

THE LAST WILL AND TESTAMENT OF CLARA M. PARRISH, DECEASED.

STATE OF ALABAMA
COUNTY OF DALLAS,

KNOW ALL MEN BY THESE PRESENTS:

That I, Clara M. Parrish, being of sound mind and disposing memory, do this my last will and testament, hereby revoking any will or wills heretofore made by

FIRST: I direct that all of my just debts shall be paid by my Executors hereinafter named, after my death as may be practicable;

SECOND: I give, devise and bequeath unto my sister, Lucia Weaver Robbins, the sum of One Hundred Dollars, cash, to be paid by my Executors hereinafter named;

THIRD: I give, devise and bequeath unto my sister, Annie P. Tarver, the sum of Two Hundred Dollars, subject, however, to the following conditions, namely; said sum shall be sent by my said sister, Annie P. Tarver, entirely upon expenses of travel in Europe; the sum shall be available for that purpose one year after my death, provided, however, that my said sister shall withhold three-fourths of said sum to be paid to her only after her steamer passage has been paid for; and if my said sister does not comply with the conditions stated herein and receive the said bequest within two years after my death, it shall thereupon become null and void;

FOUR: I give, devise and bequeath unto the Carnegie Library of Selma, Alabama, all of my books;

FIVE: I give, devise and bequeath unto my sister, Rose P. Weaver, all of my clothing and trunks, and request that she give all of such that she does not care to use herself to my sister Annie P. Tarver;

SIX: I give, devise and bequeath unto my niece, Rosalind N. Lipscomb, for and during her life, my large silver coffee urn that belonged to my mother; and upon the death of said Rosalind N. Lipscomb, I give, devise and bequeath said urn to her daughter, Rosalind;

SEVENTH: I give, devise and bequeath unto my sister, Rose P. Weaver, all of my china, glass and house furnishings, of modern make; also all of the Minter and Weaver flat silver, and request that she in turn give such flat silver to those of her nieces or nephews who most appreciate family relics;

EIGHTH: I direct that all of my other silver, which I received as wedding gifts, be sent promptly to Tiffany, in New York, to be melted and made into the upper part of a Bishop's crook, the silver to extend as far as the amount of silver thus melted will permit, topping the crook with a jeweled staff; and that my diamond rings and pin, and whatsoever stones of value that I may be possessed of, be interspersed in their settings in the silver crook: the Tiffany Company to give a written guarantee that the silver and jewels of the completed crook will be the actual silver and jewels furnished them by my Executors for the purpose; and this crook when so completed, shall be presented by my Executors to the Diocese of Alabama, with the following words engraved thereon, namely: "To the glory of God, and in loving memory of William Peck Parrish, Selma, 1860-1901";

NINTH: I give, devise and bequeath unto the Dallas Art League, of Selma, Dallas County, Alabama, any Liberty Bonds that I may own at the time of my death; and direct that the same, or the proceeds derived therefrom, be held by them as a reserve fund;

TENTH: I give, devise and bequeath, upon the conditions and subject to the trusts and provisions hereinafter set forth, to the Dallas Art League, of Selma, Dallas County, Alabama, my

house and lot on the west side of Lauderdale Street, in Selma, Alabama (the building thereon being now known as the St. Francis), namely:

- (a) The purpose of this bequest is to further and foster the art spirit in Selma, Alabama; to provide a place for the exhibition of works of art; and to further education in art;
- (b) For the first five years after this will is admitted to probate said property shall be rented by my Executors, who shall during such period pay out of the general fund of my estate all insurance, taxes, and essential repairs thereon, and my Executors shall during such period collect and hold all rents therefrom, and at the end of such period shall pay said accumulated rents thereon to said Dallas Art League, to be employed by it to place the house in a suitable condition to receive, house and exhibit my art objects and pictures, and such other pictures or works of art as said League may have or thereafter receive;
- (c) It is my will and desire that such building, or any building thereafter built upon such lot in place of the present structure by the Dallas Art League, contain a gallery well lighted and suitably arranged for the exhibition of pictures;
- (d) Said property shall never be mortgaged or conveyed by the Dallas Art League; and in the event it is mortgaged or conveyed, by the Dallas Art League, the same shall revert to and become a part of my general estate, and be governed by ITEM FOURTEENTH of this will;
- (e) And, in the event said Dallas Art League shall be permanently dissolved, or shall otherwise cease to exist and function, said property shall thereupon revert to my general estate and be governed by ITEM FOURTEENTH of this will;

