

107  
Estate of  
John Mc Intosh  
late of Stellarton.  
Contractor, deceased.  
Testate.

Copy of Will for  
Registrar of Deeds.

Province of Nova Scotia, Registrar of Deeds  
Office, County of Pictou, 6<sup>th</sup> Dec 1847

certify that the within instrument was duly reg-  
istered at 11/10<sup>o</sup> AM of the above day in Book  
3, page 131 to 137 on the certificate

John H. Lawley

John H. Lawley

Registrar.

I John M. Lutosh of Stillarton in the County  
of Pictou hereby revoke all former wills and testamentary  
dispositions made by me and declare this to be  
my last will and testament. I appoint William  
H. M. Lutosh and George M. Lutosh my brothers  
to be Executors and trustees of this my last will,  
And I appoint my dear wife Elizabeth Catherine  
M. Lutosh to be the Guardian of my infant Children  
but if my said wife should die during the  
minority of any of my infant Children, I direct  
that George M. Lutosh my brother shall be guardian  
during the remaining period of their minority.  
I give devise and bequeath to my said trustees  
all my real and personal estate upon trust,  
that after payment of my funeral and testamentary  
expenses and debts, they shall receive, collect,  
have hold and stand possessed of all my said estate,  
until the twenty second day of February one thousand  
nine hundred and seven, on which day my son  
Meyh. Robert Ross M. Lutosh shall be of the full  
age of Twenty one years, and I declare that it shall  
not be lawful for my said Trustees to sell any of the  
Real estate herein devised nor to charge any of the  
Investments, nor to sell or dispose of any of the Stock  
hereby bequeathed, but all the same shall be and  
remain as it is at this date until the 22<sup>nd</sup> day  
of February A.D. 1907. In trust to pay all rents, of  
house, shops, offices, and lands, dividends,  
interest, moneys arising from mortgages, and  
from the sale of farm produce, and all other income  
of my Estate whatsoever, after deducting all amounts  
payable for taxes, calls on stock, necessary repairs  
to Buildings, and other necessary expense of my  
Estate, to my wife Elizabeth C. M. Lutosh, until  
the said 22<sup>nd</sup> day of February A.D. 1907. But if

my said wife shall die before the 23<sup>d</sup> day of February  
A.D. 1907 then until the said date my said trustees  
shall draw and apply from all the said income,  
of my Estate such amounts as shall be necessary  
and proper for the suitable support, maintenance  
and education of my Children Mary E. M. Sutro  
Hugh R. Ross M. Sutro, and Jessie D. M. Sutro  
and the surplus if any shall be deposited in  
the Bank of Nova Scotia, to the credit of my estate.

2. In trust my said Trustees shall on the 23<sup>rd</sup>  
day of February A.D. 1907, give and convey to my  
daughter Jennie M. Sutro for her lifetime only  
and after death to her eldest living child, But  
if she die without lawful issue her surviving then  
to her surviving full sisters or sisters and if none of  
her full sisters survive her then to her surviving  
full brother or brothers, The Southern end or part  
of the Brick Building on main Street Stillinton N.S.  
being the offices now occupied by the Bank of  
Nova Scotia including the cellar under said offices.  
Also one half of the lot in rear of said Brick Building  
being a strip of land twenty six feet wide more or  
less, running east from the Brick Building to the  
rear of the lot, and all the outhouses on said strip  
of land, Also a right of way of the same width  
as the opening between the house and shop now  
owned by William M. Kinley Esq. and the house  
and shop now owned A.C. M. Donald Esq. said  
right of way to run across from northern side of  
said strip of land, (lands hereinafter devised in  
trust to Isabella M. M. Sutro at a distance of not  
more than twenty feet from said Brick Building  
to lead to said main street,) also the sum of Five \$500.<sup>00</sup>  
hundred in Cash to be paid out of stock hereafter  
described for her brother John M. Sutro on the

22<sup>nd</sup> day of February A.D. 1907 as Jennie M. Sutok's  
share of stock in the new Glasgow Iron Coal and  
Railway Co. If Jennie M. Sutok is not living on the  
22<sup>nd</sup> day of February A.D. 1907 the five hundred dollars  
shall be payable to Isabella M. Sutok and Margaret  
3. C. M. Sutok.

