

Be it remembered. That I, Lewis Downing, of Concord, in the county of Merrimack and State of New Hampshire, considering the uncertainty of life, do make and publish this my last will and testament, hereby disposing of all my worldly estate in manner following, that is to say:

First. I give and bequeath unto my beloved wife, Lucy Downing, all my household furniture of every name and kind, all my right and interest in and unto a certain sum of money deposited in the New Hampshire Savings Bank in Concord by her late father Jonathan Wheelock and the interest that may have accrued upon the same, and the sum of twelve hundred dollars per annum to be paid her semi-annually by my executors and trustees hereinafter named from the income of my estate during her natural life; to have and to hold the same as her absolute property forever. I do also give and bequeath unto her my said beloved wife the use, income and improvement of my mansion house and the lands therewith connected situate between Main and State Streets in said Concord, for and during the term of her natural life, the taxes and insurance upon said house and lands to be paid by my executors and trustees out of the income of my estate, so long as the same shall be occupied by my said wife.

Secondly. I give and bequeath unto my son, Lewis Downing Jr, the silver headed cane given to me by Thomas L. Eastman, and the gold bowed spectacles given me by Charles Main, Esquire.

Thirdly. I give and bequeath unto my son, Alonzo Downing, the large arm chair presented to me by the shop hands.

Fourthly. If my brother, Oliver Downing, is living at my decease, I give and bequeath unto him the sum of four hundred dollars per annum during his natural life, to be paid him quarterly by my executors and trustees out of the income of my estate.

Fifthly. I give and bequeath unto the Concord Female Benevolent Association, a ladies charitable Society connected with the Second Congregational (Unitarian) Society in said Concord, the sum of fifty dollars per annum during the life time of my beloved wife; I also give and bequeath unto the Sunday School connected with said Second Congregational (Unitarian) Society, the sum of Twenty five dollars per annum for the ten of twenty five years, to be expended in the purchase of books for the

use of said School; the foregoing legacies to be paid by my executors and trustees out of the income of my estate.

Sixthly. All the rest, residue and remainder of my estate, real, personal and mixed, of whatever name and kind, and wherever situate, I give, devise and bequeath unto Joseph C. A. Hill, now of San Francisco, California, Asa Fowler and Woodbridge Odlin, both of Concord aforesaid, and their successors in trust hereby established, their heirs and assigns forever, in trust and upon the express condition, that they shall hold, manage and control, sell, invest and reinvest and loan upon interest, in such stocks, bonds, notes or other securities as they may consider most profitable and secure for the increase and benefit of my said estate as a perpetual fund, the whole of my said estate, and pay the net income and profits thereof for the purposes and uses following, that is to say: in trust and confidence that from the net yearly income of my said estate in the hands of said Trustees and their successors, they shall first pay the several legacies hereinbefore specified to my beloved wife, my brother Oliver and the Concord Female Benevolent Association and the Sunday School of the Second Congregational (Unitarian) Society, and all taxes and insurance upon the mansion house and lands connected therewith, and of the balance of said yearly income, shall pay annually one sixth part thereof to my daughter Lucy M. Grover, one sixth part thereof to my daughter Mary Ann Downing, one sixth part thereof to my daughter Ellen A. Hill, two sixth parts thereof to the New Hampshire Savings Bank in Concord, for the purposes and uses hereinafter specified, and one sixth part thereof to the Second Congregational (Unitarian) Society in Concord, for the support of liberal Christianity, as taught by the late Dr. Channing, in said society, and so continue to do so long as my said children shall all live; and when any one of my said children shall die, said trustees shall pay one fifth of said income of my estate to each of the surviving children, and two fifths to said New Hampshire Savings Bank in Concord and one fifth to said Second Congregational Society to be used as aforesaid, and so continue to increase the ratio of distribution from time to time so long as any of my said children shall be living, provided, however, that in no event shall any one of my children receive more than one thousand dollars per annum from said income and provided further that when either of my sons, Lewis Downing, Jr. and Alonso Downing shall die, one of the fractional parts of said balance of net income shall cease to be paid into said Savings Bank, and when both of my said sons shall have deceased, payments to said Savings Bank shall cease. And I further will and direct that my said trustees shall deposit the several sums by them. paid to said Savings Bank during the life of my said two sons and the survivor of them,

