



**Last Will and Testament of
Emma L. Borden**

and

Codicil to Emma Borden's Will

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For LizzieAndrewBorden.com

Last Will and Testament of Emma L. Borden

I, Emma L. Borden, of the City of Fall River, in the Commonwealth of Massachusetts, hereby revoking all other wills by me at any time made, do make, publish and declare this as and for my last will and testament, in manner following that is to say:

FIRST: I direct my executors, herein after named, to pay all my just debts, funeral charges and the expenses of settling my estate.

SECOND: I give and bequeath to the Treasurer of the City of Fall River, in the Commonwealth of Massachusetts, the sum of One Thousand Dollars (\$1,000), the same to be held by said City of Fall River, IN TRUST, the income thereof to be used and applied for the perpetual care and improvement of the family burial lot, and the monuments and stones thereon, in Oak Grove Cemetery, which was owned by my father, Andrew J. Borden, at the time of his death.

THIRD: I give and bequeath to my friend, Anna C. Holmes, of Rochester, Massachusetts, my gold lorgnette chain.

FOURTH: I give and bequeath to my friend, Josephine Ridlon, of Somerset, Massachusetts, the sum of Two Thousand Dollars (\$2,000) and all of my wearing apparel.

FIFTH: I give and bequeath to my cousin, Orrin A. Gardner, of Touisset, Massachusetts, the sum of Ten Thousand Dollars (\$10,000), and all of my household furniture and furnishings, including all books, pictures, ornaments and personal effects not otherwise disposed of in this will, if he shall survive me.

SIXTH: If my sister, Lizzie A. Borden, shall survive me and I shall own an interest at the time of my death in that tract of land with the dwelling house thereon situated on the northerly side of French Street, in said Fall River, and being the same premises now occupied by my sister and which were purchased by my sister and myself of Charles M. Allen, then I give, devise and bequeath all my right, title and interest in and to said tract of land and the improvements thereon, to my said sister, Lizzie A. Borden, and all my interest in and to the household furniture in said house or upon said premises.

If, however, at the time of my death I shall have disposed of my interest in said tract of land located on French Street and in the contents of the house, and my said sister, Lizzie A. Borden, shall survive me, then I give and bequeath to my said sister the sum of One Thousand Dollars (\$1,000).

SEVENTH: I give and bequeath to Preston H. Gardner, of said City of Providence, the sum of Fifteen Thousand Dollars (\$15,000), if he shall survive me, and if he shall not survive me I give and bequeath the said sum of Fifteen Thousand Dollars (\$15,000) to his wife, Mary E. Gardner, and to his daughter, Maude Peterson Gardner, to be shared equally between them, and in the case of the death of either of them then the whole of said sum to the survivor.

EIGHTH: I give and bequeath to Mary E. Gardner and to Maude Peterson Gardner, of said, Providence the sum of Ten Thousand Dollars (\$10,000), to be equally divided between them, and if either shall not survive me then said sum of Ten Thousand Dollars (\$10,000) to the survivor. I also give and bequeath to said Mary E. Gardner and to Maude Preston Gardner such jewelry as I may own at the time of my death.

