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**THE WILL**  
OF  
**DANIEL WADSWORTH.**

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I DANIEL WADSWORTH, of the City and County of Hartford, in the State of Connecticut, being of sound and disposing mind and memory, do make and establish this, as and for, my last WILL and TESTAMENT.

I. I desire that my body be decently buried. I commit my soul to the mercy of GOD, hoping for pardon, and resurrection to Eternal Life, through the Atonement and Merits of his Son our LORD and SAVIOUR JESUS CHRIST.

II. I have from time to time varied my Will, according to my circumstances, and to the number and situation of those with whom I am connected, and I now make this Instrument differing from former ones, conformable to my diminished property, and to my present views of what is best for those who will have the avails of the same after my decease.

III. I have heretofore secured to my niece, Mrs. HARRIET W. Post, and her children, the use and property of the house and lot in Huntington, Suffolk county, State of New York, by an Indenture in Trust, between me and Francis Parsons and William N. Matson, Esq's., as Trustees, made the fifth day of August, 1846, which I desire to have carried out according to the terms of said Indenture.

IV. I give and bequeath the Portrait of my sister, the late Mrs. Terry, to Mrs. HARRIET W. POST. The Portrait of my mother, done by Mr. Sully, to my niece, Mrs. FRANCES ELLEN BRINLEY, and the Mineature of my late sister, in oil, done by Col. Trumbull, and also Fisher's copy of my father's picture, a bust only. A Portrait of myself, done by Mr. Sully, I bequeath to Professor SILLIMAN, of New Haven.

V. To JOSEPH TRUMBULL, Esq. I give a Picture of Schoharie Creek. To ALFRED SMITH, Esq. a Picture taken from a scene in the Last of the Mohegans, both pictures done by Thomas Cole, artist, of Catskill. I also give to ALFRED SMITH, Esq. a Case consisting of twelve drawers, with the Minerals contained in them, collected and purchased partly by Mr. Smith and partly by myself, with such casts, busts or ornaments as may be found on the case at my decease.

VI. The following Statuary and Pictures I give and bequeath to the Corporation called WADSWORTH ATHENEUM, established in Hartford, viz : 1. A Portrait of Mr. Sully, done by himself. 2. A Sea View in the British Channel, done by Couxé, an Italian, formerly of Salem, Mass. 3. The Lady of the Lake. 4. A View of the Falls of Niagara from the upper banks, on the British side. 5. A View of the Falls on the same side from below the great cascade. No. 3, 4 and 5 were done by John Trumbull, Esq. 6. A View of the White Mountains in New Hampshire, seen eighteen miles South West from the foot of Mount Washington. 7. John the Baptist in the Wilderness. 8. A Cascade on the Catskill Mountains. 9. A View of North West Bay, on the Winepiseagee Lake, in New Hampshire. 10. A View of my Farm called Monte Video, on the mountain in Avon, Connecticut. No. 6, 7, 8, 9 and 10 were all done by Thomas Cole, artist. 11. A full length Portrait, in oil, of Gen. Washington. 12. Two small Likenesses, one of Gen. Washington, and the other of his wife, Mrs. Martha Washington, being both original pictures, taken at Philadelphia whilst Gen. Washington was President of the United States, and known to be excellent likenesses, done in colored crayons, by Mr. Sharpless, an English artist of great reputation, and worthy of most careful preservation. 13. A Marble Bust of myself, done by Ives. 14. A Portrait of the last Governor Trumbull, being a copy by Bryant. 15. A Portrait of my mother, Mrs. Mehitabel Wadsworth, a copy by Bryant. 16. A Portrait of my Father and myself, both in the same picture, a copy by Bryant, from an original done by Col. Trumbull in 1784. 17. A Portrait of my late sister, Mrs. Terry, a copy by Bryant, from an original by Sully. 18.

A Portrait of my Father, copied and enlarged by Bryant, from an original by Col. Trumbull. 19. A Portrait of myself, a copy by Bryant, from an original by Ingham. 20. A Portrait of Lord Wellington. 21. A Painting, the Saviour scourged. 22. A Painting, the Saviour crowned with thorns, a copy after Rembrandt. 23. A Fruit Piece, the painter not known. 24. A Painting, Boaz and Ruth, supposed to be an original sketch of the school of Venice. 25. A Painting by Stuart the Younger, (a dog, horses and carriage.) 26. A Portrait of a Gentleman, painted by Col. Trumbull. 27. Charity, a painting copied in Italy from a picture of high reputation in the Gallery at Naples. 28. Two Dancing Girls, with Pedestals, modelled after Canova. 29. A Landscape, by Charles Lanman, of New York. 30. A Portrait of the first Governor Trumbull, done by Col. Trumbull. 31. A Portrait of Col. Humphrey. Part of the foregoing being now in the Gallery of said Corporation.

