

---(((the)))---

Test

---(((and)))---

Statement

---(((of)))---

JESSICA W. HILL

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FILED
AUG - 21 1951
P. D. S.
NEW YORK COUNTY

I, JESSICA M. HILL, residing in the Borough of Manhattan of the City of New York, County and State of New York, and a citizen of the United States of America, do hereby make, publish and declare this to be my Last Will and Testament, in form and words as follows:

FIRST: I direct that all my just debts and funeral expenses be paid as soon after my decease as may be convenient.

SECOND: I give and bequeath to the CAVE-HILL CEMETERY at Louisville, Kentucky, the sum of Five hundred Dollars (\$500) for the perpetual care of my family plot therein; and I also direct that at my death my executor shall expend an additional amount for the placing of plain and inconspicuous markers on the graves of my family who are buried in said plot.

THIRD: I give, devise and bequeath to my nephew, PROFESSOR ARCHIBALD ANDERSON HILL of Charlottesville, Virginia, if he shall survive me, my real property at Waterside Lane, Clinton, Connecticut, the furnishings and furniture in the dwelling thereon erected, the portable cottage and garage standing in the rear of the property, and such articles of personal property in my apartment at New York City as he may select.

FOURTH: I give and bequeath to my niece, MURIEL HILL of Charlottesville, Virginia, wife of my nephew, PROFESSOR ARCHIBALD ANDERSON HILL, the sum of Twenty-five hundred Dollars (\$2,500) if she shall survive me.

FIFTH: I give and bequeath the income, profits and royalties and other moneys derived from any contracts with O. SCHOENHUT, INC., of Philadelphia, Pennsylvania, or with any other firm with which I at the time of my death may have con-

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tracts for the manufacture and sale of HILL FLOOR BLOCKS or HILL-HART CHAIRS or modifications or improvements in either of them, to CHARLOTTE G. GARRISON and AGNES BURKE, both of New York City, in equal shares for the term of their natural lives and for the life of the survivor of them; and upon the death of the survivor of them all such contracts and the income, profits, royalties and other moneys shall revert to and become part of my residuary estate, to be disposed of as hereinafter directed. I direct that neither the said CHARLOTTE G. GARRISON or AGNES BURKE shall be required to furnish any bond which by law might otherwise be required of them to account for said contracts and the delivery of them to those entitled thereto upon the decease of said life tenants.

SIXTH: I give and bequeath to LUCILE F. KELSEY of Clinton, Connecticut, the sum of Five hundred Dollars (\$500) if she shall survive me.

SEVENTH: I give and bequeath to ALEXINA G. BOOTH of Edgehill Inn, Spuyten Duyvil, New York, if she shall survive me, the sum of Five hundred Dollars (\$500).

EIGHTH: I give and bequeath to MRS. JANIE RICE BIGELOW of 721 Whaley Street, Columbia, South Carolina, the sum of Five hundred Dollars (\$500) if she shall survive me.

NINTH: I give and bequeath to the HINDMAN SETTLEMENT SCHOOL, INC., of Hindman, Knott County, Kentucky, the sum of One thousand Dollars (\$1,000) to be used by it for its lawful corporate purposes.

TENTH: I give and bequeath to the ASSOCIATION FOR CHILDHOOD EDUCATION, a corporation organized and existing under the laws of the District of Columbia, and having its office at No. 1201 16th Street, Northwest, Washington, District of

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Columbia, the sum of Twenty-five hundred Dollars (\$2,500). I order and direct that the bequest made to said LEGATEE under this paragraph TENTH shall be known as the "PATTY SMITH HILL FUND" and that it be used for its lawful corporate purposes.

ELEVENTH: I give and bequeath to CORA L. KENNY of New York City, my housekeeper, the sum of Five hundred Dollars (\$500) if she shall survive me and provided further that she shall have remained in my employ until the time of my decease and shall have served me in a prudent, loyal and faithful manner, as to all of which my executor shall be the sole judge, and his decision shall be final and binding.

