

8
R

This is the Will prepared by the affidavit of William John Prouse and Oliver Richard Prouse and again produced to them at the time of their solemnly swearing the same at Wellington this 24 day of September 1930 before me.

Attestant
a Solicitor of the Supreme Court of New Zealand

THIS IS THE LAST WILL of me John Prouse of Wellington Merchant

1. I REVOKE all testamentary instruments heretofore made by me
2. I APPOINT William John Prouse of Wellington Architect -----
George Stanley Prouse of Milan Italy Gentleman and Oliver -----
Richard Prouse of Wellington Solicitor executors and trustees
of this my will. -----
3. I BEQUEATH to my wife Helen Prouse all the household -----
furniture plate linen china glass books pictures prints -- ----
provisions and other household effects belonging to me at the
time of my death -----
4. I BEQUEATH to my wife Helen Prouse and to my daughters -----
Florence Davis of Wellington Widow and Constance Prouse of
Wellington Spinster legacies of £100 each free of death legacy
succession or other duties to be paid to each of them out of
the first moneys coming to the hands of my executors -----
5. I DEVISE all the rest of my estate and effects both real
and personal unto and to the use of the said William John Prouse
George Stanley Prouse and Oliver Richard Prouse their heirs
executors administrators and assigns UPON TRUST to sell call
in and convert into money such of my real and residuary
personal estate as shall not consist of the investments of the
nature authorized by law for trustee investments and to invest
the moneys so obtained in securities authorized by law for
trustee investments and upon further trust to invest the
moneys arising from the sale calling in and conversion thereof
in the name or names of the trustees for the time being of this
my will and to divide the annual income from such investments
in equal shares among the said Helen Prouse Florence Davis and
Constance Prouse or the survivors or survivor of them without
power of anticipation except under -----

This is the Will referred to in the affidavit of William John Prouse and Oliver Richard Prouse and produced to them at the time of their swearing the same at Wellington this 24th day of August 1930.

New Zealand
A Solicitor & The Supreme Court of New Zealand

John Prouse
Witness *Richard Prouse*

the succeeding paragraphs -----
 6. I declare that if at any time or times during the lives of the said Helen Prouse Florence Davis and Constance Prouse or any of them the annual amount payable to each of them shall be less than Three hundred pounds each it shall be lawful for the trustees or trustee for the time being of this my will to raise out of the capital of my estate and pay to the above-named beneficiaries such sums as will make each of their incomes receivable under this will up to Three hundred ----- pounds a year free of all charges or duties whatsoever -----

7. At no time shall the annual amount payable to each of the said Helen Prouse Florence Davis and Constance Prouse exceed Five Hundred pounds and if the income from my estate shall exceed the amount necessary to pay Five hundred pounds per annum to each of them or the survivors or survivor of them then the surplus income shall become part of and included in the corpus of my estate and be held in the trusts herein set out-----

8. Such annual income or annual sum shall be paid quarterly the first payment to be made three months after my death -----

J.P.
H.D.

9. From and after the death of all the said beneficiaries upon trust to divide the trust fund equally among ^{all} my grand-children who being male shall attain 21 years or being ----- female shall attain that age or marry provided that the sum paid to any grandchild of mine under this my will shall not exceed One thousand pounds and the income from the residue or in default of there being any grandchildren who survive me and attain twenty-one years or marry the whole of the income of such trust fund shall be used to promote assist and ----- encourage public interest and education in music by endowing or subsidising orchestras organising concerts or tours ----- assisting musical societies or in such other ways either in respect of such objects or in respect of any other objects of

John Prouse
Helen Davis *Constance Prouse*

public benefit and utility whatsoever as may be decided upon in a scheme to be hereafter drawn up by me or my trustees or the majority of them -----

10. I DECLARE that the trustees or trustee for the time being of this my will shall have discretionary power to postpone for such period as to them or him in their absolute discretion shall seem expedient the sale calling in or conversion of the whole or any parts of my real or personal estate ----- notwithstanding that it may be of a wasting speculative or reversionary nature and carry on business but the unsold real estate and the other outstanding personal estate shall be ----- subject to the trusts hereinbefore contained concerning the investments aforesaid and the rents and yearly produce thereof shall be deemed annual income for the purposes of such trusts

11. I HEREBY DECLARE that notwithstanding the trust for sale hereinbefore contained it shall be lawful for my trustees if they in their sole discretion shall think fit so to do to carry on for such period as they shall think fit any ----- businesses in which I am engaged notwithstanding that they are of a hazardous or speculative nature for such period as they may deem expedient either alone or in partnership with any person or persons who may be a partner or partners therein for the time being or to discontinue the same as may seem to them expedient and from time to time upon the expiration of the term of any partnership for the time being to renew the same for any period determinable or otherwise as they may deem expedient and at any time or times to vary the terms contained in any partnership articles or any of them and to employ ----- therein or withdraw therefrom any capital which may be ----- employed therein at my death or to advance with or without taking any security any additional capital which may be deemed advisable by them for effectually carrying on such business and to arrange and agree for the division of the profits -----