VII. I give and bequeath to the CONNECTICUT HISTORICAL SOCIETY, 1. A Bust of myself, in Plaster, painted. 2. A Bust of Col. John Trumbull, in Plaster. 3. A Bust of Mrs. L. H. Sigourney, in Plaster. 4. A Bust of Mr. Laurent Clerc, teacher of deaf mutes. 5. A small Statue of Gen. Alexander Hamilton, in Plaster, bronzed. 6. A Bust of the late President Day, of Yale College, unless they are otherwise supplied with one, in which case I give the same to the Young Men's Institute. 7. Burney's History of Music, in four volumes. 8. A Portrait, &c. of Distinguished Men of Tuscany, by Allegrine, four volumes. 9. Walworth's Cathedral of Canterbury. 10. The Prints published with Cooke's Voyages, most of them in frames. Part of the foregoing I have delivered to the Historical Society.

VIII. I give and bequeath to Mrs. ELIZABETH REMSEN, eldest daughter of Mrs. Amelia M. Wainwright, the Portraits, in oil, of her father and mother, both done by Col. Trumbull, and now in my dwelling house. To Mr. BENJAMIN SILLIMAN, JUN., I bequeath a small Oil Painting done on copper, called Beltshazar's Feast. To Mrs. SILLIMAN, wife of Professor Silliman, I give my Portrait of Mrs. Wadsworth, done by Sully. To Mr. SAMUEL RUSSELL, of Middletown, I give for his son, who bears

the name of Wadsworth, an Italian painting, being a landscape done in opaque water colors.

IX. To my friend BENJAMIN SILLIMAN, Esq. I give and bequeath the sum of two thousand dollars. To my adopted daughter, MRS. AMELIA M. WAINWRIGHT and her children, I bequeath the sum of five thousand dollars. The two preceding bequests are to be paid to Mr. Silliman, and to Mrs. Wainwright, who will receive the same for herself, as well as for her children, and both are to be paid within two years after my decease, and sooner if convenient in the judgment of my Executors. Should Mr. Silliman decease before the above bequest to him is paid, I give the same to his heirs. If Mrs. Wainwright should decease before the above bequest to her is paid, I give the same to her children.

X. All the rest and residue of my estate, both real and personal, of every kind and description whatever, which I may own or have right to at the time of my death, I give, bequeath and devise to the Hon. THOMAS S. WILLIAMS, JOSEPH TRUMBULL and FRANCIS PARSONS, all of Hartford, and to the survivors and survivor of them, their successors and successor in the Trusteeship of this Will, as joint tenants in fee-simple and forever, as a Fund to be held and managed by them, upon the Trusts, and for the purposes following, that is to say,

XI. The parcel of land which I bought of Thomas Miller, situate in Hartford, on the South side of the road which passes by and Westerly of the Asylum for the Deaf and Dumb, together with a triangular piece of land which I bought of John Overton, with all the buildings on either of said pieces of land, I desire my Trustees to hold for the sole and separate use of Mrs. ANN TERRY, so long as she shall remain the wife or widow of my nephew, Henry W. Terry. On the second marriage, or the decease of Mrs. Ann Terry, I give and devise said land and buildings in equal shares, and in fee-simple, to Rose and Alice, the two daughters of said Henry and Ann, to have and hold the same to them and the heirs of their bodies forever. Should the said Rose or Alice die, leaving no heir of her body, then the whole to go to the survivor and the heirs of her body. Should

both Rose and Alice decease leaving no heir of the body of either of them, said land and buildings are to revert to my Trustees, and become a part of the Trust property in their hands. My will is further, that said Rose and Alice shall be entitled to and have a home in the dwelling house, on said land, so long as they shall respectively remain unmarried.

If said Henry should outlive his present wife, he is to have and enjoy, during his life, one-third part of said buildings, and of the front of said land in common with his said daughters or daughter, and the whole of the rear land for life, dividing the front from the rear by an East and West line passing on the South side of the barn, twenty feet therefrom.