TWELFTH: If any legatee named in paragraphs SECOND to ELEVENTH inclusive shall predecease me or, being a corporate legatee, shall lose its corporate existence or identity by dissolution, voluntary or otherwise, or by merger or consolidation at any time prior to the date of my death, the legacy to such individual or corporation shall lapse and revert to my residuary estate to be disposed of as hereinafter directed.

THIRTEENTH: I give, devise and bequeath all the rest, residue and remainder of my estate of whatsoever kind and nature and wheresoever the same may be situate and over which I at the time of my death may have any power of disposition, to my trustee hereinafter nominated and appointed, IN TRUST NEVERTHELESS, upon the following uses and purposes: to hold, manage, invest and reinvest the same and after deducting all proper and necessary charges and expenses incurred in the administration thereof including trustee's commissions, to pay over the net income therefrom to my nephew, PROFESSOR ARCHIBALD ANDERSON HILL of Charlottesville, Virginia, during his life in semi-annual instalments or oftener in the discretion of my trustee; and upon the death of my said nephew the trust created hereby shall terminate and come

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to an end, and the corpus or fund remaining on hand together with any accrued income shall be paid over to the children of my nephew him surviving, in equal parts, share and share alike; and in default of such children him surviving, the corpus or fund remaining on hand together with any accrued income shall be paid over to the ASSOCIATION FOR CHILDHOOD EDUCATION, a corporation organized and existing under the laws of the District of Columbia, to be used by said corporation for its lawful corporate purposes and to be designated as the "PATTY SMITH HILL FUND." The term "children of my nephew" shall be construed to refer to and include any legally adopted child or children.

FOURTEENTH: I give and grant to my executor and trustee and to his successor in office, the right, power and authority in his sole and uncontrolled discretion:

a. To hold and retain all stocks, bonds, securities, and any other property, real or personal, in the same form as that received by him although not of the character of investments permitted by law to executors or trustees.

b. To invest and reinvest any moneys coming into his possession in such amounts and in such stocks, bonds, securities and mortgages, as to him may seem advisable or desirable even though they may not be of the character denominated as legal investments for testamentary trustees.

c. To sell at public or private sale, for cash or on such terms of credit as to my executor or trustee may seem proper or expedient, all or any part of my estate not otherwise specifically bequeathed, and to execute and deliver good and sufficient instruments of title.

d. To pay out of the corpus or fund comprising the trust, in addition to the income therefrom, the amount required in each year or oftener for the amortization of principal

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payable under the terms of any mortgage or extension or renewal thereof on the land and dwelling house owned and occupied by my nephew, PROFESSOR ARCHIBALD ANDERSON HILL, at Charlottesville, Virginia, if he shall so request; but such payments out of principal shall cease in the event my said nephew shall no longer own and occupy the premises as a dwelling house. My trustee shall be under no duty to see to the application of any amount paid by him for such purpose, but may pay over the same to my nephew upon his request therefor without further liability or accountability in the premises.

e. To enter into contracts and licensing agreements and renewals thereof for the manufacture and sale of "PATTY S. HILL FLOOR BLOCKS" and "HILL-HART CHAIRS," and any improvements or modifications thereof; and to execute, acknowledge and deliver any and all agreements necessary or desirable for the renewal or exploitation of any copyrights in literary or musical compositions in which I at the time of my death may have any right, title or interest, and, further, to grant licenses for the use thereof, restricted or general, to join in or become a party to any litigation which may be necessary for the better enforcement of my rights in any such property, to prosecute such litigation to judgment, and to settle and compromise the same upon such terms and conditions as to him in his sole discretion shall seem just and proper in the circumstances; and generally to do or cause to be done any of the foregoing upon such terms and conditions as to him shall seem proper, expedient or desirable in the premises.

