

I Edward Atkinson of Brookline, in the County of Norfolk and Commonwealth of Massachusetts hereby make this my last Will and Testament as follows, to-wit:

First. It being my judgment that it will be for the best interests for the family to maintain the home, I hereby give, devise, and bequeath, all the property and estate, real, personal and mixed and wherever situated, of which I shall be seized or possessed, or to which I may be in any way entitled, or on which I may have any power of appointment at the time of my decease, to my wife Mary E. Atkinson to her and her heirs, executors and administrators forever absolutely and in fee simple, provided my said wife shall survive me.

Second. But in case my said wife shall not survive me, then I declare the following disposition of all of my said property and estate, to-wit: - When after the death of my said wife her children will become possessed of the property bequeathed and devised to them by their late Grand Father Charles Heath, and when my son Charles Heath Atkinson will receive a share of said property now though it is my will that the execution of this my will, or those persons who may in their place administer my estate, shall set apart from my estate a sum sufficient in their judgment when fully invested to yield a net annual income large enough when added to the income which they shall judge may reasonably be expected to be derived from the share of my said son Charles in said property as to be derived from his said Grand Father. I support my said son Charles for and during his life in the manner in which he has been supported during many years. They shall have the said sum as it be set apart in trust during the life of my said son Charles, and shall expend the total net income thereof, or as much thereof as they may deem necessary for my said sons care, for their support and maintenance during his life.

They may if in their judgment it is necessary as to

do, expend a portion of the whole of the principal of said trust fund for my said sons support, but it is my wish that none shall be taken to make the trust fund sufficient at the outset to obviate the necessity of spending any of the principal.

Upon the decease of my said son Charles, the whole of the principal of the said trust fund with all accumulations of income that may by them, shall go to the living at law of the said Charles they to take the same ~~with~~ right of representation and not per capita.

It is my wish that my son Edward D. Atkinson and my son in law, Earnest Minor shall be appointed Guardians of my said son Charles.

Third, all the net residue and remainder of my said estate, after the payment of any taxes that may become payable under the several clauses of this my Will, I give, devise, and bequeath to my trustees herein after named, to be held by them and their successors, upon the following trusts, to-wit: - They shall have the same in equal shares for, and shall pay over the net annual income thereof in equal shares to my children, Edward D. Atkinson, Anna Minor, Caroline P. Atkinson, Mary H. Atkinson, William Atkinson and Robert D. Atkinson, or such of said last named children as survive me, for and during their respective lives, and upon the decease of any of my said last above named children, who shall have married, they shall pay over the share of the principal of said trust estate then then held in trust for such child as dying, provided such child shall have been married, shall by such child's last will and testament duly proved and allowed, appoint to take the same: and in default of such appointment shall pay the same to the issue of the child as dying who shall take the same by right of representation. It being my intention and wish that those of said last above named children only who shall have married shall have any power of appointment under this Will: and upon the decease of any of my said last above named children who shall die without having married, and whose issue without being entitled to exercise any power of appointment under this my Will shall take the share of the principal of said trust estate then then

Herein trust for such child so dying without having married, with all accumulations of income that may be thereon, shall be paid over and conveyed and devised by said trustees for of all trusts and in equal shares among the survivors of said last above named children and the issue of any of them deceased such issue to take their parents share by right of representation, Provided however, that in case any one or more of said last above named children of mine shall die in my lifetime having issue living at my decease, then the share of the principal of the trust estate in this clause of my will created which would have been held in trust for the child or children so dying, had ~~such~~ such child or children survived me shall forthwith be paid over and conveyed to such issue of such child or children so dying in my lifetime for and discharge of all trusts, such issue to take the same by right of representation, and not per capita: And provided further, that in case any one or more of said last above named children of mine shall die in my lifetime without leaving any issue living at my decease, then the share of the principal of the trust estate in this clause of my will created which would have been held in trust for the child or children so dying had such child or children survived me shall be held upon the trusts herein in this clause of my will created, but for the benefit of such of said last above named children as shall survive me.

Fourth: I appoint my son Edward W. Atkinson and my son in law Ernest Minor to be the executors and trustees of this my will, and I exempt them and each of them from furnishing any securities on their bonds either as executors or as trustees. In case of the death of either of said trustees the survivors shall nominate a successor to the trustee so dying, and such new trustee so nominated shall not be required to furnish any securities on his bond as such trustee.

Fifth: I give my said executors and trustees and any appointed in their stead, full power and authority to sell the whole or any part of my estate, real or personal, at any time and from time to time, at public or private sale and the proceeds to reinvest at their discretion. They shall have full power to invest personal estate in real and real estate in personal, and to change investments from time to time in their discretion and no purchaser from said executors or trustees or their successors shall be required to look after the application of the purchase money.

Sixth: my said trustees or any appointed in their stead shall have full power to lease the trust estate provided for and created in the third clause of this my will as one fund for the benefit of the beneficiaries therein named, or they may in their discretion of separate estates establish separate funds for each beneficiary and they or their successors and my executors are authorized, if in their judgment it is desirable, to make partition at their discretion of any real estate which I may own at my decease in common with any other person or persons.