In trust that my said trustees shall convey and give  
on the 22<sup>nd</sup> day of February A.D. 1907 to my daughter  
Isabella M. M. Sutok for her lifetime only, and  
after her death to her eldest living child but if she  
die without lawful issue her surviving then to her  
surviving full sister or sisters and if none of her full  
sisters survive her then to her full brother or brothers  
the survivor and or part and all of said Brick  
Building and hereinafter devised to Jennie M. Sutok  
of said Brick Building, being the shop now occupied  
by C. W. Harper Co. including the dwelling apartments  
over said shop and over the banking offices and  
including the cellar underneath said shop, which is  
divided from the cellar devised to Jennie M. Sutok  
by a brick wall. Also one half of the lot in rear  
of said brick building being a strip of land twenty  
six feet wide more or less adjoining the strip of  
land hereinafter devised to Jennie M. Sutok and  
running from the said brick building to the rear of  
Lot Subject however to the right of way hereinafter  
granted and devised to Jennie M. Sutok over said land.  
And I further direct that all expenses for the external  
repairs on the said brick building after the 22<sup>nd</sup>  
day of February A.D. 1907 shall be shared and paid  
equally by my daughters Jennie M. Sutok and Isabella  
M. M. Sutok, or those who will take after them respectively  
under this my will, for further description of the  
lands and premises described in clause 2 and 3 of  
this my will see deeds Donald M. Menzie and others to.

If his full sister Jennie M<sup>c</sup> Intosh is not living on the 22<sup>nd</sup> day of February A.D. 1907, the five hundred Dollars will be payable to Isabella M<sup>c</sup> M<sup>c</sup> Intosh and Margaret C. M<sup>c</sup> Intosh equal shares of Two Hundred and fifty dollars each. If my son John M<sup>c</sup> Intosh should die before the 22<sup>nd</sup> day of February A.D. 1907 Donald M<sup>c</sup> Intosh his full brother will receive his share on the same Conditions as is herein before mentioned for his Brother John M<sup>c</sup> Intosh.

6. In trust to give and convey on said 22<sup>nd</sup> day of February A.D. 1907 to my son Donald M<sup>c</sup> Intosh all my stock and interest in the Iron & Steel & Forge Co. Limited consisting of Eleven shares of one hundred dollars each of preferential stock & Eighteen shares of ordinary stock. If my son Donald M<sup>c</sup> Intosh should die before the 22<sup>nd</sup> day of February A.D. 1907 his share will be payable to his half brother Hugh Robert Ross M<sup>c</sup> Intosh.

7. In trust that my said Trustees shall on the 22<sup>nd</sup> day of February A.D. 1907 give and convey to my Daughter Mary G. M<sup>c</sup> Intosh for her lifetime only, and after her death to her eldest living child, but if she die without lawful issue her surviving then to her surviving full sister or sisters and if none of her full sister or sisters survive her then to her surviving full Brother or Brothers, all the dwelling house & premises situated on Marsh Street in the Town of New Glasgow N.S. now occupied by Thomas G. M<sup>c</sup> Kay Coy. as a Tenement.

8. In trust that my said Trustees shall on the 22<sup>nd</sup> day of February A.D. 1907 give and convey to my son Hugh Robert Ross M<sup>c</sup> Intosh all the homesteads, houses and lands on the main road leading from Stellarton to Ferrona for further description of same, see deeds from James Muir and wife,

Jessie Calder, Samuel Cutton, Robert Cutton, and Alexander Cutton, to John M. Sutoh, and shall also give and convey to my said son Hugh R. Ross M. Sutoh all the animals, wagons, Carriages & household furniture, &c., with the exception of the Piano, my daughter Jennie M. Sutoh to get the Piano on the 21<sup>st</sup> day of February A.D. 1907 if living.