NINTH: I give and bequeath to the following named institutions the sums of money stated, said sums to be held by them, IN TRUST, the income thereof to be applied for the furtherance of the charitable purposes and objects for which they are organized and in which they are engaged; and I declare it to be my intention that in the event that any one of them is not incorporated or is not named correctly herein, such gift is made and shall be held in such manner as to carry out the general purposes of the organization commonly known by the name hereinafter stated: To the Fall River Branch of the Association of Collegiate Alumnae, for the purpose of carrying on the work of the Ninth Street Day Nursery of Fall River, and if it shall cease to exist then for any similar work, the sum of Four Thousand Dollars (\$4,000) to the Rescue Mission of Fall River, Massachusetts, the sum of Two Thousand Dollars (\$2,000); to the Children's Home of Fall River, the sum of Four Thousand Dollars (\$4,000); to the Fall River Women's Union, of Fall River, the sum of Two Thousand Dollars (\$2,000); to the Home for Aged People in Fall River the sum of Ten Thousand Dollars (\$10,000); to the Association for Community Welfare in Fall River, the sum of Six Thousand Dollars (\$6,000); to the Animal Rescue League of Fall River, the sum of Twenty Thousand Dollars (\$20,000); to the Fall River Deaconess Home of Fall River, the sum of Three Thousand Dollars (\$3,000); to the Young Men's Christian Association of Fall River, the sum of Ten Thousand Dollars (\$10,000); to the Salvation Army of Massachusetts, Incorporated, to be used and applied only in its work in city of Fall River, Massachusetts, and in that vicinity, the sum of Six Thousand Dollars (\$6,000); to the Massachusetts Girl Scouts, Incorporated, to be used and applied only to the Local Council of Fall River for work in and about Fall River, the sum of Five Thousand Dollars (\$5,000); to the District Nursing Association of Fall River, the sum of Ten Thousand Dollars (\$10,000); to The Bishop Stang Day Nursery of Fall River, the sum of Three Thousand Dollars (\$3,000); to The Saint Vincent's Home Corporation of Fall River, the sum of Four Thousand Dollars (\$4,000); to the Boys' Club of Fall River, the sum of Five Thousand Dollars (\$5,000); and to the Massachusetts Society for the Prevention of Cruelty to Children, incorporated in 1878, for the use of its Fall River District, the sum of Five Thousand Dollars (\$5,000).

TENTH: I give and bequeath to the Rhode Island Hospital Trust Company, a banking corporation duly incorporated under the laws of Rhode Island and doing business in the City of Providence, the sum of Five Thousand Dollars (\$5,000), to be added to the trust heretofore created by me with said Rhode Island Hospital Trust as trustee for the benefit of the Providence Animal Rescue (League) of the City of Providence, to become a part of the principal of said trust fund and to be subject to all the provisions of said trust.

ELEVENTH: I give and bequeath to the B.M.C. Durfee Safe Deposit and Trust Company of Fall River, Massachusetts, and to said Preston H. Gardner of Providence, Rhode Island, the sum of Five Thousand Dollars (\$5,000), to be held by them IN TRUST, nevertheless, to invest the same and keep the same invested, and to collect all the income thereof, and after paying from such income all expenses of administering this trust properly chargeable to income, to pay over the remaining or net income for the

benefit of the Boy Scout Movement as carried on in the City of Fall River, leaving it to their discretion as to whether the same shall be paid to the local organization carrying on the work of the Boy Scouts, or otherwise expending the same to carry out the objects and purposes of said Movement in behalf of the boys; and I further authorize and empower my said trustee to use any part or all of the principal from time to time as they may in their judgment deem wise and beneficial in furthering the objects of the Movement. Said trustees shall be subject to all the duties and obligations and have all the powers and privileges in the management of said trust set forth in the trust established by the Twelfth clause of this my will.

TWELFTH: I give and bequeath all the rest and residue of the property, real and personal, over which I have any power of testamentary disposition at the time of my decease, to said B.M.C. Durfee Safe Deposit and Trust Company of Fall River, Massachusetts, and to said Preston H. Gardner of Providence, Rhode Island, hereinafter called my said trustees, IN TRUST, nevertheless, to invest the same and keep the same invested, and to collect all of the income thereof, and after paying from such income all expenses of administering this trust properly chargeable to income, to pay from the net income (in quarterly payments) the annual sum of Two Hundred Dollars (\$200) to my cousin, Joseph Luther Morse, if and so long as he shall survive me and divide the remaining or net income (as the same is hereinafter defined) into five (5) equal shares, and to pay the same over bi-annually, or oftener as in the discretion of my said trustees they may deem best, in the manner and for the purposes hereinafter set forth.