And such executors and the survivors of them, or their successors are authorized to sign, seal, acknowledge and deliver any and all deeds or instruments in writing which they may deem necessary for carrying into effect the powers herein given them. my said executors and trustees are expressly authorized to continue to hold the funds and estate in their hands invested in the securities in which they may be invested at my decease for as long a time as they see fit, even though the same may not be such investments as executors or trustees would ordinarily be authorized to make.

Seventh: The bequest in favor of my son, Charles shall be free of all legacy succession or death duty under the laws of the United States of America or of the Commonwealth of Massachusetts, and if any such tax shall become due and payable on said bequest, the same shall be paid by my executors out of the proceeds of my estate before the reestablishment of said trust fund in the third clause of this my will provided for.

Eighth: In case any of my children other than my son

Charles shall see fit to do so, such child may at any time by a writing signed by him or her alone and delivered to the trustee or trustees for the time being acting under this my will, relinquish the whole or any part of the beneficial interest of such child and of his or her issue in or to the trust estate given by this will, in which case the interest so relinquished shall be held by said trustee upon the trusts herein declared for the benefit of my other children other than my said son Charles and their appointees and issue.

Fourth:- The trustee or trustees for the time being acting under this my will shall have authority at any time if in their discretion it seems proper and wise so to do, to terminate the trusts herein created for the benefit of my sons or any of them and to pay over and convey to my said sons or any of them the whole of the principal real or personal of that share or part of the trust estate then held by them in trust the measure of which is hereinbefore given and appropriated to such son for his life, and then upon such son or sons shall hold his or their respective shares of such principal absolutely and in fee simple free and discharged of all trusts. But I recommend said trustee to exercise this extraordinary power with caution and only after due deliberation.

Fifth:- It is my will that all payments of income that shall be made by the trustee for the time being acting under this will shall be made to the respective beneficiaries entitled thereto personally when convenient, otherwise upon their respective orders or receipts in writing: in either case free from the interference or control of their respective creditors my intention being that the use of said income shall not be anticipated by said beneficiaries or any of them by assignment and shall not be liable to be taken by the creditors of said respective beneficiaries or by their respective assignees in bankruptcy or insolvency in any way or manner, or by any process of law or equity. In witness whereof I have hereunto set my hand and seal this fifth day of March

A.D. 1901.

(signed) Edward Atkinson (Test)
Signed sealed, published and delivered by the above named testator, as and for his last will and testament in presence of us two, who in his presence, at his request and in the presence of each other have hereunto set our names as witnesses.

(signed) Messrs. Williams

" A.C. Buggins

" Francis L. Smith,

To the Honorable the Judge of the Probate Court, in and for the County of Norfolk:-

Respectfully represents Edward M. Atkinson of Brookline in said County of Norfolk, and Ernest Wainor of Boston in the County of Middlesex, that Edward Atkinson who last dwelt in Brookline in the County of Norfolk, died on the eleventh day of December in the year of our Lord one thousand nine hundred and four, possessed of goods and estate remaining to be administered, leaving as Widow and his and his only heirs at law and next of kin the persons whose names, residences and relationship to the deceased are as follows, viz:-

Mary E. Atkinson	Brookline Mass.	Widow
Edward M. Atkinson	Brookline Mass.	Son
Charles H. Atkinson	Brookline Mass.	Son
Anna H. Wainor wife of Ernest Wainor	Boston Mass.	Daughter
Caroline P. Atkinson	Brookline Mass.	Daughter
Mary H. Wadsworth wife of Richard H. Wadsworth	Boston Mass.	Daughter
William Atkinson	Brookline Mass.	Son
Robert M. Atkinson	Brookline Mass.	Son

That said deceased left a will known with presented, wherein your petitioners are named executors and wherein the testator has requested that your petitioners to exempt from giving a surety on their bonds.

Whereupon your petitioners pray that said will may be proved and allowed, and letters testamentary issued to them, without giving a surety on their official bonds, and certify that the statements herein contained are true to the best of their knowledge and belief.

Dated the sixteenth day of December A.D. 1901:-

(signed) Edward M. Atkinson

" Ernest Wainor

Suffolk, ss.

subscribed and sworn to this 16th day of December A.D. 1905.

(Signed) Andrew Robson, Justice of the Peace. The undersigned, being all persons who are of full age and legal capacity, either than creditors, and hereby consent that the above named petition be exempt from bond.

Commonwealth of Massachusetts,
Norfolk, ss. Probate Court.

In the town of law, next of kin and all other persons interested in the estate of Edward Atkinson, late of Brookline in said County deceased; Whereas, a certain instrument purporting to be the last Will and Testament of said deceased, has been presented to said Court for Probate by Edward W. Atkinson of said Brookline and Earnest Winnet of New in Mass. who prays that letters testamentary may be issued to them the executors therein named without giving a surety on their official bonds.

