

Last Will and Testament

OF

CHARLES EDWARD FORBES

LATE OF

Northampton, Mass.

This copy has been carefully compared with the holographic Will on file in the Registry of Probate for Hampshire County. It is believed to be exact in spelling, punctuation and paragraphing.

The figures enclosed in brackets [] denote the commencement of each page in the original Will.

PUBLISHED BY FORBES LIBRARY

AUGUST 1904

I Charles E. Forbes of Northampton in the County of Hampshire and Commonwealth of Massachusetts, being of sound and disposing mind and memory, do hereby make, publish and declare the following holograph to be my last will and testament, hereby revoking all wills and testaments by me at any time heretofore made.

1. I direct all my just debts and funeral expenses to be paid out of my estate by my executors hereinafter mentioned, together with the cost of a lot of ground and a decent monument to my memory to be erected by them in the cemetery in said Northampton.

2. I hereby give and devise to my half-brother Henry of Enfield in said County an annuity of one thousand dollars a year during the period of his natural life. Also my gold watch by Jules Jurgensen, and my gold watch vest chain with a hook in the form of a Serpent's head at one end thereof.

3. I give devise and bequeath to my sister Elizabeth, usually called Betsey, of said Enfield an annuity of one thousand dollars a year during the period of her natural life, also my gold watch, a duplex repeater by Cooper, and my lightest gold watch neck chain. Also all my beds bedding, iron bedstead and furniture in my sleeping room, together with my Wilson Adjustable Chair, now in my office. It is my desire that the above annuities should be paid in quarterly payments as nearly as conveniently may be, on the first days of February, May, August and November in each year.

4. I give and bequeath to Charles F. Warner, who bears my name, in addition to what I have already given

him, all [2] my gold studs, gold sleeve buttons and silver studs and buttons, fowling piece, London pistols and all my revolvers, ammunition and hunting apparatus of all descriptions.

5. I give and bequeath to the Second Congregational Society in said Northampton my pew in the Meeting House of said Society.

6. I hereby constitute and appoint the Hon. Samuel T. Spaulding and the Hon. George W. Hubbard both of said Northampton to be the executors of this my last will and testament and also to be the trustees of all the estate, goods, effects and property hereinafter given in trust by the same. It is my request to the Judge of Probate that no bonds with sureties be required of said trustees, unless from a change of circumstances or for other sufficient reason, he shall become satisfied that the safety of the trust funds is endangered by the omission, in which case he is requested to require bonds with adequate sureties, or to remove the delinquent trustee or trustees and to appoint other trustee or trustees in their stead.

7. I give and devise to said Spaulding the use of my Law Library so long as he shall remain in the practice of the legal profession. And I recommend that a catalogue of the books composing the library be made out and lodged in the Probate Office. And I further give to the said Spaulding, in the expectation that he will accept the above named office, and execute the above named trusts, my gold watch by the Waltham Company, a stem-winder and the case thereto belonging, also my heaviest gold watch neck chain

8. I give and devise to the said Hubbard, in like expectation, my gold pocket chronometer by Hutton, and the cases [3] thereto belonging, also my gold vest watch chain with a large loop at the end thereof.

9. All the rest, residue and remainder of my property and estate real personal and mixed, wherever situate or of whatever the same may consist, I give devise and bequeath to them the said Spaulding and Hubbard, their heirs executors administrators and assigns and to the heirs executors administrators and assigns of the survivor of them and to such person as may be appointed trustee in the place and stead of either of them and to his heirs executors and administrators and assigns but in trust nevertheless and for the uses and purposes hereinafter set forth, that is to say, to establish a fund of not less than two hundred and twenty thousand dollars (\$220,000) in gold or the equivalent of gold in value, for the purchase of a site and the erection of a building, or the purchase of a building for the accommodation of a Public Library and for the purchase of books &c to be placed therein for the use of the Inhabitants of said town of Northampton and their successors forever. And I hereby order and direct that in case it shall be hereafter ascertained that by reason of heavy losses already sustained or that may be hereafter sustained, in consequence of unfortunate investments or other causes, my estate shall not be found sufficient to establish said fund of two hundred and twenty thousand dollars after payment of debts, legacies and the expenses of administration, then, and in that event my said trustees shall keep said residue and remainder safely and securely invested until the same together with the

4

accumulated income and interest shall amount to said sum, and thereupon they shall divide the same into three separate parts or portions, that is to say a BUILDING FUND of fifty thousand dollars, an AID FUND of twenty thousand dollars, and a BOOK FUND of at least one hundred and fifty thousand dollars. [4]

BUILDING FUND.