Profile: Joseph Luther Morse (1864-1951) was the son of Joseph Luther and Mary Louisa Morrison (Morse) Morse. Joseph was married to Fannie Morse. Mr. Morse was a member of the Narragansett Lodge of Masons, worked for many years at Covell and Osborn Hardware Co. and later operated a doorstop service. (hydraulic device that prevented a door from slamming shut) He was a distant relative of Emma and Lizzie. He resided in Fall River for many years at 127 Hanover Street. Mr. Morse died in Fall River at the age of 86 on February 6, 1951, and is buried at Oak Grove Cemetery. There were no immediate survivors at the time of his death.

(a) To pay one of such equal shares to the Trustees of the Fall River High School Alumni Scholarships to be used and applied by said last mentioned trustees in the following manner: Such share shall be used to establish and to provide for "The Andrew J. Borden Scholarships" each scholarship to be of such amount not exceeding the sum of Three Hundred Dollars (\$300) per annum as said trustees shall determine; and I direct that such scholarships shall be awarded and given annually by said trustees one-half in aggregate amount thereof to such deserving male graduate or graduates and the other one-half thereof to such deserving female graduate or graduates of the High Schools of Fall River as they, in their discretion, shall select, such scholarship to be used to assist such graduates to secure advanced education. In the selection and appointment of such scholarships it is my desire (as printed on will) that preference shall be given to any graduate who may be named by Miss Julia A. Reed of said Fall River, or by said Orrin A. Gardner of said Touisset, during the lifetime of either of them.

(b) To pay one of said equal shares to the Young Men's Christian Association of Fall River, to be used for its general purposes.

(c) To pay one of said equal shares to the Animal Rescue League of Fall River, to be used for its general purposes.

(d) To pay one of said equal shares to the Home for the Aged People of Fall River, to be used for its general purposes.

(e) To pay one of said shares to the Association for Community Welfare of Fall River, Massachusetts, to be used for its general purposes.

And I hereby authorize and empower my said trustees to retain any investments in the form in which they are at my decease, even though of doubtful value or hazardous, and without regard to how large a proportion of my said trust property such securities may constitute, without being responsible for any resulting loss; and to change and vary from time to time any investment or reinvestment of my said trust property, real or personal, and for this purpose or for any other purpose of said trusts to sell from time to time, at either public or private sale or at broker's board any of said investments or reinvestments thereof, real or personal, without the purchaser being under obligation to inquire the necessity or regularity of any such sale or to see to the application of the purchase moneys; and further to lease any real estate at any time constituting part of my trust property for such periods of time, even though by possibility extending beyond the period of these trust, and upon such terms as to said trustees shall seem proper, and to make partition of any such real estate by agreement or otherwise; to pay from the income of my trust estate generally all expenses of the care, management and proper repair and maintenance of any real estate, including insurance against fire and if my said trustees deem best against casualties, and to remain from my said trust estate and the income thereof their own proper compensation for their services as my trustees.

I hereby authorize and empower the said B.M.C. Durfee Safe Deposit and Trust Company to act in all matters in connection with the trust herein created, including the exercise of discretion on its part, through its officers or committee having the general oversight of trust funds.

THIRTEENTH: In case any person named as donee, legatee or devisee in this will shall oppose or aid in opposing the probate and allowance of this will, I hereby direct that any gift, legacy or devise given to such person in and by this will shall thereupon become and be null and void, and shall become and be a part of the rest and residue of my estate.

I have intentionally omitted to provide in this will for my relatives and next of kin other than those mentioned herein.

LASTLY. I hereby appoint said B.M.C. Durfee Safe Deposit and Trust Company and said Preston H. Gardner executors of this my will, and direct that they be not required to give any surety upon their bond as such executors, and so far as I have the power so to do that they be not required to file any inventory or to render any public account of my estate; and I further direct that my said executors (or any appointed in their stead) pay all death duties, legacy, transfer or inheritance taxes, or other similar taxes however designated, by whatever jurisdiction imposed, out of my residuary estate, and that the same shall be a charge upon such residuary estate to the exoneration of all legacies and beneficial interests given under this will. IN TESTIMONY WHEREOF, I have hereunto set my hand this 20th day of November, in the year of Our Lord one thousand nine hundred and twenty.