as a special deposit to accumulate by adding the interest accruing from time to time thereon thereto, for the full term of twenty years from the date hereof; after the lapse of which period of twenty years the inte-rest accruing from said special deposit shall annually be equally divided and paid to the then surviving children of my sons, Lewis Downing, Jr. and Alonzo Downing, per capita, and so continue to be paid to said surviving children equally per capita and to the respective heirs of each forever. And whenever by the decease of my said children, the proportional share of the balance of said net income of my estate to be paid to each of my surviving children, or to said Savings Bank on account of the children of my two sons as aforesaid, would exceed one thousand dollars, I will and order that only one thousand dollars shall be paid by my said trustees to or on account of each of my said children, but they shall pay the over plus above one thousand dollars to or on account of each of my surviving children to said Second Congregational Society for the purpose aforesaid. And upon the death of all my said children I will direct, that my said trustees after discharging and paying any annuity or annuities first provided for in this will, **annually pay the whole amount of net income arising from the estate in their hands to said Second Congregational (Unitarian) Society in Concord forever; said Society never to use more than two thousand dollars per annum of the income received from said estate, through said trustees, for the support of liberal Christianity, as taught by the late Dr. Channing, for the support of preaching in Concord; all of said income so received by said Society above the sum of two thousand dollars per annum shall be appropriated and paid by said Society forever, for the support of a minister at large for the State of New Hampshire, to preach liberal Christianity as taught by Dr. Channing, to aid and assist in building up new, and in strengthening and aiding feeble societies of the Unitarian faith, in the State of New Hampshire. And I will and direct that said Second Congregational (Unitarian) Society in Concord shall select and appoint said minister at large, and fix his compensation, and shall fix and determine, from year to year, the localities where he shall preach.** The board of trustees of my estate, held in trust as aforesaid, shall always consist of three persons, and as long as any of my children are living, they shall have the appointment of two of said trustees, commencing with vacancies that may occur by death or otherwise; and after the decease of all my children, all of said trustees shall be appointed by said Second Congregational Society in Concord, and such security may be required for the safe keeping of said funds as said Society may think proper, or the law may require. But, so long as the trustees I have appointed, or such as my family may appoint, shall continue to act, I will and direct that they shall not be required to give any other than their own bonds for the faithful discharge of the duties of their trust,

I further will and order that said trustees shall severally be responsible only for their own wrongful act or neglects, and not for those of each other. I further will and order that no part of the principal or interest of the funds belonging to the estate held in trust shall be used to pay for taking care of the funds paid over to said Second Congregational Society, nor to pay said Society for applying and expending said funds according to the provisions of this will. And if said Society shall ever apply any portion of the funds paid over to them by said trustees for any other purpose than herein specified, such misapplication shall be a forfeiture of the claim of said Society to any portion of said funds, and said funds shall thereupon revert to my then lawful heirs to be distributed to them according to law.

I further will and direct that my said trustees, or their successors in the trust, upon the decease of my beloved wife, shall sell to the best advantage of my estate, the mansion house and lands connected therewith and invest the proceeds arising from such sale in such securities as they may deem most safe and profitable; and I do hereby authorize and empower my said trustees to make and execute all necessary conveyances of said premises to the purchaser or purchasers thereof.

And I do hereby constitute and appoint the before mentioned Joseph C. A. Hill, Asa Fowler and Woodbridge Odlin sole executors of this my last will and testament, hereby revoking all former wills by me made.

In witness whereof I have hereunto set my hand and seal this twenty seventh day of December A.D. 1872.

Lewis Downing (LS)

Signed, sealed, published and declared by the above named Lewis Downing as and for his last will and testament, in presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

John F. Brown

Hiram Rolfe

Seth R. Dole