

COPY OF WILL OF HENRY F. DURANT

First sheet of my Will Henry F. Durant.

I, Henry F. Durant of Wellesley, make this my last will. I appoint my beloved wife, Pauline A. Durant, Executrix and direct that she shall not be required to give any sureties to her bonds as Trustee under this will.

I give to said Pauline A. Durant all my household furniture, including pictures, silver plate, books, ornaments and articles of decoration in my houses in Boston & Wellesley, together with all my horses and carriages, harnesses, green house plants, farming tools and utensils at my country place in Wellesley.

I give to said Pauline A. Durant the sum of ten thousand dollars in trust that she shall apply the income thereof in her discretion to the education and support of Bessie Smith, the daughter of my brother William F. Smith, during her natural life. At the decease of Bessie Smith this fund is to become a portion of my residuary estate and shall be the property of Wellesley College in the same manner as the rest of my estate.

I give to said Pauline A. Durant the further sum of Twenty Thousand dollars in trust to apply a part or the whole of the income thereof in her discretion as she may from time to time determine, to the support and maintenance of my brother William F. Smith. It is my wish that ~~he~~ shall reside in my house in Wellesley (called the Clark House) where he now lives, and that a portion ^{of the income} of this fund shall be used to pay for the taxes and insurance of said estate. But as circumstances may make a different arrangement necessary, I leave this to the discretion of my wife. The income of this fund shall not be subject to any assignment, sale, draft, or order, either voluntary or by process of law, by said William F. Smith, nor shall it be liable for any debts. The income is given to my wife to use in part or in whole as she may think best in her own discretion for my brothers comfort and support, and to be paid out by her from time to time as she thinks proper. She is not required to.

use all the income for this purpose but may add it to the principal.

I do not require my wife to set apart the aforesaid trust funds of Ten thousand dollars and Twenty thousand dollars immediately after my de-cess; this may be done at any time within five years after my death as she knows my wishes with regard to the support of my brother and his daughter, and will make suitable provision for that purpose. After the decease of my brother this fund of twenty thousand dollars shall be the property of Wellesley College as hereinafter provided.

I give to my wife Pauline a Durant the use income and improvement of all my other real and personal estate during her life and I authorize her to invest and re-invest the personal property at her discretion to sell any of the real estate except the real estate in Wellesley and invest and re-invest the proceeds.

I give and bequeath all my real and personal estate, subject to the trusts aforesaid and to my wife's rights therein during her life, to Wellesley College, its successors and assigns forever upon the following conditions and trusts and for the following uses.

Firstly: It is my will that the real estate in Wellesley consisting of the College grounds lying west of the Sherborn Road (sometimes called Washington Street) and south of the Boston & Albany railroad; the so-called Webber place where I now live, with the lands on both sides of the Sherborn Road which I have at various times purchased from S. F. Smith, A. D. Webber, Mr. Darling, Mr. Clark and others; the pasture and moving lands lying north of the Boston & Albany railroad and the wood lot of about forty acres which I purchased from Seth Dewing, shall be always held used and owned by Wellesley College.

It sometimes occurs that those who represent benevolent institutions do by means of legislative enactments and otherwise divert property from the object designed by testators and avoid

the provisions of wills under the pretence that the testator, if alive, would justify their course. I do therefore positively and solemnly leave it in charge to Christian men and women who will in the years to come be the Trustees of Wellesley College, that no part of the above described real estate shall be, directly or indirectly sold, conveyed, or disposed of except as follows; I have straightened the line and built a fence between Edmund M. Word's land and the College lands on the West. A deed is to be executed and the consideration to be paid by him. A small lot, (not above described) adjoining Eben Flagg's land and on the line of the railroad and a small house on Lovewell Street (not described above) may be sold. The Dewing wood-lot of about forty acres may be sold if it should be necessary, but I strongly desire that it should be retained. I desire that the Clark House shall, after my brother's decease, be used as the residence of the President of the College. It is my will and I direct that the house where I now live shall be altered after my wife's decease and made into a College dormitory building for the use of twenty or thirty students. The money necessary for this purpose, or for re-building in case of fire, shall be taken from my residuary estate.

It is my will that so much of the land as lies south of the brook called Waban water, west of the Sherborn Road, north of the so-called Darling Place, and east of Lake Waban shall be used cultivated and improved as ornamental grounds in connection with this dormitory which may be named Waban Hall and for no other purpose. It is my will that no other dwelling house (unless it may be a gate-keeper's lodge) shall be erected on this lot of land and that this Waban Hall shall be used as a students dormitory building only, and that no teachers or officers of the College shall reside upon said lot, except the lady teacher or officers in charge of said Waban Hall.

It is my desire that Wellesley College shall in due time become a university consisting of a group of College Buildings for the higher education of women. It may be desirable in order to meet the wishes of founders or for convenience of incorporation and administration that the Trustees of Wellesley College should consent to the location of museums, libraries, laboratories and other buildings for the education of women within the College grounds with the names of the founders and under separate acts of incorporation. This will be in accordance with my will and may be provided for by proper leases or covenants, but in all cases the Trustees will make proper conditions for the regulation and government of the associated institutions upon the same principles that govern Wellesley College.

I give to the Trustees of Wellesley College the right to sell and convey by deed executed by such officer as they may designate all my real estate except that which is situated in Wellesley as above set forth.

Second sheet of my Will Henry F. Durant.

SECONDLY: It is my will that the personal property which shall come to the possession of the College after my wife's decease shall be appropriated as follows: A "Farm Fund" to consist of two hundred thousand dollars in safe and carefully invested securities at par value shall be established and forever maintained. The income of this "Farm Fund" shall be used for cultivating the college lands, keeping the college ornamental grounds, avenues and walks in order, and repairing ^{the} fences and hedges.

The fund of twenty thousand dollars to be given to my wife, in trust, as above set forth, shall, after her decease and his decease, be safely invested and held by Wellesley College as the Harriet F. Smith scholarship fund in memory of my beloved mother and the income shall be used to assist poor girls who are pursuing their studies in Wellesley College.

Whatever amount of personal property of proceeds of sales of real estate in other places than Wellesley may remain and come to the possession of Wellesley College after establishing the Farm Fund and the Harriet F. Smith Scholarship Fund, shall be securely invested by the Trustees as an endowment Fund and the income only shall be used, in the discretion of the Trustees for the general purposes of the College.

It is my will that my personal property shall be applied and appropriated after my wife's death, first, to the building and furnishing of Waban Hall; second to the founding of the Harriet F. Smith Scholarship as above stated (the bequest of twenty thousand dollars provided for being in addition to any funds I may give under the same name and for the same purpose during my life time) third, to the founding of the "Farm Fund" and fourth, to the founding of the "Endowment Fund".

I authorize my wife to sell the small lot of land next to Eben Flagg's land and the house on Lovewell Street and if she desires to vest the fee of any of the Wellesley Lands in the College she is authorized to do so by a proper deed of release of all her rights in the same.

I direct my said Executrix to pay all my legal debts out of my personal estate or my real estate not in Wellesley. I direct also as soon as she can conveniently do so after my decease, to give to Joseph H. Gover, One thousand dollars as a reward for long and faithful services in my family and to give to Mrs. Ellen Sawyer of Wellesley who lived with us for many years, One thousand dollars as a reward for fidelity.

IN WITNESS WHEREOF I have hereto set my hand and seal and published and declared the above will written on two sheets of paper, as and for my last will and testament, this twenty-third day of February, A. D. 1881.

Henry F. Durant (Seal)