If not living on February 21<sup>st</sup> A.D. 1907, my daughter Mary S. M. Sutoh to receive the Piano, Hugh R. Ross M. Sutoh to receive all other movable except the Furniture. If my wife Elizabeth C. M. Sutoh will build a house on lot hereafter described she can take what furniture &c. she may require, my son W. R. Ross M. Sutoh to receive my Gold watch and chain also all the stock in the New Glasgow Electric Light Co. Consisting of Ten Shares of Preferred Stock and five Shares of ordinary stock, ~~also~~ Shares one hundred dollars each with Bonuses. See Certificate for stock and Coupons, also all moneys in bank not hereinbefore or hereafter mentioned, also my interest in Gold mine Area claims &c. or any interest therein, and all the Residue of my Estate, real or personal which is not herein specially devised or bequeathed in my will, and I direct that my said wife Elizabeth C. M. Sutoh during her life time shall have her home with her son, Hugh R. Ross M. Sutoh if she so desire, my Daughters Jennie, Isabella W. Margaret C. Mary S. and Jennie D. M. Sutoh shall have their home any time they desire, in the homestead on main road leading to Ferrona, until Hugh R. Ross M. Sutoh is the full age of 21 years on the 21<sup>st</sup> February A.D. 1907.

I further direct and order that my said son Hugh R. Ross M. Sutoh shall and after the 21<sup>st</sup> day of February A.D. 1907, give and convey if she so desire, to my said wife

8. E. C. Mc Intosh but for her lifetime only a lot of land on the west side of the road leading from Stillarton to Senona, fifty feet running East and West, on the South side of the Pipe line next to main road, reserving fifty feet South of the Pipe trench for a street and right of way to be in common between the Town of Stillarton and W. R. Ross Mc Intosh said lot of land to be one hundred and twenty ft in depth South side of Pipe trench or one hundred and twenty feet from the line of said street or sidewalk.

9. In trust that my said Trustees shall on the 1<sup>st</sup> day of February A. D. 1907 Give and Convey to my daughter Jessie D. Mc Intosh for her lifetime only and after death then to her eldest living child but if she die without lawful issue then to her surviving full sister or sisters and if none of her full sister or sisters survive her then to her full surviving Brother or Brothers all the house and lot premises situated on Marsh Street in the Town of New Glasgow N. S. East of the house and lot hereinbefore devised and bequeathed to Mary G. Mc Intosh being the premises now occupied by James Whinn Esq. as a Tenement.

10. In Trust to pay and deposit in the Bank of Nova Scotia to the credit of my said wife Elizabeth C. Mc Intosh all moneys arising from my Life Assurance Policy in the Canada and the New York Life Assurance Co. as soon as possible after my death, and I further direct that my said wife may draw all the interest of said moneys during her lifetime and such part of the principal as she may require for the necessary support and maintenance of said E. C. Mc Intosh, Mary G. Mc Intosh, and Jessie D. Mc Intosh, and I further direct that if my said wife shall at any time desire to build a house for herself on the said lot hereinbefore provided for her, she will receive the sum of

One thousand dollars out of moneys in Bank, when  
her son Hugh R. Ross M<sup>r</sup> Entock is the full age of  
Twenty one years, said house and lot if built shall  
revert back to Hugh R. Ross M<sup>r</sup> Entock at the death  
of his mother Elizabeth C. M<sup>r</sup> Entock. If said house  
will not be built Elizabeth C. M<sup>r</sup> Entock my wife  
can use the Interest and such part of the principals  
as she may require for the support of Elizabeth C.  
M<sup>r</sup> Entock, Mary G. M<sup>r</sup> Entock, and Jessie D. M<sup>r</sup> Entock,  
of the One thousand Dollars hereinafore mentioned.

I further direct that all monies on deposit in the Bank  
or elsewhere arising in any way from said Life  
assurance shall after the death of Elizabeth C. M<sup>r</sup>  
Entock notwithstanding any thing herein contained  
shall be and become the property of Mary G. M<sup>r</sup> Entock  
and Jessie D. M<sup>r</sup> Entock but if my said wife Elizabeth  
C. M<sup>r</sup> Entock should die before the 22<sup>d</sup> day of February  
A. D. 1907. Then the said life assured money  
shall be held in Trust by my said Trustees for  
the said Mary G. M<sup>r</sup> Entock and Jessie D. M<sup>r</sup> Entock  
and shall be equally divided on the 22<sup>d</sup> day of  
February A. D. 1907 and I further direct that no  
further claims of any of my heirs shall be made  
on this my life assurance moneys.

