

No. 595

I, Jesse Metcalf, residing in the City of West Orange, County of Essex, State of New Jersey, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former Wills and Codicils made by me.

First: I direct the payment of all my just debts, and funeral expenses as soon after my decease as may be conveniently possible.

Second: (a): I give and bequeath to my brothers, Manton Bradley Metcalf, Jr., and Rowe Browning Metcalf, in equal shares for division between them in such manner as they may see fit, or all to the survivor of them if only one survives me, all clothing, jewelry, books, household furniture and furnishings, equipment, automobiles, animals and other tangible personal property which I may own at the time of my death.

(b) I give and bequeath to my secretary, Elise Lortz Hauburger, if she survives me, and is in my employ at the time of my death, the sum of Ten Thousand Dollars (\$10,000).

Third: I direct my executors to charge against and pay from my residuary estate all estate and inheritance taxes which may be imposed by the United States of America or by any state or other jurisdiction upon any property or the transfer of any property which may form part of my estate for the purpose of such taxes, whether transferred under the provisions of this Will or under the provisions of any contract, insurance policy, deed, trust agreement, or otherwise. No part of any such tax shall be allocated or charged against any such property or the transfer thereof, but all such taxes shall be paid from and solely charged against my residuary estate. My executor may compromise and pay taxes on transfers of future or contingent interest, and shall charge payments made pursuant to any such compromise in like manner as other tax payments as aforesaid.

Fourth: I direct that all the rest, residue and remainder of my estate, real and personal, ~~wherever situated~~, including any property over which I may have a power of appointment or disposition, be divided into two separate and equal parts, to be known as Parts A and B, respectively, and be disposed of as hereinafter provided; except that (1) if no descendants of my brother, MANTON BRADLEY METCALF, JR. be living at the time of my death, the residue shall not be divided but the entire amount thereof shall be disposed of as hereinafter provided for disposition of Part B, and (2) if no descendants of my brother, ROWE BROWNING METCALF, other than his son JESSE METCALF and any issue of said JESSE METCALF, be living at the time of my death, the residue shall not be divided but the entire amount thereof shall be disposed of as hereinafter provided for disposition of Part A.

Fifth: I direct that Part A of the residue be divided at my death into as many shares as there are children of my brother, MANTON BRADLEY METCALF, JR., who are then surviving, or have theretofore died leaving issue then surviving; and I give devise and bequeath one of said shares to the then surviving issue of each child of my said brother who has theretofore died leaving issue then surviving, to be equally divided among such issue, per stirpes; and I give devise and bequeath one of said shares to my trustees hereinafter named, to hold during the lifetime of each child of my said brother who shall survive me, and to manage, invest and reinvest each share so held in trust, during the term of the trust, and to pay and distribute the income and principal thereof as follows:

(a) The net income thereof shall be paid to such child of my said brother, in convenient periodical installments during the lifetime of such child;

(b) On the death of such child, the principal of such share shall be paid and delivered to the then surviving issue of such child, to be equally divided among such issue, per stirpes; and, in the event that there be no then surviving issue of such child, the principal of such share shall be disposed of in like manner as if it were newly discovered assets of Part A of the residue, and as if such deceased child, and every other child of my said brother who has theretofore died after my death without leaving issue, had predeceased me without leaving issue; and, if there be no person in existence to take beneficially the principal of such share under the foregoing provisions, the principal of such share shall be distributed among the then surviving issue of my brother, ROWE BROWNING METCALF, other than his son JESSE METCALF and any descendants of said JESSE METCALF, to be equally divided among such issue per stirpes.