ITEM ELEVENTH: I give, devise and bequeath unto the Dallas Art League all of my art objects, pictures, and antique furniture, to be by them placed in the building herein bequeathed to the Dallas Art League;

ITEM TWELFTH: I direct that my Executors shall, during the period of five years from the probate of this will, pack, store and care for all of my art objects, pictures and antique furniture bequeathed to the Dallas Art League, and deliver the same to the Dallas Art League in Selma, Alabama, at the end of such period, or sooner if desired by the Dallas Art League; and my Executors shall pay out of my general estate all packing, storing and transportation and other necessary expense in connection therewith;

ITEM THIRTEENTH: I give, devise and bequeath unto my sister, Rose P. Weaver, any and all clothes, furniture, furnishings, jewelry, and such other personal belongings, of which I may die possessed, and which are not specified or otherwise bequeathed by this will;

ITEM FOURTEENTH: All the rest and residue of the property of which I may die seized and possessed, real, personal and mixed, wheresoever situated, (including cash, bonds, stocks, securities, notes and mortgages), I give, devise and bequeath unto Rose P. Weaver and Joseph P. Parrish, to be appointed as provided by the general laws of the State of Alabama, in trust, nevertheless, for the following stated purposes and uses, and subject to the following stated terms, stipulations and conditions, namely:

- (a) The property bequeathed by this Item shall be known as my general estate.
- (b) My Executors shall pay out of the personal property of my general estate all my debts, the special bequests of money made by this will, and any other items of expense authorized by this will to be paid out of such general estate, and my Executors, as such, may either withhold sufficient money or personal property from the trust provisions of this Item until such amounts have been paid, or may draw upon the personal property of said general estate, in the hands of such trustees, for such purposes;
- (c) Said trustees shall have active charge and control of all the property hereby bequeathed

(provided, however, such scholarships shall be available only to poor boys having no other means of obtaining a college education, and---)#

character, prepared to enter such university, and who are considered by the Rector and Wardens of said Church as worthy and so qualified; ^{# (as set above) #} provided, however, further, that any lineal descendant of Phillip J. Weaver, deceased, when otherwise qualified, shall have preference over others in awarding the same; and I hereby designate, Yale, Harvard, Columbia, or the University of Virginia, as the colleges to which said scholarships may be given, and all such scholarships so awarded shall be known as the Weaver-Parrish Scholarships;

(k) Prior to ^{the} vesting ~~any~~ of my entire general estate in St. Paul's Church, Selma, Alabama, my original trustees, or their successors, shall give and provide the university scholarships out of the net income of my general estate, in the same manner as particularly set forth in paragraph "(j)" next, hereinabove, except that the award shall be made by said trustees, or their successors, during such period, in lieu of the Rector and Wardens of said Church, but otherwise subject to the same terms, conditions, and provisions specified;

(l) That neither my original trustees, their successors, nor St. Pauls Church, Selma, shall ever hypothecate, encumber or mortgage any of the property of my general estate, but they, respectively, are authorized within their discretion to sell any personal property for re-investment only; and may, only with the approval of the Chancery Court of Dallas County, Alabama, or the Circuit Court of Dallas County, Alabama, in Equity, sell any of the real estate only for re-investment. (excepting the lands owned by me situated in Fayette County, Texas, shall not be sold until after the expiration of fifty years from the probating of this will); and the real and personal property so acquired upon re-investment to be subject to the same terms, conditions and trusts as the original property;

(m) The payments hereinabove provided to be made to Rose P. Weaver and William M. Weaver (in trust), from the net income of my general estate, shall begin twelve months after the probate of this will; and the payments from said net income provided to be made to St. Paul's Church, Selma, shall begin to be made by my trustees only after the expiration of five years from the probate of this will;

ITEM FIFTEENTH: That in the event the perpetual trust created and vested in St. Paul's Church, Selma, to take effect by the terms of this will upon the death of both my said sister, Rose P. Weaver, and brother, William M. Weaver, should be adjudged or decreed by a court of competent jurisdiction to be illegal, I give, devise and bequeath all of the property of my general estate, upon the death of both said Rose P. Weaver and William M. Weaver, unto said St. Paul's Church, Selma, in fee simple, forever: with the request, however, that said Church carry out the purposes and wishes expressed by me in this will, in the use of the income from such property.