If Elizabeth C. M<sup>r</sup> Entock my wife, Mary G. M<sup>r</sup> Entock,  
and Jessie D. M<sup>r</sup> Entock should die on or before the  
22<sup>d</sup> day of February A. D. 1907, all the Life  
assurance moneys shall pass to and become  
the property of my son Hugh R. Ross M<sup>r</sup> Entock  
The Agents of the Life Assurance Co. named the Canada  
Life of the Dominion of Canada is D. C. Fraser, Coy.  
of New Glasgow, The Agent of the New York Life  
in the U. S. is Hector Sutherland Coy. of New  
Glasgow.

11. In Trust on said 22<sup>d</sup> day of February -

A.D. 1907, to pay to the Presbyterian Church of the Maritime Provinces. The following sums viz. One hundred Dollars for Foreign Missions, Fifty dollars for the Home Missions, Twenty five dollars for French evangelization, Twenty five dollars for the B. & F. Bible Society.

12. In trust on said 22<sup>nd</sup> day of February 1907, to pay to my sister Mrs Joseph Camp if living the sum of One Hundred Dollars.

13. I hereby declare that the Requests in clause 11 Eleven, and clause 12, twelve, be a first claim out of moneys in trust, before any division is made.

I further declare that all gifts devised and bequeathed herein made or any bequests given to my said daughters and sister and any one of them, are for their and each of their sole benefit and separate use free from the control and restraints of their husbands with whom they have now intermarried or may hereafter intermarry and without any power to dispose thereof in the way of Anticipation.

14. I further declare that if my said son Hugh R. Ross M<sup>r</sup>. Sutoh shall die on or before the 22<sup>nd</sup> day of February A.D. 1907, then all the real and personal property, moneys &c. herein devised and bequeathed, to the said H. R. Ross M<sup>r</sup>. Sutoh,

shall pass to and be given and become the property of my son Donald M<sup>r</sup>. Sutoh, who shall take the same on the said 22<sup>nd</sup> day of February A.D. 1907.

Upon the trust, and subject to the obligations and directions herein imposed and given to my said son Hugh R. Ross M<sup>r</sup>. Sutoh, and shall carry out in full all obligations until the death of my wife Elizabeth C. M<sup>r</sup>. Sutoh.

15. I further declare the note of hand amounting to four hundred Dollars \$400.00 dated at Chicago Illinois U.S. on the ~~fifteenth~~ fifteenth 15<sup>th</sup> day of August 1873, the said note payable at the death of Alexander D. McKeuzie by his will, at his death, shall be paid to Jennie, Isabella M. and Margaret C. McIntosh the Total Amount with interest to be equally divided among and those alike for their own use, as hereinbefore mentioned, see note, from Alexander D. McKeuzie to John W. McIntosh,

16. I further declare that the note of hand from Hector McLean Mason, deceased, amount of note One Hundred Dollars \$100.00 shall be payable to my wife - Elizabeth C. McIntosh for Cessie D. McIntosh, when Lewis D. McIntosh is eighteen years of age, there will be no compulsory measures taken to collect note of Hector McLean now deceased.

Signed by the abovesaid John W. McIntosh as his last will in the presence of us both being present at the same time, who in his presence and in the presence of each other have hereunto

Subscribed our names as witnesses.

Sig<sup>d</sup> John W. McIntosh (L.S.)

Witnesses

Sig<sup>d</sup> W. H. McIntosh

George W. McIntosh

March 15<sup>th</sup> 1895.

County of Pictou, P.S.

In the Court for the Probate of Wills.

I do hereby certify that the foregoing instrument consisting of 10 pages is an exact and liberal

Copy of the last Will and testament of John  
McIntosh late of Hilltown in the County of  
Pitkin, Contractor, deceased, Testate, which  
has been duly filed and admitted to Probate in  
accordance with the practice of the Court,

Given under my hand at Pitkin  
this twentieth day of November A.D. 1897.

John W. Lane

Register.

To the

Register of Deeds  
for the County of Pitkin.