

A.

This is the last Will and Testament of me, DONALD D. MACDONALD, of Bailey's Brook in the County of Pictou, Merchant.

FIRST. I hereby revoke all Wills and testamentary dispositions heretofore made by me.

SECONDLY. I nominate and appoint my dearly beloved wife Mary Eliza Macdonald, my son Ronald St. John Macdonald, and my brother-in-law Joseph A. Chisholm, of Halifax in the County of Halifax, Barrister, to be the executors of this my last Will and Testament and to be the trustees thereunder, and I appoint the said persons the guardians of the persons and estate of my infant children.

THIRDELY. I direct my said executors to pay all my just debts and funeral and testamentary expenses.

FOURTHLY. I give and bequeath my gold watch to my son Ronald St. John Macdonald.

FIFTHLY. I give and bequeath my library and my trunks to my son William C. Macdonald.

SIXTHLY. I give and bequeath to my son Donald D. Macdonald, my desk and letter-press, also my sword, spy-glass and the enlarged portrait of myself, these latter to remain as heir-looms in the family. If my said son Donald should not remain on the homestead, these articles are then to remain in the household as the property of the member of my family in charge of the same.

SEVENTHLY. I give and bequeath to my beloved wife, Mary Eliza Macdonald for the period of her natural life, the piano now in my house, and after the death of my wife the said piano shall go to my daughter Mary Ann Macdonald. I likewise give and bequeath to my said wife absolutely, the household furniture, pictures, silver, china, and other personal property, not hereinbefore bequeathed, in and upon my dwelling house at Bailey's Brook aforesaid, and also the horses, carriages, cattle

harness, stable furniture and other personal property of all kinds in and about the barns and out-houses situate upon the farm at Bailey's Brook aforesaid, upon which I live.

EIGHTHLY. I give and bequeath to my said wife the sum of two hundred dollars to be used in her discretion for a special purpose which I have indicated in a memorandum prepared for her, and also a sum of one hundred and twenty-five dollars for certain charitable purposes indicated in another memorandum I have prepared for her.

NINTHLY. I give and devise to my said wife for the term of her natural life, the dwelling house and premises and the farm property and lands appurtenant thereto and heretofore used by me in connection therewith at Bailey's Brook aforesaid (excepting thereout however the stores in which my business is now carried on and the yards appurtenant thereto) this devise to be in lieu of all claims to dower. Upon the death of my said wife the said dwelling house and premises and the farm property and lands appurtenant thereto shall vest in my executors and trustees or the survivor of them, and my executors and trustees or the survivor of them shall have full power and authority and full power and authority is hereby given to them, to convey the said property either for a price to be agreed upon or gratuitously, to my son Donald D. Macdonald, if he should desire to remain on the homestead, or if he should not, to any of my surviving children as to them may seem best, it being my desire that the property should continue in the family. I desire that my executors or the survivor of them in making a settlement of the said property, shall have regard to any special circumstances which may exist, such as the permanent illness of any of my said children, and the necessity for making a home for any of them.

TENTHLY. I am desirous that the old established business carried on by me under the name of D.D. Macdonald and Company, shall be continued after my death, with a view of the same being eventually owned

by one or more of my sons and my son-in-law, James W. Macdonald; and to attain that object, if possible, I authorize my executors in their discretion to continue the said business for a period of five years from my death, and in their discretion to retain the said James W. Macdonald in the management of the said business for the said period but subject to the control of my said executors or the survivor of them, and my said executors and the survivor of them are authorized to pay to the said James W. Macdonald for each year of his employment by the said executors under the terms of this Will, a salary equivalent to forty-two per cent of the nett profits of the said business for such year. In estimating the nett profits for each year of said period my executors shall make no deduction for rental for the stores and yards, so long as the said business is conducted therein, but shall deduct premiums of insurance, if any, all taxes, rates, and assessments on the business premises, and on the stock-in-trade therein and thereon, and all expenditure reasonably and properly incurred to maintain the said premises in good and sufficient repair, also interest on cash advanced by my executors for the purposes of the said business, and all outgoings and charges of a like nature. Nor shall any deduction be made for the expense of providing and maintaining the horses and conveyances used in hauling in connection with said business, or of a man or men to look after the same, as the said James W. Macdonald has undertaken during the period of his service in said business to provide and furnish the same himself, but my executors or the survivor of them shall provide board and lodging for one male help under age while such help is employed in said business. It is my wish that whenever the said James W. Macdonald is temporarily absent from home attending to matters connected with the said business, one of my daughters who may be at home shall render every reasonable assistance in the store where said business is carried on. I direct my executors to keep my said buildings insured, and to keep the main building well painted. I likewise direct that an annual audit of

of my said business be made and a statement of the same prepared.

ELEVENTHLY.

At the expiration of the said period of five years from my decease, my executors and the survivor of them are authorized to sell and dispose of the said business and the good will thereof, and the stores in which the same is carried on with the yards appurtenant thereto, together with the stock-in-trade, fixtures and effects belonging thereto, for such prices and on such terms as my said executors or the survivor of them shall in their discretion deem proper to the said James W. Macdonald, if he continues in the said employ for the said period, and to such of my surviving sons, if any, as may desire then to become associated with the said James W. Macdonald in the said business. If my said executors and the survivor of them should not dispose of the said business as hereinbefore mentioned, then I direct that the said business shall, as conveniently as may be without detriment or disadvantage to my estate, be wound up, and the proceeds arising from such winding up shall fall into and form part of the residue of my estate. My executors shall have power either to continue the said business for said period or to dispose of or wind up the same before the expiration of the said period if it should not prove profitable, as in their discretion they may deem best in the interests of my estate.