Sixth: I direct that Part B of the residue be divided at my death into as many shares as there are children of my brother, ROWE BROWNING METCALF, other than his son JESSE METCALF, who are then surviving, or have theretofore died leaving issue then surviving; and I give devise and bequeath one of said shares to the then surviving issue of each child of my said brother, other than JESSE METCALF, who has theretofore died leaving issue then surviving, to be equally divided among such issue, per stirpes; and I give, devise and be-

queath one of such shares to my trustees hereinafter named, to hold during the lifetime of each child of my said brother who shall survive me, other than JESSE METCALF, and to manage, invest and reinvest each share so held in trust during the term of the trust, and to pay and distribute the income thereof as follows:

(a) The net income thereof shall be paid to such child of my said brother in convenient periodical installments during the lifetime of such child;

(b) On the death of such child the principal of such share shall be paid and delivered to the then surviving issue of such child, to be equally divided among such issue, per stirpes, and, in the event that there be no then surviving issue of such child, the principal of such share shall be disposed of in like manner as if it were newly discovered assets of Part B of the residue, and as if said deceased child, and every other child of my said brother who has theretofore died after my death without leaving issue, had predeceased me without leaving issue; and, if there be no person in existence to take beneficially the principal of such share under the foregoing provisions, the principal of such share shall be distributed among the then surviving issue of my brother, MANTON BRADLEY METCALF, JR., being equally divided among such issue, per stirpes.

Seventh: I direct that no sinking fund be established to amortize the premium at which any investment is acquired, and that no account be taken of discounts; that cash dividends, other than liquidating dividends, be considered income, and that dividends payable in stock or other property, and the proceeds of rights issued to holders of any security, be considered principal; and that income accrued but not due at my death, and income accrued but not due at the termination of any estate or interest, shall, when due and received, belong and be payable to the person who would be beneficially entitled thereto if the same had then first accrued and become due.

Eighth: In the administration of my estate, of of any trust established by my Will, I authorize and empower my executors and trustees, in their discretion:

(a) To retain property and securities of which I may die seized or possessed, and to acquire and retain other property and securities as investments, without regard to the provisions of any law regulating the investment of trust funds, and whether such property or securities be of an investment character or of a speculative character;

(b) From time to time, and for any length of time, to keep in cash and uninvested all or any part of my estate or of any trust;

(c) To take and retain securities in form to pass by delivery, or registered in their own names, or in the name of any nominee, and with or without descriptive reference to any trust ownership;

(d) To vote in person or by proxy upon all stocks and other securities, and generally to exercise in respect to any property or security all rights, powers or privileges which are or may be lawfully exercised by any person owning property in his own right;

(e) To sell and convey any real estate, including real estate of which I may die seized, at any time or times, and on any terms, and to any person; and to lease real estate for any period of time, regardless of the duration, or possible duration, of any trust for which such real estate is held;

(f) To make required divisions or distributions of my estate, or of any trust, or of any part of share, either in kind or in money, or partly in kind and partly in money, and for purposes of any division or distribution, to value and allocate property and securities divided or distributed in kind;

(g) To hold all or any part of assets of my estate and of any trusts, as undivided entity or entitled, without physical separation or distinctive registration;

(h) To place and continue assets of my estate and of any trust in the possession or custody of any financial institution or other agency; and to employ agents and assistants; and to subscribe for investment and other services; and to pay for any of the same, or any other expense of administration, all or partly out of my estate, or out of any trust or part or share, and out of principal or income, as may be deemed fair.

Ninth: I nominate my brothers, MANTON BRADLEY METCALF, JR. and ROWE BROWNING METCALF, and THE NATIONAL STATE BANK OF NEWARK, a corporation organized under the laws of the United States of America, as executors of and trustees under this Will, and I direct that they be not, nor shall any one of them be, required to furnish bond for faithful performance of duties, either as executor or trustee, in New Jersey or in any jurisdiction in which called upon to act. All estates, powers, and discretions given to my executors, as such or as trustees, are given to the survivors and survivor of them, and to their successors. All estates, powers and discretions given to the corporate executor, as such or as trustee, are given to any corporate successor, whether or not organized under the laws of the United States of America, which is authorized to do a fiduciary business and maintains an office in Newark, New Jersey.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26 day of Sept. A.D., 1945.