/signed/ Emma L. Borden

Signed, published and declared by the said Emma L. Borden as and for her last will and testament, in our presence, who have, at her request, in her presence and in the presence of each other, hereunto subscribed our names as witness.

Katherine Noonan 371 Sharon Street, Providence, RI
Alice Noonan 371 Sharon Street, Providence, RI
James Collins 222 Adelaide Avenue, Providence, RI

Codicil to Emma Borden's Will

I, Emma L. Borden, of the City of Fall River, in the Commonwealth of Massachusetts, do make, publish and declare this as and for a Codicil to my last WILL and TESTAMENT made in November, in the year of Our Lord one thousand nine hundred and twenty, that is to say:

FIRST. I give and bequeath to Charles C. Cook, of Tiverton, Rhode Island, the sum of Two Thousand Dollars (\$2,000), in appreciation of his faithful services to my father and to myself in connection with the management of the real estate formerly owned by my father.

SECOND: I give and bequeath to my cousin, Frank H. Gardner, of Somerset, Massachusetts, the sum of One Thousand Dollars (\$1,000).

THIRD: I give and bequeath to my cousin, William W. Gardner, of Swansea, Massachusetts, the sum of One Thousand Dollars (\$1,000).

FOURTH: I give and bequeath to Josephine Ridlon, of Somerset, Massachusetts, the sum of One Thousand Dollars (\$1,000), in addition to the sum of Two Thousand Dollars (\$2,000) already given to her in the Fourth clause of my said will.

FIFTH: If Andrew J. Jennings, of Fall River, Massachusetts, shall survive me, I give and bequeath to him the sum of One Thousand Dollars (\$1,000), as a remembrance of his many acts of kindness and of devotion to my interest and those of my father and mother during a long period of years, and in appreciation of all that he has done for me.

SIXTH: Whereas by the Tenth clause of my said will I gave and bequeathed to the Rhode Island Hospital Trust Company of Providence, Rhode Island, "the sum of Five Thousand Dollars (\$5,000), to be added to the trust heretofore created by me with said Rhode Island Hospital Trust Company as trustee for the benefit of the Providence Animal Rescue League of the City of Providence, to become a part of the principal of said trust fund and to be subject to all the provisions of said trust," which trust therein referred to, and which is hereby referred to, was that trust which I established with said Rhode Island Hospital Company as trustee, and declared in that deed of trust given by me to it dated August 14th, 1919, conveying Seven Hundred Dollars (\$700) in Third Liberty Loan Bonds, and declaring the trust conditions under which said Rhode Island Hospital Trust Company holds said gift by me then made; I now declare said trust now held by said Rhode Island Hospital Trust Company to be the trust referred to in my said will, and I do give and bequeath a further sum of Fifteen Thousand Dollars (\$15,000) to said Rhode Island Hospital Trust Company to be held by it in like manner for the benefit of the Providence Animal Rescue League of the City of Providence under the terms of said trust as declared in said trust instrument made by me to said Rhode Island Hospital Trust Company dated August 14th, 1919, this bequest of Fifteen Thousand Dollars (\$15,000) being in addition to the bequest of Five Thousand Dollars (\$5,000) mentioned in my will.

SEVENTH: In all other respects I hereby confirm my said will.

IN TESTIMONY WHEREOF, I have hereunto set my hand this twenty-second day of June, in the year of Our Lord one thousand nine hundred and twenty-two.

/signed/ Emma L. Borden

Signed, published and declared by the said Emma L. Borden as and for a codicil to her last WILL AND TESTAMENT in our presence who have, at her request, in her presence and in the presence of each other, hereunto subscribe our names as witnesses.

Alice Noonan	371 Sharon Street, Providence, RI
Katherine Noonan	371 Sharon Street, Providence, RI.
James Collins	222/322 Adelaide Ave., Providence, RI