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LAST WILL AND TESTAMENT

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ELIHU SPICER.

I, ELIHU SPICER, of the City of Brooklyn, County of Kings and State of New York, do hereby revoke, all former Wills by me heretofore, at any time, made, and do now make, publish and declare this to be my Last Will and Testament, as follows, viz:

FIRST: I give and bequeath to Patrick O'Bourne, of Mystic, Connecticut, provided he shall be in my employ at the time of my death, Two hundred and fifty dollars.

SECOND: I give and bequeath to Frederick Ruckerman (my gardener) of Mystic, Connecticut, provided he shall be in my employ at the time of my death, Two hundred and fifty dollars.

THIRD: I give and bequeath to the Town of Groton, in New London County, and State of Connecticut, Five thousand dollars, to be expended and used in improving and maintaining the farm and buildings belonging to the town, and known as the Spicer Home, and in providing for the support and comfort at that Home, of the Towns poor.

FOURTH: I give and bequeath to School District Number Eleven (11), at Noank, Connecticut, Ten thousand dollars.

FIFTH: I give and bequeath to the Polytechnic Institute of Brooklyn, New York, (whose Academy building is situated on Livingston Street near Court Street in said City) Ten thousand dollars desiring, but not requiring it to be used for Library purposes.

SIXTH: I direct my Executors to have a Corporation organized under the laws of the State of Connecticut, for the purpose of founding and maintaining a Circulating Library at Mystic, Connecticut, for the use of all inhabitants of Mystic, Old Mystic, Noank, and the adjacent neighborhood in Connecticut, to be governed or managed by five Directors or Trustees to serve for life to be chosen, in the first instance, by my Executors, two from Mystic, two from Noank (of whom William I. Spicer shall be one,) and one from Old Mystic, and vacancies in the Board occasioned by death, resignation or inability to act, to be filled, from time to time as they occur, by the existing members of the Board, so that the villages above named shall be represented in the proportion named above;-- the Library building to be erected in West Mystic (so called) in said Town of Groton, and the Corporation to be styled "The Mystic and Noank Library" and after it has been formed I direct my Executors to expend Twenty thousand dollars, part in purchasing ground for, and erecting the library building in West Mystic, and the balance in purchasing books for the Library, and to convey or cause to be conveyed said ground and building, and said books, to said Library Corporation, to be formed as aforesaid, and that this condition be inserted in substance in the deed or declaration of gift, to wit; that no sectarian preference shall ever be allowed, in the selection or exclusion of books, and that in case of a violation of said condition, that said Library building and ground shall revert to and become the individual property of my heirs at law, and I also give and bequeath to said Library

Corporation to be formed as aforesaid, the further sum of Five thousand Dollars in money.

It is my intention to accomplish during my lifetime, the purpose, and the gift and devise above expressed in this Sixth Article of this my Will, and if I should do so in substantially the manner indicated above, then and in that case this Sixth Article of my Will shall be of no force or effect.

SEVENTH: I intend to give to my sister Sarah Dickinson, the house and lot in Brooklyn where I now reside, known as Number Seven (7) South Oxford Street, Brooklyn, but if it should happen that I should not convey the same to her by deed, during my lifetime, then I give and devise the same to her, by this my Will.

It is also my Will, and I direct that my said sister shall have the occupation, use and sole benefit for her life, or so long as she chooses, of my house and all my real estate, comprising about ten acres at Mystic, Connecticut, with its appurtenances, and that until she shall relinquish all personal use and occupation of the same, that all taxes, repairs, insurance and the general expense of keeping the whole place in first class order, not exceeding however, altogether Twenty five hundred dollars per annum, shall be borne and paid by my Executors, out of the personal property of my estate, and that they shall retain in their hands, such sum as they may deem sufficient for such purpose, until the death of my said sister, or until she wholly relinquishes her personal use and occupation of said

place, and that said fund, or the part of it remaining at her death, or on her relinquishment of the use of said place, shall be treated as part of my residuary estate, bequeathed under the residuary clause of this Will.

And I give and devise to her, one half of said place; and subject to her personal use, as aforesaid, I give and devise the other half thereof, to my brother, Levi Spicer, of Noank, Connecticut.

EIGHTH: I give and bequeath to my nephew William I. Spicer, of Noank, Connecticut, Fifty thousand Dollars in money, and One thousand shares of the capital stock of the New York and Texas Steamship Company, to be delivered to him by my Executors, at the expiration of six months after my death.