This fund is appropriated to the purchase of a suitable building, or to the purchase of a site and the erection thereon of a suitable building for the reception and safe preservation of the contents of the Library. The building to be fire proof, and situate as centrally and as near the present Court House in said Northampton as circumstances will permit, and so disconnected from all other buildings as not to be endangered by fire originating in them. In the event of a division of the town, the building, library and all the property funds and endowments thereto belonging are to be held for the use of the town in which the present site of the Court House is located. Should it be found that the above building fund of fifty thousand dollars is inadequate, I hereby authorize my said trustees, being thereto first directed by a vote of the town, to permit the whole sum of two hundred and twenty thousand dollars or upwards to accumulate for a term not exceeding ten years, the income and accumulations from said sum to be then divided into equal moieties, one moiety to be added to the building fund, and the other moiety to be added to the book fund, and to constitute a part of that fund forever. All purchases of real estate under this will to be evidenced by deed or deeds conveying a fee simple to said trustees their heirs

and assigns in legal form, duly acknowledge and recorded, but in trust alway and for the trusts and uses indicated in this will.

AID FUND.

This fund of twenty thousand dollars is to be securely invested and so kept invested forever. The income therefrom is to be used in aid of the town in the payment of employes in and about the library, and in the payment for fuel, lights and other necessary expenses, to be therein incurred. With prudent management and for a time after the library is opened and while the number of books is small, [5] the income from this fund ought to be sufficient to meet the current expenses. With the lapse of time the condition of affairs will change. But with due care, perseverance and a moderately liberal spirit, no reason is perceived why in the end this should not become an institution of great value to the town.

BOOK FUND.

This fund is to consist, at the least, of one hundred and fifty thousand dollars, and in addition thereto of the balance, if any, of my estate, after deducting the building fund, the aid fund and the book fund, all debts, legacies and the expenses of administration, and also in addition thereto of the moiety of the accumulations above mentioned, yielding annually the sum of nine thousand dollars, at the least, in gold of the present standard of the gold coinage of the United States or the equivalent thereof. This fund is to be securely invested in some productive property and to be kept so invested forever. In making investments preference is to be given 1st. To first mortgages on real estate held

in fee simple, under undoubted titles, to an amount not exceeding one half the value thereof in gold exclusive of all buildings thereon. 2^d. To registered bonds of the United States. 3^d. To registered bonds of any one of the New England States or of the State of New York. 4th. To registered bonds of any city, county or town in New England against which an action may be sustained at law to enforce its promises, and execution against which may be levied upon the person or estate of any inhabitant thereof. 5th. Beyond the above circle of investments loans may be made upon such security as the inhabitants of the town, in legal town meeting, by a majority of ten to one, may order and direct, no loan, however, shall be made to any private individual or individuals, corporation or corporations unless secured by a mortgage or mortgages on real estate as is above required. As this fund will be the mainspring of the institution, I will and direct that in case of losses by reason of [6] bad investments, dishonesty of treasurers, trustees or other officers or from any other cause whatever, the income arising from this fund and also from the aid fund shall be applied towards the making good of such losses and to no other purpose, until such losses are fully repaired. The income from the Book Fund, except as above directed, shall be applied exclusively to the purchase and repair of books, pamphlets, manuscripts and papers of a literary or scientific character and the binding of the same. Maps and charts and to a limited extent statuary, paintings engravings and photographs may be purchased as ornaments to the library and aids to scientific inquiry. Said income shall never, under any pretence

whatever, be directly or indirectly applied to any other use or purpose. It is not my intention, however, that the whole income should be expended each year, but the whole or such parts thereof as may be considered to be judicious under the circumstances then existing.

It is my design to form a library of works of science and the arts in their broadest acceptation, of ancient and modern history, and of the literatures of our own and other nations; but as theological works cannot be wholly excluded, in the selection of these latter works no preference shall be given to any sect or system of theology inquiry but strict impartiality is to be extended to all of them. Histories of different religions may find an appropriate place in this department. It has been asserted that there are between two and three thousand different systems of religion in existence. But as a general rule these are the inventions of cunning men or the vagaries of semi-lunatics speaking boldly and impudently in the name of God, of whose decrees and purposes they know as little as the most ignorant of their victims. The result is seldom doubtful. It is wealth and power on the part of the prophets, ignorance and poverty on the part of the disciples.