ITEM SIXTEENTH: That said Rose P. Weaver and Joseph P. Parrish, as trustees under this will, shall not be required to give any bond or security, as such trustees; and shall not be required to make any report or accounting to any Court; and they may charge for their services as trustees compensation at the same rate as allowed by the Laws of the State of Alabama to Executors.

ITEM SEVENTEENTH: I hereby appoint Rose P. Weaver and Joseph P. Parrish as Executors of this my last will and testament, and expressly exempt them from the execution of any bond or bonds as such.

IN WITNESS WHEREOF, I, Clara M. Parrish, hereunto set my hand and affix my seal, in the presence of the attesting witnesses hereto, on this the 28th day of June, A.D., 1924.

Clara M. Parrish (SEAL)

to them, and may lease, repair, improve, and generally manage and all real property composing or included in said general estate; collect any and all rents; interest and income from the property composing or included in said general estate; collect any and all rents, interest and income from the property of said general estate; keep fully insured any insurable buildings or structures thereon; make any and all repairs which they may deem necessary; rebuild any building or improvement destroyed by fire or otherwise, within their discretion, out of any funds collected as insurance, or out of the income from said general estate; collect receipt for any principal or interest due upon any note, bond, mortgage or other security;

(b) The same power, authority and discretion may be exercised by any succeeding trustees as is hereby given to the original trustees herein named; except any trustee or trustees appointed under the general laws of the State of Alabama in lieu of the original trustee or trustees shall not be exempt from giving the necessary bond as such;

(c) Any expenses or expenditures authorized to be paid or made by said trustees (or by my executors) shall first be deducted in ascertaining the net income from my general estate.

(d) One third of the net income from my general estate shall be paid by said trustees to my sister, Rose P. Weaver, for and during her life; such payments to be made quarterly;

(e) One third of the net income from my general estate shall be paid by said trustees to my brother, William M. Weaver, in trust, for the maintenance and support of his wife and children for the education of his children; said payments to be made by said trustees to said William M. Weaver, in trust, quarterly, for and during his natural life only; and the expenditure of said funds by said William M. Weaver under the terms hereof shall be within his discretion, without liability to account or report to any Court of his actions as trustee hereof, and no one of the beneficiaries thereof shall at any time be entitled to demand a separate accounting, division or distribution thereof; and, in the event of the death of said William M.

Weaver's wife and all of his children prior to his death, said one third of said net income of my general estate shall be paid to him for his own use and benefit during his natural life;

(f) One third of the net income from my general estate shall be paid by said trustees to St. Paul's Church, Selma, to be used by said Church as follows: To relieving the poor, especially the sick poor, of Selma, Alabama, irrespective of race, creed or color; and to maintain or keep available, for charity patients, one or more beds in a Selma hospital or hospitals, having due consideration for the needs of colored as well as white patients, and the fund used for such purpose to be known as the "Weaver-Parrish Memorial";

(g) Upon the death of my sister, Rose P. Weaver, or my brother, William M. Weaver, the one third of the net income from my general estate paid to her or him shall thereafter be used by my trustees in improving the real property, or be added to the corpus of my general estate;

(h) Upon the death of both ^{my} sister, Rose P. Weaver, and brother, William M. Weaver, all of the property, real, personal and mixed, of my general estate, I hereby give, devise and bequeath unto St. Paul's Church, Selma, Alabama, in trust, forever, for the following purposes and uses, namely: To use the net income, only, in relieving the poor, especially the sick poor, of Selma, Alabama, irrespective of race, creed or color; and in maintaining or keeping available, for charity patients, one or more beds in a Selma hospital or hospitals, having due consideration for the needs of colored as well as white patients, the fund used for such purpose to be known as the "Weaver-Parrish Memorial"; and in giving and providing university scholarships, one to be awarded every other year, to protestant white youths, graduates of a school in Selma, Alabama, who shall have attained a high grade in scholarship, of good

