

IN THE SUPREME COURT OF BERMUDA.

(I.S.)

A.C. Smith
ACTING CHIEF JUSTICE.

BE IT REMEMBERED that on the date hereof the last will which is hereto annexed of HENRY THOMPSON NORTH, late of Hamilton Parish in the Islands of Bermuda deceased, who died on the 25th day of May, 1957, at Hamilton Parish aforesaid was duly admitted to probate in this Court and that the Administration of the personal estate of the deceased is hereby granted by this Court to KATHERINE ANN NORTH and THE BANK OF BERMUDA, LIMITED, the Executrix and Executor respectively named in the said will; James Vesey Murdoch, Trust Officer of the said Bank, duly authorised by and on behalf of the said Bank, they having been duly sworn, as witnesses by their affidavits which is hereto annexed.

Given under my hand and the Seal of the Supreme Court of Bermuda this 26th day of September, 1957.

IN THE SUPREME COURT OF BERMUDA

PROBATE JURISDICTION.

In the Estate of HENRY THOMPSON NORTH, deceased.

That I, JAMES VESSEY MURDOCH, of Pembroke Parish in the Islands of Bermuda, Trust Officer of the Bank of Bermuda Limited, and KATHERINE ANN NORTH of Hamilton Parish in the Islands aforesaid make oath and say that we believe the paper writing hereto annexed and marked "A" and initialled by us to contain the true and original last will and testament of Henry Thompson North late of Hamilton Parish aforesaid who died on the 25th day of May, 1957, at Hamilton Parish aforesaid; That the said Bank and the said Katherine Ann North are the only executors named in the said will; That I the said James Vesey Murdoch am the Trust Officer of the said Bank and I am the duly authorised person to sign this affidavit on behalf of the said Bank; That I the said Katherine Ann North am the widow and relict of the said deceased; That the said Bank and the said Katherine Ann North will exhibit a true and perfect inventory of the said estate and render a just and true account thereof whenever required by law so to do and that the gross value of the said estate amounts to £62,721:8:11, or thereabouts to the best of our knowledge information and belief.

SWORN at the City of Hamilton }
in the Islands of Bermuda by }

the above named James Vesey
Murdoch this 21st day of
September, 1957.

J. V. Murdoch.

Before me:

N.B. Dill.

A Commissioner for taking affidavits in the Supreme Court of Bermuda.

SWORN at the City of Hamilton
in the Islands of Bermuda by
the above named Katherine Ann
North this 21st day of Sept-
ember, 1957.

K.A. North.

Before me:

N.B. Dill.

A Commissioner for taking affidavits in the Supreme Court of Bermuda.

"A" K.A.N. J.V.M.

THIS IS THE LAST WILL AND TESTAMENT OF ME HENRY THOMPSON NORTH of Hamilton Parish in the Islands of Bermuda Merchant and Member of Colonial Parliament whereby I revoke all wills and testamentary disposition heretofore made by me.

1. I APPOINT my wife Katherine Ann North and The Bank of Bermuda Limited (hereinafter called "the Trustees") to be the executors and trustees of this my will. If my said wife shall predecease me I appoint my daughter Jean Underwood Outerbridge in her stead to act jointly with the said Bank.
2. I DIRECT that all my just debts and funeral and testamentary expenses shall be paid as soon as conveniently may be after my decease.
3. I BEQUEATH all the furniture furnishings and household effects as may be contained in the dwellinghouse known as "Mercer Heights" at the time of my decease unto my daughter Mary Frances Trott Moehring absolutely.
4. Subject to the payment of the legacies hereinbefore declared in clause Three of this my will and to the payment of all my just debts and funeral and testamentary expenses I bequeath all the residue of my personal estate unto my wife the said Katherine Ann North absolutely. If my said wife shall predecease me I bequeath the same unto such of my three daughters Catherine Margaret Burnet Jean Underwood Outerbridge and Mary Frances Trott Moehring as shall survive me and if more than one in equal shares PROVIDED THAT if any of my three daughters the said Catherine Margaret Burnet Jean Underwood Outerbridge and Mary Frances Trott Moehring shall predecease me leaving a child or children me surviving then I bequeath the share which my daughter so dying as aforesaid would have taken the residue of my personal estate had she survived me unto the Trustees in trust for such of her children as shall survive me and shall attain the age of twenty-one years and if more than one in equal shares.
5. I DEVISE my one undivided moiety of and in all that parcel of land in Hamilton Parish aforesaid (being a portion of the real property known as "Mercer Heights") delineated on the plan hereto annexed and thereon delineated in pink and containing three roods and one and one half perches (o.762 acre) and bounded Northwesterly by the waters of Harrington Sound Northeasterly by land formerly forming part of the said real property known as "Mercer Heights" and now in the possession of my said daughter Jean Underwood Outerbridge and her

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husband Robert Valentine Outerbridge and there measuring One hundred and ninety-six feet Southeasterly partly by a public road known as the Harrington Sound Public Road and there measuring Sixty-four feet and partly by land forming part of the said real property known as "Mercer Heights" and there measuring One hundred and ten feet and Southwesterly by the lot of land delineated on the said plan thereon outlined in brown and next hereinafter described and there measuring Two hundred and thirty-four feet AND ALSO my parcel of land in Hamilton Parish aforesaid delineated on the said plan and thereon outlined in brown and containing one rood and eighteen and one half perches (0.365 acre) being almost of triangular shape and bounded Northwesterly by the waters of Harrington Sound Northeasterly by the parcel of land lastly above described and there measuring Two hundred and thirty-four feet Southeasterly by other land of mine coloured green on the said plan and there measuring Sixteen feet and Northwesterly by other land of mine and there measuring One hundred and eighty-nine feet and six inches or however otherwise the said two parcels of land respectively may be bounded or ought to be described together with my undivided moiety of and in the buildings erected on the parcel of land firstly above described and the appurtenances belonging to the said two parcels of land respectively AND ESPECIALLY TOGETHER WITH FULL free and unrestricted right and liberty of way and passage for the owners and occupiers for the time being of the said two parcels of land above described or either of them or any part thereof respectively and their tenants and servants and all other lawfully authorised persons over and along the two strips of land reserved for use as a roadway and shown on the said plan and thereon respectively coloured yellow and green and forming a portion of the Southeastern boundaries of the two parcels of land above described and also a portion of the Northwestern boundary of the said parcel of land secondly above described unto my daughter the said Mary Frances Trott Moehring her heirs and assigns forever.