John Power
Attain Arthur Fair

J.P.
H.H.

thereof or ^{the} payment of any sum in lieu of profits to any partner and as to the hiring or employment of any person or persons therein at such salary or remuneration as they shall think proper and as to ^{the extension or curtailment of the business thereof or} the adoption of any new line of business and to do all things necessary or usual for the proper conduct of such businesses and for the purposes aforesaid or any of them to enter into execute and do all such agreements deeds and acts as may be necessary or expedient and to do all things that I might have done had I been sole owner or a partner in the said business or businesses -----

12. I DECLARE that should any difference of opinion at any time exist between the trustees for the time being of this my will in relation to the doing or forbearing to do anything or otherwise howsoever in the execution of the trusts of this my will or any codicil hereto the opinion of the majority of such trustees shall prevail notwithstanding that any one or more of the trustees may be personally interested or concerned in the matter in dispute

In witness whereof I have hereunto set my hand this 14th day of May One thousand nine hundred and twenty (1920)

John Prouse

SIGNED by the said John Prouse as his last will in the presence of us both present at the same time who at his request in his sight and presence and in the sight and presence of each other have hereunto subscribed our names as attesting witnesses

Hain
Law Clerk
Wellington

Arthur Fox
Solicitor
Wellington

This is the codicil referred to in the affidavit of William John Prouse and Oliver Richard Prouse and produced to them at the time of their swearing the same at Wellington this ~~thirteenth~~ day of August 1930.

W. J. Prouse
a Solicitor of the Supreme Court of New Zealand.

W. J. Prouse
John Prouse
W. J. Prouse

This is the codicil referred to in the affidavit of William John Prouse and Oliver Richard Prouse and produced to them at the time of their swearing the same at Wellington this 24 day of September 1930 before me.

THIS IS A FIRST CODICIL to the Last Will of me JOHN PROUSE

of Wellington Merchant which will bears date the Fourteenth day of May One thousand nine hundred and twenty I REVOKE clauses Five (5) Six (6) and Seven (7) of my said Will and in lieu of the devise and gifts contained and expressed in such clauses I make the devise and gifts hereinafter in this Codicil contained and expressed and I declare that the following clauses numbered Five (5) Six (6) and Seven (7) shall be substituted for the clauses in my said Will revoked by this Codicil that is to say :-

5. I DEVISE all the rest of my estate and effects both real and personal unto and to the use of the said William John Prouse George Stanley Prouse and Oliver Richard Prouse their heirs executors administrators and assigns UPON TRUST to sell call in and convert into money such of my real and residuary personal estate as shall not consist of the investments of the nature authorized by law for trustee investments and to invest the moneys so obtained in securities authorized by law for trustee investments and upon further trust to invest the moneys arising from the sale calling in and conversion thereof in the name or names of the trustees for the time being of this my Will and to divide the annual income from such investments in equal shares among the said Helen Prouse Florence Davis and Constance Prouse and my son George Stanley Prouse or the survivors or survivor of them without power of anticipation except under the succeeding paragraphs. - -

6. I declare that if at any time or times during the lives of the said Helen Prouse Florence Davis Constance Prouse and George Stanley Prouse or any of them the annual amount payable to each of them shall be less than Three hundred pounds (£300) each it shall be lawful for the trustees or trustee

for the time being of this my Will to raise out of the capital of my estate and pay to the above-named beneficiaries such sums as will make each of their incomes receivable under this Will up to Three hundred pounds (£300) a year free of all charges or duties whatever.

7. At no time shall the annual amount payable to each of the said Helen Prouse Florence Davis Constance Prouse and George Stanley Prouse exceed Five hundred pounds (£500) and if the income from my estate shall exceed the amount necessary to pay Five hundred pounds (£500) per annum to each of them or the survivors or survivors of them then the surplus income shall become part of and included in the corpus of my estate and be held in the trusts herein set out.

AND in all other respects I confirm my said Will.

IN WITNESS whereof I have to this First Codicil to my said last Will set my hand this 2nd day of ~~June~~ One thousand nine hundred and twenty-two.

SIGNED by the said John Prouse as and for a First Codicil to his last Will bearing date the Fourteenth day of May 1920 in the presence of us both being present at the same time who at his request in his sight and presence and in the sight and presence of each other have hereunto subscribed our names as witnesses :-

J. H. Latham
Solicitor
Wellington

R. W. Putnam
Law Clerk
Wellington

John Prouse

DATED 12th May 1920

W I L L

of

JOHN PROUSE ESQ.

ARTHUR FAIR,

Solicitor,

Wellington.

4-1137
4-7136