §

p.437

may also sell upon credit if they think proper taking such Security as they may deem satisfactory, and may invest any money which may be lying in their hands at any time and which may not be immediately required for the purposes of this my Will upon such real or personal Security as they approve of, And my said Executors and Trustees or either of them are or is not to be responsible for any loss whatever or whatsoever unless the same shall happen by or through his or their wilful neglect or default and the one shall not be liable or responsible for the neglect or default of the other or others. My Executors and Trustees shall §

p.438

shall not be called upon or required to pay any of the legacies which I have given by this my Will until they shall find it Convenient and Consistent with the most profitable management of my estate. I Appoint my friend W.B. Scarth Esquire of Winnipeg M.P. and my friend James Mac-lennan Esq Q.C. of the city of Toronto Canada also Arthur Tell Esquire of 46 Queen Victoria Street, City of London England to be Executors and Trustees of this my Will and I request my said Executors and Trustees to accept and I hereby give them namely to James Maclennan aforesaid the sum of Seventy five pounds sterling (£75) and to each of the others fifty §

p.439

fifty pounds sterling (£50) as some compensation for their trouble in the execution of the trusts of this my will In Witness whereof I John Rae have to this my Will and Testament contained on (8) eight pages of paper set my hand and seal namely to the first seven pages my hand and to the last page my seal also the fourteenth day of November in the year of Our Lord one thousand eight hundred and eighty eight

\_\_\_\_\_ John Rae & Omicron LS \_\_\_

Signed sealed published and declared by the said Testator as and for his last Will and Testament in the presence of us present at the same time who in his presence at his request and §

p.440

and in the presence of each other have hereunto subscribed our names as Witnesses \_\_\_\_\_ J.S.OHalloran Secretary Royal Colonial Institute Northumberland

Avenue London \_\_\_\_\_ William Chamberlain Royal Colonial Institute  
Northumberland Avenue London \_\_\_\_\_  
The Principal Registry

Administration  
with Will  
annexed

In Her Majesty's High Court of Justice Be it known that John Rae of No4 Addison Gardens Kensington in the County of London M.P D. L.L.P. F.R.S. deceased who died on the 22nd day of July 1893 at No 4 Addison Gardens aforesaid, made and duly executed his last Will and Testament and §

p.441

and did therein name William Bain Scarth, James MacLennan and Arthur Tell Executors That the said James MacLennan and Arthur Tell have renounced the Probate and Execution of the said Will That the said William Bain Scarth now resides in Canada And be it further known that at the date hereunder written letters of Administration, with the Will (a Copy whereof is hereunto annexed) of the personal estate of the said Testator were granted by Her Majesty's High Court of Justice at the Principal Probate Registry thereof to Catherine Jane Alicia Rae Widow the lawful attorney of the said William Bain Scarth for his use and benefit and until he shall apply for and obtain Probate of the said Will §

p.442

Will, she having been first sworn well and faithfully to administer the same. And it is hereby certified than [sic] an Affidavit in verification of the Account of the said estate has been delivered duly stamped wherein it is shown that the gross value of the said estate amounts to £2164 "7 "6 and no more

Dated the 9th day of March 1894  
(signed) Robt A Pritchard  
Registrar

The deceased died domiciled in England

signed H Owen  
Registrar

Noted pursuant to order dated 3rd May 1894 The §  
p. 443

The Affidavit bears a Stamp of £63 "0 "0  
/Intd/ GB

Extracted by Fox and Thicknesse Sol[icitors] Abchurch Lane

Extracted from the Principal Registry of the Probate Divorce and Admiralty Division  
of the High Court of Justice  
In the High Court of Justice  
(Probate Division)

Before the Right Honorable Sir Francis Henry Jeune ^ Knight the President sitting at  
the Royal Courts of Justice, Strand in the County of Middlesex  
In the Goods of John Rae deceased

1894 }

14th February} On reading the Statement filed on §  
p.444

on behalf of Catherine Jane Alicia Rae and the Affidavits of Catherine Jane Alicia Rae sworn 8th February 1894 with 13 exhibits and Will dated 14th November 1888 annexed Ralph Thicknesse sworn 9th February 1894 with exhibit annexed, John Gane sworn 10th February 1894, Emily Skeffington Thompson sworn 8th February 1894 and the joint affidavit of Joseph Sylvester OHalloran and William Chamberlain sworn 8th February 1894 and on hearing Counsel thereon on behalf of the said Catherine Jane Alicia Rae it is ordered that the Will of John Rae deceased dated the 14th day of November 1888 marked J.R. 15 now in the Registry be proved with the marginal note as altered on the 1st page thereof §

p.445

thereof /s[i]g[ne]d J. C. Hannen

Registrar

By motion and order dated 14 February 1888

(Seal of H. M. High Court of Justice (Probate Division) attached) Edinburgh 8th May 1894 James Geddes Currie Depute Commissary Clerk of the County of Edinburgh hereby certify that these letters of Administration with the Will annexed have been produced in the Sheriff Court of the said County and that a Copy thereof has been deposited with me /Seal/ (Signed) James G Currie