6. I DEVISE my undivided share in a house and land formerly forming part of a tract of land known as "The Poincianas" in Devonshire Parish in the said Islands recently acquired by me and my lot of land numbered seven (7) on the plan of the parcel of land situate in Warwick Parish adjoining the Belmont Manor Hotel Golf Course unto my son-in-law Robert Valentine Cooterbridge his heirs and assigns forever.

7. I DEVISE my undivided share in the parcel of land in the Town

of St. George together with the dwellinghouse thereon known as "Caledonia Park" and also my undivided share in the parcel of land in Warwick Parish together with the buildings thereon known as "Clive Bank Plantation" unto my daughter the said Jean Underwood Outerbridge her heirs and assigns forever.

8. I DEVISE all the residue of my real estate (subject to the said rights of way hereinbefore mentioned) unto my wife the said Katherine Ann North her heirs and assigns forever. If my said wife shall predecease me I devise the same unto such of my three daughters Catherine Margaret Burnet Jean Underwood Outerbridge and Mary Frances Trott Moehring as shall survive me and if more than one in equal shares as tenants in common PROVIDED THAT if any of my three daughters the said Catherine Margaret Burnet Jean Underwood Outerbridge and Mary Frances Trott Moehring shall predecease me leaving a child or children me surviving then I bequeath the share which my daughter so dying as aforesaid would have taken in the residue of my real estate had she survived me unto the Trustees in trust for such of her children as shall survive me and shall attain the age of twenty-one years and if more than one in equal shares as tenants in common.

9. If the devisees and bequests of the residue of my real and personal estate hereinbefore contained shall fail then and in such event I devise and bequeath the residue of my real and personal estate unto my daughter the said Mary Frances Trott Moehring absolutely PROVIDED THAT if she the said Mary Frances Trott Moehring shall not be living at the time of such failure then I devise and bequeath the same unto the Trustees in trust for such of her children as shall then be living and shall attain the age of twenty-one years and if more than one in equal shares as tenants in common.

10. (a) It is my wish that if my said wife shall survive me she will dispose of the residue of my real and personal estate to the persons named and in the manner set forth in clauses Four Eight and Nine of this my will.

(b) I hereby declare that the expression of my wish contained in this clause shall in no way be deemed to be binding in law or equity upon my said wife and I confirm and declare that in the event of her surviving me she will upon my death become the absolute owner of the said residue.

11. The Trustees shall have the following powers with respect to any real or personal estate held by them in trust under the provisions hereinbefore contained of this my will namely:

- (a) To sell and convert the same or any part thereof upon such terms in such manner and subject to such conditions as the Trustees in their absolute discretion may from time to time deem expedient and for such purposes to sign seal execute and deliver any deed or other document whatsoever and to receive purchase moneys and to give valid and effectual receipts therefor.
- (b) To determine in all cases of doubt whether any moneys coming to the hands of the Trustees are capital or income and to apportion blended funds and every such determination or apportionment shall be final and binding on all persons beneficially interested under this my will.
- (c) To take and act upon the opinion of any attorney practising law in the said Islands whether in relation to the interpretation of this my will or any other document or statutory enactment or as to the administration of the trusts hereof without being liable to any of the persons beneficially interested in respect of any act done by the Trustees in accordance with such opinion BUT nothing in this clause contained shall prohibit the Trustees from applying to the Court if the Trustees should think fit or shall prohibit any of the beneficiaries from so doing.
- (d) So long as any real or leasehold property forming part of my trust estate shall remain unsold in the Trustees' absolute discretion to manage and superintend the management of the same and to erect pull down rebuild and repair houses and other buildings and erections and to improve said real or leasehold property or any part thereof and to insure against loss by fire or otherwise and to lease all the said real or leasehold property or any part thereof upon such terms and at such rents as the Trustees may deem expedient and to make allowances to and arrangements with lessees tenants and others and to accept surrenders and to waive breaches of covenants and to determine tenancies and also to raise out of any capital or income in the hands of the Trustees any sum or sums from time to time required and in the opinion of the Trustees properly payable thereout for the exercise of any of the powers and discretions herein contained or for repairs to the said real or leasehold property which I hereby empower the Trustees to effect where the Trustees think fit out of capital and

generally to deal with the said real or leasehold property in a proper and due course of management as if beneficially entitled thereto.

(e) To invest all trust moneys in such securities stocks shares mortgages and other investments as the Trustees shall in their absolute discretion deem expedient without being restricted to trustee investments and from time to time to vary such securities stocks shares mortgages and investments for any other or others.

(f) In settling my trust estate to make distribution thereof to the several persons entitled thereto in cash and partly in kind.

IN WITNESS WHEREOF I have hereto set my hand this Twenty-sixth day of May One thousand nine hundred and fifty-three.

H.T. North.

SIGNED by the above named HENRY THOMPSON NORTH as and for his last Will and Testament in the presence of us both being present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses.

 Hanet Hunter.

Margaret Pugh.

RECORDED: 1st November, 1957.

WILLIAM T. ANGELO-THOMSON

REGISTRAR:b.m.