NINTH: I give and bequeath to Sarah Dickinson, Henry R. Mallory of Brooklyn, New York, and William I. Spicer of Noank, Connecticut, one hundred thousand dollars, In Trust, to hold, invest and manage the same during the lifetime of my niece, Annie Spicer of Noank, Connecticut, and to apply the net income thereof to her use, during her life, by paying the same over to her, quarterly or oftener, if convenient, and her individual receipt therefor, notwithstanding coverture, shall be a full discharge to said Trustees, for all payments made, and on her death, I give and bequeath said principal sum of One hundred thousand dollars, to her children or issue; the issue of any deceased child of hers, to take together only the share which his, her or their pa-

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rent would have taken, if living; and in default of such issue, I give and bequeath one-half of said principal sum to her brother, said William I. Spicer, or in case he should then be dead, to his issue per stirpes, or in default of issue to my brother and sister and the other half of said principal sum, in that case I give to be added to, and in every respect become a part of the Trust fund hereinafter created for the benefit of her sister, Sarah, or if Sarah be then dead, to her issue, per stirpes.

TENTH: I give and bequeath to said Sarah Dickinson, Henry R. Mallory, and William I. Spicer, One hundred thousand dollars, In Trust, to hold and invest the same, during the lifetime of my niece Sarah D. Spicer, and to apply the net income thereof to her use during her life, by paying the same over to her quarterly, or oftener, if convenient; and her individual receipt therefor, notwithstanding coverture, shall be a full discharge to said Trustees, for all payments made, and on her death, I give and bequeath said principal sum of One hundred thousand dollars, to her children or issue; the issue of any deceased child of hers to take together only the share which his, her or their parent would have taken, if living; and in default of such issue, I give and bequeath one-half of said principal sum, to her brother, said William I. Spicer, or in case he should then be dead to his issue per stirpes, or in default of his issue, to my brother and sister and the other half of said principal sum in that case I give to be added to, and in

and in every respect become a part of the Trust fund hereinbefore created for the benefit of her sister Annie, or if Annie be then dead, to her issue per stirpes.

ELEVENTH: It is my Will, and I direct that said Trustees may invest and reinvest the whole or any portion of either or both said Trust funds in the First Mortgage Bonds of any Railroad Company, or other Corporation, bearing interest at not over five per cent per annum which Bonds shall have paid their interest regularly for five years preceding the investment, whether said corporation be organized under the laws of the State of New York, or not, and that they also may invest and reinvest the whole or any portion of either or both said trust funds in bond, secured by First Mortgage on land in any State within the United States and I also authorize and empower them to receive, at a valuation to be fixed thereon by my Executors, any of the securities which I may own at the time of my death in lieu of cash, equal to the appraised valuation, and to hold the same as continuing investments of either of said Trusts.

TWELFTH: All books, portraits, pictures, paintings, engravings, etchings and all the household ornaments and bric-a-brac, in my said Brooklyn house and also in said house at Mystic, which I may own at my death, I give and bequeath to my sister for her life, and after her death to my said nephew William I. Spicer.

THIRTEENTH: I direct that all the legacies hereinbefore given, shall be paid by my executors, from my per-

sonal estate, or proceeds of my personal estate, not from my real estate or its proceeds and that the legacies given in the First, Second, Third, Fourth, Fifth, Eighth, Ninth and Tenth paragraphs hereof, shall be paid at the expiration of six months after my decease.

FOURTEENTH: I authorize and empower my said Executors to sell and convey, at either public or private sale, and on such terms as to payment as they may deem best, any or all of the real estate which I may own at the time of my death, excepting only said premises known as Number Seven (7) South Oxford Street, Brooklyn, and said house and grounds at Mystic.

FIFTEENTH: All the rest, residue and remainder of the estate both real and personal which I may own or have a right to at the time of my death and not hereinbefore given or devised, I give and devise to my said sister Sarah Dickinson, of Brooklyn, New York, and my brother Levi Spicer, of Noank, Connecticut, to be divided equally between them.

SIXTEENTH: I direct that no security whatever be required from either of the Executors of this Will, or from either of the Trustees hereinbefore named.

SEVENTEENTH: All the powers, authority and discretion given and conferred by this Will upon said Trustees, I give and confer upon such of them as shall act, and the survivors and survivor of those acting, as fully in all respects, as if all were living and acting.

EIGHTEENTH: I nominate and appoint my sister, said Sarah Dickinson, my friend Henry R. Mallory, both of Brooklyn, New York, and my nephew William I. Spicer, of Noank, Connecticut, Executors of this my Last Will and Testament, and direct that no bond or security be required of any one of them and give to each of them who shall act as Executor Five thousand dollars, as compensation in lieu of commissions allowed by law and the qualifying and acting as Executor by any one of them, shall be taken as an acceptance by him or her, of such compensation in lieu of legal commissions.

NINETEENTH: All the powers, authority and discretion given and conferred by this Will upon said Executors I give and confer upon such of them as shall qualify and act, and the survivors and survivor of those acting, as fully in all respects as if all were living and acting.

IN WITNESS WHEREOF, I, ELIHU SPICER, have to this my last Will and Testament written on the eight preceding pages and on this page, set my hand and seal this Twelfth day of June Eighteen hundred and ninety-one.

Witnesses:

E. SPICER (L. S.)

(Interlineations and erasures
noted above signature of
witnesses.)

Attestation clause signed by witnesses.