XII. The lot and buildings thereon, which I bought of Mr. Walter Pease, situate on the East side of Ann-street, where Mrs. Sophia W. Terry now lives, I desire my Trustees to hold as follows, viz: One half of the same for the use and benefit of Mrs. SOPHIA W. TERRY, so long as she shall continue unmarried, the widow of my late nephew, Edward P. Terry, deceased, and the other half thereof, during the same time, for the use and benefit of his children.

XIII. On the second marriage or the death of Mrs. Sophia W. Terry, I give and devise the said lot and buildings on Ann-street, in fee-simple and in equal shares, to and among the children of said Edward P. Terry and their representatives. And my will is that the buildings and fences on said premises so devised in said XI. and XII. Sections of this Will, be kept in suitable and reasonable repair, by, or at the expense of the person or persons who for the time being are entitled to the use of the same.

XIV. As to all the rest and residue of my estate and property of every description, my will and desire is, that the Trustees for the time being, do collect all debts which they at any time shall deem not adequately secured, or on which the interest shall not be duly paid. That they sell any stocks belonging to said Trust fund or property as they shall deem best. That they sell and convey in fee-simple, all the property and estate given to them in trust as aforesaid, both real and personal,

*XIII On the quantity of taxes, I think it is not desirable that Sophia & Henry Terry should pay the taxes on the property mentioned by them, but such an intention is opposed from the fact that they are directed to keep the buildings in repair at the expense of the heirs of their bodies forever.*

*Income tax?*

*Which in the case of Sophia's Children includes them*

(except what is otherwise herein before provided for,) as soon as the same can, in their opinion be advantageously done, at public or private sale, at their discretion. That they receive and collect from time to time, all the income, interest and profits accruing thereon, and the avails of property sold by them. That from time to time they invest and reinvest all surplus monies in their hands, whether derived from debts collected, property sold, or interest accumulated, or other income, in loans upon interest secured as they deem sufficient, or in stocks of the United States, (or in other safe stocks,) bearing a fixed rate of interest, or in Bank stocks. And that they from time to time collect the interest, dividends and income thereof, and out of the same do pay the following sums and annuities, that is to say,

XV. To each of my nephews, HENRY W. TERRY and ALFRED TERRY, the sum of one thousand dollars a year. And to my nephews, ADRIAN R. TERRY and CHARLES A. TERRY, the sum of eight hundred dollars a year each, and at the same rate for any part of a year, so long as they respectively shall live; meaning and intending the same to be for their support, and for that of their wives, and for the support and education of their minor children respectively, whom they now, or hereafter may have by their present wives.

XVI. To each of my nieces, MRS. HARRIET W. POST, Miss CATHERINE E. TERRY and MRS. FRANCES ELLEN BRINLEY, for their sole and separate use the sum of one thousand dollars a year so long as they respectively shall live; meaning and intending the same to be for their support, and for the support and education of their minor children respectively, which they now, or hereafter may have.

XVII. Should the said Henry W. Terry or Alfred Terry decease before his present wife, then to his or their widows or widow respectively, as the case may be, the sum of eight hundred dollars a year each, and at the same rate for any part of a year, so long as she shall remain unmarried, the widow of such deceased nephew; meaning and intending the same to be for the support of herself, and for the support and education of such child or children under twenty-one years of age, as may have

been left to her by her husband deceased as aforesaid during their minority.

XVIII. Should the said Adrian R. Terry or Charles A. Terry, or either of them decease before his present wife, then to his or their widows or widow respectively, the yearly sum of six hundred dollars each, and at the same rate for any part of a year, so long as she or they shall remain unmarried, widows of such deceased.

XIX. To Mrs. SOPHIA W. TERRY, for her support, and for the support and education of her five minor children, one thousand dollars a year so long as there remains five minor children of Edward P. Terry, and she remains his widow. And said sum is to be diminished at the rate of one hundred dollars a year, so fast as the number of said minor children shall be lessened, whether by death or by their arriving at full age. And when no child of said Edward P. remains under twenty-one years of age, then to said Sophia five hundred dollars a year, and at that rate for any part of a year so long as she remains the widow of said Edward P. Terry.

