

Will of Edwin Duder from Newfoundland

will books volume 4 pages 119 to 122

probate year 1881

This is the last will and testament of me Edwin Duder of Saint John's Newfoundland Merchant. I hereby revoke all wills and codicils by me heretofore made.

First- I give devise and bequeath to my beloved wife Mary Elizabeth and her assigns for ever all **my several pieces of land with the dwelling house and buildings thereon situate in Saint John's** on the north side of the Circular Road and lying between Rennies Mill Road and Kings Bridge road, also all my horses, cattle, carriages, sleighs, furniture, plate, jewels, pictures and household effects of every kind whatsoever and also the sum of seven thousand pounds currency, and also all Bank stock and Russian Anglo Turkish bonds of which I may die possessed

Second. I give and bequeath to my brothers John Congdon and Henry John and to Catherine widow of my deceased brother Charles each the sum of one hundred and fifty pounds currency if either of the three die before me then the said sum for the benefit of the children of the so deceased

Third I give bequeath and devise to my executrix and executors the dwelling house and gardens in Twillingate heretofore occupied by my brother John Congdon upon trust for the use of my brother John Congdon so long as he shall live in Twillingate subject to the annual rent of two shillings currency and afterwards the same to form part of my residuary estate. I also forgive my brother John Congdon the debt which he owes me amounting to about two hundred pounds-

Fourth I give and bequeath and devise to my executrix and executors all my land and waterside **mercantile premises situate on the South side of Water Street in Saint John's purchased from** Charles Fox Bennett charged with the annuity or subject to the clear annual rent of one thousand pounds currency payable half yearly from the date of my decease free from all ground rents taxes and charges whatsoever the said annuity or rent to be paid to my said wife for and during the term of her life and my said wife is hereby authorised in her own name to distrain for the said rent in case of non-payment when the same shall become due the said land and waterside mercantile premises to be held by my executrix & executors charged and subject as aforesaid upon trust for the use of my sons Edwin John and Arthur George and should both my said sons die without leaving lawful issue then to the sole and separate use of my daughter Harriet Elizabeth Ann for her life and after her decease to the use of her children and should she die without leaving children or child then to the use of my next of kin- and I do hereby direct and it is my will that if the survivor of my sons should desire to occupy the said land and waterside mercantile premises he shall be entitled so to do paying to the parties entitled to the use of the other half thereof a reasonable and fair rent annually therefore to be ascertained in case of disagreement by arbitration-

Fifth- I give and bequeath to my executrix and executors the sum of four thousand pounds currency upon trust for the sole and separate use of my said daughter Harriet Elizabeth Ann I

also give and bequeath to my executrix and executors the further sum of two thousand pounds currency and also the further sum of eight thousand pounds currency, the last mentioned sum to be paid by my executrix and executors out of my residuary estate to my said sons Edwin John and Arthur George by successive annual payments of one thousand pounds, the first of such annual payments to be made at the expiration of two years from the date of my decease for my executrix and executors to hold the said last mentioned sums of two thousand and eight thousand pounds upon trust for the sole and separate use of my said daughter for her life and after her decease for the use of her children share and share alike and in case she shall die leaving no child or children her surviving then to the use of my said sons share and share alike for life and upon the decease of either of my sons then one half thereof to the use of the children of the deceased son until the decease of my surviving son, and the other half thereof to the use of the survivor of my sons for his life and after the decease of the survivor of my sons then the whole to the use of the children of my sons share and share alike and should the son which predeceases the other leave no lawful issue him surviving then the whole to the use of my surviving son for his life, and after his decease to the use of his children share and share alike, and should both my sons die without leaving lawful issue them surviving, then to the use of my next of kin. Provided that nothing in this clause shall be construed as rendering it obligatory upon my sons to give security to my executrix and executors for the due payment of the said sum of eight thousand pounds and they may pay off the said sum at any time within the said period of eight years allotted for the payment of the same, but until the same is paid there shall be paid annually out of my residuary estate by my sons interest at the rate of four per cent per annum on the balance unpaid, the said interest to be paid to my daughter Harriet Elizabeth Ann for her sole and separate use, the said interest to commence and be computed from the expiration of one year after my decease-

Sixth- I direct my executrix and executors to appropriate out of my estate and to invest at interest upon Government security a sufficient sum of money to yield annually the sum of one hundred and thirty pounds currency to be paid annually as follows, viz, one hundred and twenty pounds currency to my sister Ann Thomas for her life and ten pounds currency to James Lambert formerly of Salisbury and now in Twillingate for his life, and after the decease of the said Ann Thomas and James Lambert respectively the principal money invested to secure such annuity shall form part of my residuary estate, it is my will that they shall receive such annuities from the date of my decease until their decease respectively-

Seventh. I give devise and bequeath all the residue of my estate effects and property both real and personal whatsoever and wheresoever to my said sons Edwin John and Arthur George share and share alike and their assigns subject to the payment of the sum of eight thousand pounds currency mentioned in clause fifth of this my will I appoint my said wife Mary Elizabeth **executrix and my friends Augustus W. Harvey and Walter Baine Grieve of Saint John's** aforesaid Merchants executors of this my last will and testament and I give to each of them my executors Augustus W. Harvey and Walter Baine Grieve the sum of one hundred & fifty pounds each for their trouble as executors. In witness whereof I have hereunto subscribed my name this ninth day of April Anno Domini one thousand eight hundred and eighty. Edwin Duder. Signed published and declared by the said Edwin Duder as and for his last will & testament in our presence, who in his presence and in the presence of each other, have hereunto subscribed our names as witnesses to the due execution thereof- E. John Duder, G.J. Crowdy, C.R. Duder.

Certified correct,
D. M. Browning
Registrar