8503 f. To invest and reinvest in any property, including, but not by way of limitation, bonds, notes, debentures, mortgages, certificates of deposit and common and preferred stocks without regard to the proportion which any such investment, or investments of a similar character, may bear to the entire amount of the trust estate, and without being limited to the class of

securities in which trustees are authorized by law or any rule of court to invest trust funds.

g. To participate in any plan of reorganization, consolidation, merger, combination or other similar plan, and to consent to any such plan and any action thereunder, or to any contract, lease, mortgage, purchase, sale or other action by any corporation; to deposit any such property with any protective, reorganization or similar committee, to delegate discretionary power to such committee, and to share in payment of its expenses and compensation, and to pay any assessments levied with respect to such property.

h. To exercise all conversion, subscription, voting and other rights of whatsoever nature pertaining to any such property, and to grant proxies, discretionary or otherwise, with respect thereto.

i. To do all such acts, take all such proceedings, and exercise all such rights and privileges, although not hereinbefore specifically mentioned, with relation to such property as if the absolute owner thereof and in connection therewith to enter into any covenants or agreements binding the trust estate.

j. Dividends in arrears at any time paid on cumulative preferred stock, whether paid in cash, stock or other property, shall be treated wholly as income of the trust, and as such shall be applied to the use of the beneficiary entitled to receive the income of the trust at the time when such dividend is declared, irrespective of the time when the arrearage accrued. If at any time my trustee shall receive any dividend, payable in the stock of the corporation or association declaring or authorizing such dividend, which in his sole judgment my trustee deems to have been declared and paid in lieu of an ordinary cash dividend, such stock dividend shall be treated wholly as income and distributed as such. The decision of my trustee as to whether

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any stock dividend shall have been declared and paid in lieu of an ordinary cash dividend shall be binding and conclusive upon all persons interested, and shall not be subject to review. All other dividends payable in the stock of the corporation or association declaring or authorizing the same shall be treated as principal. Regular or ordinary cash dividends, although they may be wholly or partly in the nature of a payment in partial liquidation, or although they may wholly or partly represent a distribution of assets of the corporation other than surplus earnings shall, nevertheless, be income; all other liquidating dividends shall be principal. All extraordinary dividends, whether payable in cash, in stock or in other property, concerning which no express provision has been made herein, shall be apportioned between income and principal in such manner as my trustee deems proper, and his decision in this respect shall be binding and conclusive upon all persons interested, and shall not be subject to review.

FIFTEENTH: I nominate, constitute and appoint SAMUEL MANN of 70 Pine Street, New York City, to be the executor and trustee under this my Last Will and Testament, and I order and direct that he shall not be required to furnish any bond or other security for the performance of his duties as executor or trustee in any jurisdiction whatsoever. In the event of his failure, inability or refusal to qualify as executor or trustee, or if having qualified he shall thereafter be unable or unwilling to continue to act hereunder, I nominate, constitute and appoint my nephew, PROFESSOR ARCHIBALD ANDERSON HILL, to be executor and trustee hereunder to serve without bond or other security for the performance of his duties hereunder; and in the event of the disqualification of my said nephew as executor and/or trustee hereunder, I order and direct that he shall not be required to

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furnish any security which by law he might otherwise be directed to give to account for and to insure the delivery to his successor or successors in interest of any property coming into his possession or control under paragraph THIRTEENTH hereof.

SIXTEENTH: I hereby revoke any and all former wills and codicils thereto by me at any time heretofore made.

IN WITNESS WHEREOF, I have subscribed this, my Last Will and Testament consisting in all of eight (8) typewritten pages, this 15th day of May, One thousand Nine Hundred and Forty-Seven (1947).

In the Presence of:

.....*Jessica M. Hill*.....

Samuel Mann
.....

Natalie Scott
.....

The foregoing instrument was on the date thereof signed, sealed, published and declared by JESSICA M. HILL, the Testatrix named therein, as and for her Last Will and Testament in our presence; and we, the undersigned, at her request and in her presence and in the presence of each other, subscribed our names thereto as witnesses on the day, month and year above set forth.

Samuel Mann.....Residing at.....*299 West 12th Street*
.....

New York 14, N.Y.
.....

Natalie Scott.....Residing at.....*118 East 85th St*
.....

New York 28, N.Y.
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