XX. To every child of either of my said nephews or nieces, who shall be not less than twenty-one years old, and from the time when they respectively become twenty-one years old, one hundred and twenty dollars a year, and at the same rate for any part of a year, so long as the Trust fund or property shall be and remain in the hands of Trustees, and until the same be divided and the trust closed.

Provided, however, that whenever, and as often as the Trustees for the time being, are satisfied that it will be as well for any such child, to pay to him or her a principal sum of two thousand dollars, in lieu of such annuity of one hundred and twenty dollars, whether it be to assist such child in business, or to settle him or her in life, or for whatever reason, then and in such case, the Trustees are empowered, at their discretion, to pay to such child the whole, or any part of such principal sum of two thousand dollars. And whenever the whole of said principal sum shall have been paid to any child, the whole annuity to such child shall cease and be extinguished. And so long as a part

only of such principal sum shall have been paid to any such child, the annuity to him or her shall be reduced in the same proportion; and shall thereafter be at the rate of six per cent. a year, on such of said principal sum as remains in the hands of the Trustees not paid over to such child. Should any of said children become twenty-one years of age while I live, the annuity to such child is not to be reckoned back, but is to commence accruing from the time of my death. I have advanced and paid to Quintin C. Terry a principal sum of two thousand dollars, and he is therefore not to receive any annuity or other payment by virtue of this XX. Section of my Will.

XXI. Should either of my said nieces decease, leaving a minor child or children, or should either of my said nephews and his present wife both decease leaving a minor child or children, or should the present wife of either of my said nephews be left a widow and marry again, whilst any child or children of hers by said nephew is a minor; or should Mrs. Sophia W. Terry marry a second time, whilst any child or children by said Edward P. Terry is a minor, then to and for the support and education of every such minor child, during his minority, two hundred dollars a year, and at the same rate for a part of a year.

XXII. Having heretofore given to my niece, Mrs. Harriet W. Post on the occasion of her marriage about three thousand dollars, and to Mrs. Frances E. Brinley, five hundred dollars, for the purpose of placing my three nieces on a more equal footing, I hereby give to Miss CATHERINE E. TERRY the sum of three thousand dollars, and to Mrs. FRANCES E. BRINLEY the sum of twenty-five hundred dollars, unless paid to them during my life time; and payable to them for their sole and separate use respectively.

XXIII. Every annuity which has no other time of beginning expressed or indicated herein, is to commence accruing at and from the time of my decease.

I desire to have all annuities paid half yearly in equal moities, the first payment to be as nearly at six months from and after their commencement respectively as may be convenient. I empower the Trustees to fix upon the half yearly periods for pay-

ing each and all of said annuities, and to fix upon such periods or times in the year as they deem will be most convenient for that purpose. And when said half yearly periods are fixed or determined upon by said Trustees, the several annuities are thereafter to be payable at the times fixed by them, and are to be adjusted to such times by making one of the payments to each annuitant proportioned to the time between the commencement of his or her annuity and the next following period of payment as fixed by the said Trustees.

XXIV. The annuities in several clauses or Sections of my Will, viz: XV., XVI., XVII., XVIII. and XIX. are declared to be for the support of the persons designated therein, and for the support and education of their minor children. And I hope that in every instance, they will be so expended, in accordance with my expressed meaning and intention. But if, at any time the Trustees for the time being, are of the opinion that any one or more of the said annuities is not expended in due measure and proportion for the purposes declared in said clauses or sections, I request and fully empower the Trustees, in every such instance, to employ some suitable person or persons other than such annuitant, to receive said annuity, or any part thereof, and to lay out and expend the same under their direction, and to use such other means as they deem most judicious and effectual to secure a compliance with my said expressed meaning and intention.

XXV. The annuities which are to be paid to any person or persons, mentioned or described in this Will, as well as all other sums of money, I intend for their respective personal use and benefit, and I therefore particularly provide, that no sum or sums intended to be paid as aforesaid, shall under any circumstances whatever, be anticipated, aliened, charged, or in any way incumbered, or by any means diverted from the personal benefit of the person to whom I direct and intend the same to be paid. And if one or more of the persons whom I so intend to benefit, shall do any act, or make any contract, covenant or conveyance; or if any proceeding should be had at law, or in chancery, or otherwise, by reason of which act, contract, covenant, conveyance or proceeding, he or she would, if the trust aforesaid were

to continue in his or her favor, be deprived of the personal receipt, use or enjoyment of any sums or sum as aforesaid, or any part thereof, then and in every such case, and immediately upon such act, contract, covenant, conveyance, or proceeding, the said trust for the payment to him or her of such annuity or sum of money, shall cease, determine, and be utterly void. And in that event, any sum or sums of money, which shall thereafter accrue on the trust so far as by me thus declared void, prior to the time when the same would have ceased by the terms of my Will, if no such act, contract, conveyance, covenant or proceeding, and consequent avoidance had taken place, the Trustees are to retain in their own hands as part of the Trust funds.