It has been my aim to place within reach of the Inhabitants of a town, in which I have lived long and [7] pleasantly, the means of learning, if they are disposed to learn, the marvellous development of modern thought, and to enable them to judge of the destiny of the race on scientific evidence, rather than on metaphysical evidence alone. The importance of the education of the people cannot be overrated. It will be found the most

efficient if not the only protection against the inroads of a foreign superstition, whose swarms of priests, Jesuits, monks, ministers and agents are let loose upon us, and engaged in the unholy work of enslaving the minds of the multitude, and moulding them into instruments of priestly power. A power built up on the remains of ancient paganism, and sustained in one particular at least by gross fetichism. A power growing out of a monstrous perversion of the precepts and example of the founder of Christianity, by which poverty, lowliness, and self abnegation are forced to mean worldly grandeur, enormous wealth, a palace, absolutism, and an earthly crown. As the contrast, so the antagonism must always remain, between enlightened freemen, and the progeny of the Purple and Scarlet clad Mother. Let it be deeply engraven in the mind, that no strictly Roman Catholic country was, or ever can be, a free country.

I further will and direct that none but laymen shall be competent to any employment, or fill any office, or exercise any control in the management of the library.

From time to time, rules and regulations will, of course be adopted, for the preservation and use of the library. For the violation of such rules, in addition to legal remedies, the use of the library may be withheld from any inhabitant of the town either for a limited period, or for life. Any inhabitant of the town, having a right to the use of the library may request the trustee or trustees to be hereafter chosen to place therein any book or work described in writing, and should the trustee or trustees decline to comply with such request, he or they

shall state in writing the [8] the reasons therefor, which reasons shall be copied in full in the records of the library in order that the rights of the parties, if desired, may be determined at law.

The above bequest for the benefit of the Inhabitants of said Northampton is made on the following conditions,

1. That the town by vote shall accept said bequest within three years after the Probate of this will, and further,

2. By a vote duly recorded and legally binding, the Inhabitants of said Town in their corporate capacity as a town shall obligate themselves and their successors

1. To pay all expenses necessarily incurred in about the management and administration of the affairs of said library over and above the income derived from the ANO FUND.
2. To keep the library building in repair, and to rebuild the same in case of its destruction by fire or other casualty.
3. To erect or provide such other building or buildings as may hereafter become necessary in consequence of the enlargement of the library.

If said Town of Northampton refuses or neglects for the period of three years from and after the probate of this will to perform the above named conditions on their part to be performed and to assume the obligations above mentioned, then and in that event, I hereby revoke all bequests herein before made for the benefit of said town and declare the same to be null, void and of none effect: and thereupon I give, devise and bequeath all the said rest, residue and remainder of my estate and all the

accumulations thereof, and all the additions thereto, to the President and Fellows of Harvard College in the town of Cambridge, County of Middlesex and Commonwealth aforesaid to be safely invested in some productive property and to be so kept and invested as a separate fund forever; The income from said fund is to be applied, exclusively, to the support and encouragement of one or more Professors of commanding intellect and acquirements and of a natural aptitude for such pursuits, [9] to be wholly devoted to original scientific investigations; or to the procurement of the aids, means and appliances necessary or useful in such investigations. It being my object to give to scientists of preeminent capacity, an opportunity to pursue their favorite investigations, without hindrance, (as far as is practicable) from the ordinary cares and responsibilities of life.

Should the trustees nominated and appointed by this will or their successors in said trust, upon due inquiry, made as expeditiously as can be conveniently done after my decease, become satisfied that a majority of the inhabitants of said town of Northampton are disposed to accept the above bequest upon the conditions thereto annexed, it is recommended that an act be obtained from the Legislature incorporating said library, and giving to the town in their corporate capacity the requisite power and authority, by vote or votes duly passed in legal town meeting and recorded among the records of said town to adopt and execute the provisions of this will, and to perform all the conditions and to assume all the obligations therein mentioned, and to be forever bound to the performance thereof. And further that such act be

obtained previously to any action of the town upon the subject.