TWELFTHLY.

I direct my executors and the survivor of them to expend such sums of money as in their best judgment will appear reasonably necessary to complete the education of my sons, William O. Macdonald and Donald D. Macdonald, and to qualify them for such proper callings in life as they may respectively choose, the amount of such expenditure for the purposes aforesaid to be entirely in the discretion of my executors and the survivor of them, due regard being had to the capabilities shown by my said sons. If my son Donald should desire it, and my executors deem it wise, my said son Donald shall have a course in some good agricultural school. My executors shall also have power to make my

said son an allowance for pocket money not to exceed six dollars a year while he manages the farm if he undertakes it.

THIRTEENTHLY. I give devise and bequeath all the rest and residue of my property and estate whatsoever kind and description and wheresoever situated unto my said executors and the survivor of them upon the trusts following, that is to say,

ONE. To realize upon, call in and convert into money at such time and in such manner as my said executors and the survivor of them shall in their discretion consider in the best interests of my estate, such portion of the said residue as does not consist of money, and the same to invest in some good, safe and sufficient securities, authorized by law, until the same is required for distribution under the terms of this will, and I desire my said executors and the survivor of them to retain and continue such of my present investments as they shall deem good until such time as the same may be required for distribution as aforesaid.

TWO. To allow to my said wife Mary Eliza Macdonald during the period of her natural life such sum not to exceed sixteen hundred dollars per annum as may be necessary for the purpose of maintaining the household and house for my children under age, and my unmarried sons and daughters. After the legacies of any of my unmarried daughters shall have been paid to her, such daughters or daughter shall out of her own income contribute a reasonable proportion thereof for the maintenance of the said household and home, so long as she resides therein. After the death of my wife such allowance is to be continued to my son Donald if he will undertake the management of the household and farm and maintain it in the same manner as I desire it to be maintained by my wife, if she were living, and if my said son Donald shall not undertake such management, then to such of my unmarried daughters as may undertake such management, and for such period as my executors may decide, having regard to my desire to keep the said homestead property in my family, and the other provisions of my

Will with regard thereto.

THREE.

To pay to my daughters, free from the control

of any present or future husband and from the debts and liabilities of

such husband, the following sums of money, that is to say:-

To my daughter Marcella R. Macdonald the sum of One Thousand Dollars.

To my daughter Margaret C. Macdonald the sum of Four thousand two hundred and fifty dollars.

To my daughter Mary Ann Macdonald the sum of Three thousand seven hundred and fifty dollars.

To my daughter Florence M. Macdonald the sum of Three thousand dollars.

and my daughter Katherine A. Macdonald the sum of Three thousand dollars.

The said legacies shall not be payable before the expiration of three years from my decease, and I direct my executors to pay the same in three equal yearly instalments. My executors shall have power however in their discretion to make an advance out of any of the said legacies for expenses in connection with marriage or any other urgent needs, any such advance to be deducted from the legacies of the daughter receiving the same.

If any of my said daughters should depart this life before receiving the legacy intended for her and should leave lawful issue, I direct that the legacy intended for such deceased daughter shall become payable to said issue, share and share alike, if more than one, and if any of my said daughters should depart this life without lawful issue before receiving her said

legacy as aforesaid, I direct my executors and the survivor of them in such event to pay the legacy intended for such deceased daughter to my surviving children and the lawful issue of such of them as shall be dead, in equal shares but so that the issue of any child so dying shall take between them only the share which the parent would have taken if living.

FOUR.

The balance of my said estate after providing

for the bequests and legacies hereinbefore mentioned to divide equally

between my sons, Ronald St. John Macdonald, William C. Macdonald, and Donald D. Macdonald or the survivors or survivor of them and the issue then living of such of them as shall be dead leaving lawful issue at the time of such division in equal shares between them, but so that the issue of any of said sons so dying shall take between them only the share which the father would have taken if living.

IN WITNESS WHEREOF I have set my hand this Twenty Second day of December A.D. One thousand nine hundred and three.

SIGNED, PUBLISHED, ACKNOWLEDGED AND DECLARED by the said testator, DONALD D. MACDONALD as and for his last Will and Testament in the presence of us both 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.

Sgd. Donald R. Donald
Sgd. Jean M. Donald

[Handwritten signature of Donald D. Macdonald]
Sgd. Donald D. Macdonald. (A.S.)

PIETRI. I give and bequeath my library and my books

to my son William C. Macdonald

*Procurator of Nova Scotia
County of Pictou*

The Hon. Court of Pictou

I of due and lawful Right of said Court do hereby certify that the foregoing instrument is a true and correct copy of the will and Testament of Donald D. Macdonald, late of Newburg Brook in the County of Pictou, New Brunswick, which said will was deposited with me in said County on the 19 day of March A.D. 1906

Mary Ann [unclear] Pictou
This 19 day of March A.D. 1906

absolutely, the legal and personal property, not hereditarily but absolutely, of said testator, including the house at Bailey's Brook aforesaid, and also the houses, parcels, and

[Handwritten signature]
Registrar

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will
D. O. in Town
Town

Outward by
Ry of Streets

Don't

Witness

have been

sent and in the

presence of us

John D. McLeod

Province of Nova Scotia: Registrar of
County of Pictou

JAN 16 1907

certify that the within instrument was duly
filed in the office of the Registrar of Pictou
County, Nova Scotia, on the 16th day of
January, 1907.

John D. McLeod
John D. McLeod

Registrar
Pictou

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