Jesse Metcalf (LS)

Signed, Sealed, Published And Declared by the above named testator as and for his Last Will and Testament in the presence of us who, both being present at the same time, in his presence and in the presence of each other, and at his request, have hereto signed our names as witnesses.

CHARLES R. HARDIN

NEWARK, N. J.

DONALD B. KIPP

MORRISTOWN, N. J.

STATE OF NEW JERSEY

ESSEX COUNTY SURROGATE'S COURT

I, GEORGE H. BECKER, Surrogate of the County of Essex and Clerk of the Surrogate's Court of said County, do hereby certify the foregoing to be a true copy of the record of the last will and testament of Jesse Metcalf, deceased, which last will and testament was duly executed and proved agreeably to the laws and usages of the State of New Jersey and admitted to probate in the Surrogate's Court of the County of Essex, New Jersey, as the same appears of record in this office.

WITNESS MY HAND AND SEAL OF OFFICE, this 6th day

SEAL of December, in the year of our Lord, one thousand nine hundred and forty five.

George H. Becker

Surrogate and Clerk

STATE OF NEW JERSEY

ESSEX COUNTY SURROGATE'S COURT

I, GEORGE H. BECKER, Surrogate and Judge of the Surrogate's Court of the said County of Essex, in said State, do hereby certify that George H. Becker, whose name, in his own proper handwriting, subscribed to the foregoing certificate, is, and was, at the time the same bears date, Surrogate of said County and ex-officio Clerk of the Surrogate's Court thereof, and that full faith and credit are due to his official acts. And, further, that the seal attached to said certificate is his official seal and the seal of the said Surrogate's Court, and that the said certificate is in due form and made by the proper officer, and would be received in evidence in the Courts of this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal of office this 6th day of December, A.D., one thousand nine hundred and forty-five.

S E A L

George H. Becker

Surrogate and Judge of Surrogate's Court

STATE OF NEW JERSEY

ESSEX COUNTY SURROGATE'S COURT

I, GEORGE H. BECKER, Surrogate and Clerk of the Surrogate's Court of the said County of Essex, in said State, do hereby certify that George H. Becker, whose name is subscribed to the preceding certificate, is Surrogate and Judge of the Surrogate's Court of the said County of Essex, duly commissioned and qualified, and that his signature to said certificate is genuine. To all whose acts as such full faith and credit are due and given, as well in courts of judicature as elsewhere.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal of office this 6th day of December, A. D., one thousand

nine hundred and forty-five.

GEORGE H. BECKER

S E A L

Surrogate and Clerk of Surrogate's Court

STATE OF NEW JERSEY

PRESIDENT OF THE SENATE ACTING

I, the Governor of the State of New Jersey, having the custody of the Great and Principal Seal of said State, DO HEREBY CERTIFY that the Surrogate's Court of the County of Essex, is duly constituted and existing under the laws of said State, that the SURROGATE of said County is the Judge and Clerk of said Surrogate's Court, and had at the time of the IN THE MATTER OF THE ESTATE OF JESSE METCALF, DECEASED.

and now has jurisdiction under the laws of the State of New Jersey to admit wills to probate and grant letters testamentary thereon, to grant letters of administration upon the estates of intestates, and to grant letters of guardianship, etc.; that the record of the Will, Surrogate's Certificate in re Last Will and Testament of Jesse Metcalf, Deceased, copies of which are hereunto annexed, are kept in the office of said Surrogate pursuant to the laws of said state; that the exemplified copy hereunto annexed is in due form of law and by the proper officer; that the seal appended thereto is genuine, and is the seal of said Court and Surrogate, and that the signatures thereto written and attesting such copy are genuine, as I verily believe.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the GREAT SEAL of the STATE OF NEW JERSEY to be hereunto affixed at the City of Trenton, in said State, this Seventh day of December, in the year of our Lord one thousand nine hundred and forty-five and of the Independence of the United States the one hundred and seventieth.

S E A L

BY THE GOVERNOR

J. A. BRVLY
Secretary of State

Frank S. Farley
President of the Senate Acting GOVERNOR