

to concur in sales or conveyances, and with proviso that, if the said James Macaulay should, by Will or otherwise, make more ample provision for the raising and appropriating the said six hundred pounds, then all things therein relating thereto should cease and determine; That no part of the

5 lands comprised in that deed, or of the residue of the said Park Lots numbers nine and ten (except as aforesaid) was sold during the lifetime of the said James Macaulay; That he afterwards duly made his last Will and Testament bearing date the nineteenth day of July one thousand eight hundred and twenty-one, and thereby among other things, devised as follows:—

10 “As touching and concerning the unsold parts of the front halves of Park Lots, Nos. 10 and 11, (meaning nine and ten), in the first Concession from the Bay, in the Township of York aforesaid, on which I now reside”—(his residence then being on the said lot number nine,—“my will and desire is, and I do hereby direct and Will, that the same may

15 “be held by George Crookshank, and James B. Macaulay, upon the trusts contained in a Deed of Trust for a part thereof, heretofore executed by me to them, and after the said trusts shall be effectually discharged, according to the true intent and meaning of the said Trust Deed, I desire and do hereby direct that the dwelling house and outhouses

20 “situated on the said premises, together with twenty acres appurtenant, descend to my son Allan, his heirs and assigns forever, provided my said son shall be settled in this place (York), in the line of his profession or calling, but not otherwise, it being understood also that the said house is ever to be considered an asylum for any of my daughters, who may be

25 “unmarried or unprovided for. I give and devise the ten acres of the northern parts of the front half of Lot number ten, adjoining the Elmsley Farm, to my son James, his heirs and assigns forever; and after the trusts aforesaid shall be completed and discharged, I will and desire the remainder of my said lots, numbers nine and ten last mentioned, to be

30 “equally divided among my four daughters Elizabeth, Mary, Ann, and Sarah, in such manner as my Executors may choose, who are hereby authorized to divide the same—the respective portions to descend to their children respectively; but in the event of their or either of them dying without issue, then the portion of such one so dying to be equally divided

35 “between my surviving sons and daughters, as my Executors shall direct.” That he further desired, that out of the funds accruing as principal and interest on the sales of the front part of his Park Lots above mentioned (and from other sources therein mentioned), his son Allan should be allowed a certain annual sum of money to be paid quarterly, or half-yearly,

40 until he attained the age of twenty-five years or longer, if the said Testator’s Executors should think his circumstances required it; that he also willed that the furniture in his dwelling house, &c., should remain therein so long as his wife or any of his daughters might live therein, &c., after which the same or the proceeds of the sale thereof should be divided amongst his

45 grandchildren, as also any other lands of which he might die seized and not already disposed of, to be held to them, their heirs and assigns forever—his Executors apportioning to each their share, according to their discretion, &c.; and that in case his son Allan should not be settled in York, or not likely to be so, there is a direction for the sale by his Executors of

50 the dwelling house and twenty acres appurtenant, and for the application of the proceeds, as therein mentioned, but that such clause had not been acted upon by the said Executors; and that the said George Crookshank and James B. Macaulay were nominated and appointed Executors of the said last Will and Testament: That the said James Macaulay afterwards

50 duly made and published a Codicil to the said Will, bearing date the twenty-