It is recommended that the act of Incorporation authorize said town, at any annual or special meeting of the inhabitants thereof, legally notified and warned, to elect one, or at their option, three trustees of the library and a secretary and treasurer of the corporation, and all other agents and employes therein, and to remove the same at their pleasure, to fix the compensation of each, to establish all necessary rules and regulations for the library and generally, to control all the affairs of the corporation. But in the absence of action on the part of the town, the

TRUSTEE or a majority of the TRUSTEES so elected, being first duly sworn to a faithful discharge of the duties of their office, shall have the general superintendence and management of the affairs of the corporation, shall appoint the librarian and other employes in the library and fix the compensation of each and shall have power to remove [10] any one of them for sufficient cause, they shall also have power to remove the treasurer whenever in their judgment the safety of the corporation funds requires his removal, and may appoint a treasurer *pro tempore* to continue in office until the town have opportunity to act upon the subject. they shall watch over the pecuniary interests of the trust, and shall direct the treasurer in writing as to the investments to be made, they shall examine and approve in writing all vouchers of payments made by the treasurer, shall direct the purchase by the treasurer of all books works and other articles for the library, they shall establish all necessary rules and regulations as to the use

of the library and for the preservation of the books and other property belonging thereto, and generally, they shall have all the powers of the town, had the town chosen to exercise them, except the election of trustees and of the secretary and treasurer of the corporation. Annually or oftener if the town shall so direct the trustee or trustees shall make to the town a written statement of the condition of the library, and of any improvements, alterations or changes which may have occurred to them in the interest of the corporation, and after a careful examination and scrutiny of the report of the treasurer, they shall certify its correctness, or if disapproved, they shall point out particularly and distinctly the errors, mistakes omissions or inaccuracies which it contains, so as to enable the town to act understandingly on any question arising therefrom.

The SECRETARY, being first duly sworn as aforesaid, shall make a true and perfect record of the acts and doing of the trustee, trustees and treasurer and of all acts and doings binding on the corporation. In case of a vacancy in the office or inability of the secretary to discharge his duties, a secretary *pro tempore* may be appointed and sworn by the trustee or trustees who shall continue in office until a successor is elected by the town.

The TREASURER, sworn as aforesaid shall give bonds to the corporation in such sum as the town may appoint, or in the absence of such appointment in such sum as the Selectmen of the town shall direct with good and sufficient sureties to the satisfaction of [11] said selectmen for the faithful discharge of his duties as Treasurer, the principal and sureties, by the terms of the bond, to remain responsible so long as the treasurer shall continue to

act in that capacity either with or without a re-election. It shall be the duty of the treasurer to collect all moneys due to the corporation, from time to time, as the same may fall due, to make such investments thereof as the trustee or a majority of the trustees may direct in writing, to pay all debts and sums of money due from the corporation under their direction, to keep a just and true account of all moneys received by him and of all moneys paid by him with correct vouchers therefor, and to pay over to the corporation all sums of money due from him, promptly at the termination of his treasurerhip, and to make, under oath, annually, and oftener if the town shall so direct, a detailed report to the town of all sums of money or other valuables received by him for the corporation and of all sums of money paid by him for the corporation, with dates and names of all persons from whom received or to whom paid. This report shall be delivered to the trustee or trustees for his or their examination seven days at least before the time of the town meeting to which the report is addressed.

All the records, accounts and papers of the corporation or relating to the interests or business thereof, shall at all reasonable times, and with due precautions for their security, be open to the examination of any inhabitant of the town having right to the use of the library.

After the acceptance of this bequest by the town, and the formation of the several funds as is above set forth, the trustees named in this will or their successors in said trust shall proceed to the purchase of a site and the erection of a building thereon, or shall purchase a

building for the use of said library, and after the erection or purchase of such building, said trustees shall convey, assign, transfer and set over to the trustee or trustees legally elected by the inhabitants of said town of Northampton all the [12] estate real, personal and mixed, of whatever description or wherever situate so held by them in trust as aforesaid to have and to hold to the trustee or trustees so elected as aforesaid and their successors in said office forever, upon the trusts and for the uses and purposes herein before mentioned and described in this will. (Interlineations and erasures before signature)

In witness whereof I the said Charles E. Forbes have hereunto set my hand and seal this twenty fifth day of September in the year of our Lord one thousand eight hundred and seventy six.

CHARLES E. FORBES

Seal

Signed, sealed, published and declared by the above named Charles E. Forbes to be his last will and testament in the presence of us, who at his request, and in his presence, have hereunto subscribed our names as witnesses to the same.

OSCAR EDWARDS

JAMES L. WARRINER

JOHN WHITTELEY

JOHN PRINCE

THO^s M. MEEKINS