Attesting Witnesses:

H. C. Armstrong

John W. Lapsley

A. G. Parrish

Signed, sealed, published and declared by Clara M. Parrish, testatrix above named, as, and to be, her last will and testament, in the presence of us, and each of us, whereupon at her request, in her presence, and in the presence of each other, have hereunto set hands as subscribing witnesses, this the 28th day of June, A.D., 1924.

H. C. Armstrong

John W. Lapsley

A. G. Parrish

P R O O F

IN THE MATTER OF THE PROBATE OF THE LAST WILL AND TESTAMENT OF CLARA M. PARRISH, DECEASED.

H. C. Armstrong, being sworn, deposes and says:

My name is H. C. Armstrong. I am over 21 years of age, and reside in Selma, Ala. I knew Clara M. Parrish in her lifetime. She is now dead. She died on the 12th day of November, 1925. I have examined the instrument in typewriting which was filed in the Probate Court of Dallas County, Ala., and propounded for probate as and for the last will and testament of Clara M. Parrish. The said instrument is dated the 28th day of June, 1924; is signed by Clara M. Parrish and attested by H. C. Armstrong, John W. Lapsley and A. G. Parrish, as attesting witnesses. The said instrument was signed by the said Clara M. Parrish as and for her last will and testament on the 28th day of June, 1924, and at her request and in her presence, and in the presence of each other on said date, the undersigned, H. C. Armstrong, and A. G. Parrish and John W. Lapsley did sign their names as witnesses. At the time of the execution of said will the said Clara M. Parrish was over the age of 21 years and I believe she was of sound mind and disposing memory.

H. C. Armstrong

Sworn to and subscribed before me this the 3rd day of December, 1925.

W. M. Vaughan, Probate Judge.

A. G. Parrish, being sworn, deposes and says:

My name is A. G. Parrish. I am over the age of 21 years, and reside in Selma, Ala. I knew Clara M. Parrish in her lifetime. She is now dead. She died in the City of New York, on the 12th day of November, 1925. I have examined the instrument in typewriting which was filed in the Probate Court of Dallas County, Ala., on November 20, 1925, and propounded for probate as and for the last will and testament of Clara M. Parrish. The said instrument is dated the 28th day of June, 1924; is signed by Clara M. Parrish and attested by H. C. Armstrong, John W. Lapsley and A. G. Parrish, as attesting witnesses. The said instrument was signed by the said Clara M. Parrish as and for her last will and testament on the 28th day of June, 1924, and at her request and in her presence, and in the presence of each other on said date, the undersigned A. G. Parrish, and H. C. Armstrong and John W. Lapsley did sign their names as witnesses. At the time of the execution of the said will the said Clara M. Parrish was over the age of 21 years and was of sound mind and disposing memory.

A. G. Parrish

Sworn to and subscribed before me this the 3rd day of December, 1925.

W. M. Vaughan, Probate Judge.

452

The foregoing is the record of the last will and testament of Clara M. Parrish, deceased, which was duly admitted to probate and record on the 3rd day of December, 1925, and recorded on the 4th day of December, 1925.

Wm. J. Anglin
Probate Judge.

THE STATE OF ALABAMA :

THE COUNTY OF DALLAS : I, B. A. Reynolds, Judge of Probate

in and for said County in said State,

do hereby certify that the foregoing and attached transcript is a true and correct copy of the Last Will and Testament of Clara M. Parrish, deceased, together with the proof thereof, as filed in this Court on the 20th day of November, 1925, and admitted to probate and record on the 3rd day of December, 1925, as the same appears of record in Will Book #6, at Page 447, et seq. of the Probate Records of Dallas County, Alabama.

Given under my hand and official Seal

this the 4th day of October, 1963.

B. A. Reynolds
Judge of Probate.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 12/12 1963
RECORDED & \$ MTG. TAX
& \$ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad A. Fowler
JUDGE OF PROBATE

228 515