You are hereby cited to appear at a Probate Court to be held at Dedham in said County of Norfolk, on the third day of January A.D. 1906 at ten o'clock in the forenoon, to show cause if any you have, why the same shall not be granted. And said petitioners are hereby directed to give public notice thereof by publishing this citation once in each week, for two successive weeks, in the Boston Daily Advertiser, a news paper published in Boston Mass. The last publication to be one day at least before said Court, and by making post paid or delivering a copy of this citation to all known persons interested in the estate, seven days at least before said Court.

Witness, James H. Flint, Esquire Judge of said Court this eighth day of December, in the year one thousand nine hundred and five.

(Signed) John D. Cobb, Register. I have proved the above citation as therein ordered by publishing and reading.

(Signed) Charles A. Williams

Norfolk, ss. January 1, A.D. 1906. Then personally appeared Charles A. Williams, and made oath that the above return by him subscribed is true.
Before me. (Signed) John D. Cobb, Justice of the Peace.

Commonwealth of Massachusetts,
Norfolk, ss.

At a Probate Court, holden at Dedham in and for said County of Norfolk, on the third day of January in the year of our Lord one thousand nine hundred and six.

On the Petition of Edward W. Atkinson of said Brookline, and Earnest Winnet of Boston Mass in the County of Middlesex praying that the instruments herewith presented, purporting to be the last Will and Testament of Edward Atkinson late of Brookline in said County of Norfolk deceased, may be proved and allowed, and letters testamentary issued to them the executors therein named, without giving a surety on their bonds.

And the heirs at law, next of kin and all other persons interested having been notified according to the order of the Court to appear and show cause, if any they have against the same; and no party appearing thereto, and it appearing that said instrument is the last Will and Testament of said deceased, and was legally executed and that said testator was at the time of making the same, of full age and sound mind: and that said petitioners are competent persons to be appointed to said trust: It is therefore decreed that said instrument be approved and allowed as the last Will and Testament of said deceased, and letters testamentary be issued to said petitioners, they first giving bond, without surety for the due performance of said trust.

(Signed) James H. Flint, Justice of the Peace.

Witness all men by three Presents, That I, Edward W. Atkinson of Brookline in the County of Norfolk in the Commonwealth of Massachusetts, am hereby and shall forever bound and obliged unto James H. Flint

Esquire, Judge of the Probate Court, in and for said County of Norfolk, in the full and just sum of Two thousand and fifty thousand dollars to be paid to said Judge and his successors in said office to the true payment whereof I bind myself and my heirs, executors and administrators by these presents sealed with my seal, and dated the sixteenth day of December in the year of our Lord one thousand nine hundred and five.

The Condition of this obligation is such that if the above named Edward W. Atkinson executor of the last Will and testament of Edward Atkinson late of Brookline in the County of Norfolk, deceased, shall:—
First make and return into said Probate Court, within two months after his appointment, a true inventory of all the real and personal estate of said deceased which at the time of the making of such inventory shall have come to the possession or knowledge of said executor.
Second:—administer according to law and to the will of said deceased, all the personal estate of said deceased which may come to the possession of said executor, or of any person for him, and also the proceeds of any of the real estate of said deceased that may be sold or mortgaged by said executor; and Third, render upon oath, a true account of his administration, at least once a year until his trust is fulfilled, unless he is excused therefrom in any year by said Court, and also render such account at such other times as said Court may order.

Then this obligation to be void, otherwise to remain in full force and virtue.
Signed sealed and delivered
in presence of—

Charles A. Williams
Norfolk, ss.

(Signed) Edward W. Atkinson
Jan 3 - 1906. Examined and approved.
(Signed) James H. Flint
Judge of Probate Court

I Edward W. Atkinson the within named executor declare that, to the best of my knowledge and belief the estate and effects of the within named deceased do not exceed in value the following sum viz.

Real Estate \$ none. Personal property \$ 200,000—
(Signed) Edward W. Atkinson

Known all men by these presents,

That I Earnest Minor of Newton in the County of Middlesex in the Commonwealth of Massachusetts, late Resident and stand firmly bound and obliged unto James H. Flint, Esquire, Judge of the Probate Court, in and for said County of Norfolk, in the full and just sum of Two thousand and fifty thousand dollars to be paid to said Judge and his successors in said office: to the true payment whereof I bind myself and my heirs, executors and administrators by these presents. Sealed with my seal and dated the sixteenth day of December in the year of our Lord one thousand nine hundred and five.

The Condition of this obligation is such that if the above named Earnest Minor, executor, of the last Will and testament of Edward Atkinson late of Brookline in the County of Norfolk, deceased, shall:—
First, make and return into said Probate Court, within two months after his appointment, a true inventory of all the real and personal estate of said deceased which at the time of the making of such inventory shall have come to the possession or knowledge of said executor.

Second:—administer according to law and to the will of said deceased, all of the personal estate of said deceased, which may come to the possession of said executor, or of any person for him, and also the proceeds of any of the real estate of said deceased that may be sold or mortgaged by said executor; and Third, render upon oath, a true account of his administration at least once a year, until his trust is fulfilled, unless he is excused therefrom in any year by said Court, and also render such account at such other times as said Court may order. Signed sealed