And in every such case, I empower and desire the Trustees, to apply from time to time, at their discretion, the amount so accruing, or any part of the Trust thus declared void, towards the support of the said person and of his family, or of his or her family alone, if he cannot legally be included in the provision. And whatever sum thereof shall remain in the Trustees' hands on the first of January in any year not applied for said purpose, the Trustees shall pay to the child or children, if any there be living of the said person, and in equal proportions if more than one, and in default of such children, or child then living, the Trustees shall keep the same as part of the Trust fund.

XXVI. (Whenever all of my nephews and nieces shall have deceased, and not before, I desire to have the Trust closed and ended,) by dividing and distributing what remains of the Trust fund and property as follows: that is to say, Should Mrs. Sophia W. Terry, or the present wife of either of my nephews aforesaid be then living, unmarried, the widow of either of my said five nephews, to every such widow the sum of two thousand dollars, in lieu of all and every annuity and further payment out of the Trust fund or out of my estate.

XXVII. If at the time fixed for closing said Trust, there be any child or children of either of my said five nephews and three nieces, whether a minor or of full age, who shall not have received the principal sum of two thousand dollars in lieu of the annuity of one hundred and twenty dollars, as mentioned in a

former clause or section of this Will, (XX.) then I give to each and every such child, whether a minor or of full age, out of said Trust fund, such a sum as will make up to him or her said principal sum of two thousand dollars, reckoning and including whatever sum shall have been previously paid to him or her, in part of such principal sum of two thousand dollars.

XXVIII. If before the closing of said Trust, any child or children of either of my said nieces, or of either of my four nephews by his present wife, or of said Edward P. Terry shall decease leaving an heir or heirs of his or their body, such heir or heirs shall in every case, both before and at the final distribution of the Trust fund, stand in the place of his or their said deceased parent, and receive the same share or shares, which such deceased parent would have been entitled to if he or she had lived till the close and ending of said Trust.

XXIX. After all the foregoing bequests, annuities, and sums of money have been paid, if any thing still remains of said Trust fund or property, my will is that the same be divided and distributed as follows: that is to say, in equal and like shares, to and amongst all the children of my three nieces and of my four nephews by their present wives, and of said Edward P. Terry, and to the heir or heirs of the body of any one or more of said children who may have deceased, the share that would have come to his or their parent had he or she lived till such final distribution.

XXX. All rights, interests and sums of money which shall come to or belong at any time or times to any married woman under this Will, shall be for her sole and separate use and benefit, free from and independent of the debts, claims, control or interference of any husband whatever, and her personal receipt shall, in all cases, be an effectual discharge and acquittance for all money which shall be paid to her, and for all estate or property which shall be transferred to her, pursuant to this Will. And the provisions of this clause shall apply to every married woman who shall have rights or interests under this Will, whether she is now married or shall hereafter be married.

XXXI. If in the course of administering the trusts of this

*Must the fund continue in hands of trustees till death of Rose & Alice as in X1 section?*

*Conflicts with latter part of X1 section which would seem to prevent the closing of the Trust until death of Rose and Alice.*

Will, it should appear that my property in the Trust fund was likely to prove insufficient to pay all the annuities and sums of money as directed herein, I desire the Trustees for the time being, to reduce the amounts, to be thereafter paid, in equal proportions, so that all who are entitled may receive a proportionate share of the fund if it proves insufficient to give them the full share, as expressed in my Will.

XXXII. I desire that my Trustees may have and exercise the power of appointing, or if that be not allowed by law, then of nominating, and from time to time, the person who shall be the successor, and take the place of such one of their number as shall be next thereafter withdrawn from acting as Trustee, or however a vacancy may arise.

If the three Trustees at any time should omit so to appoint or nominate to the next succeeding vacancy, before it takes place, I desire that the two Trustees who remain may appoint, or at least nominate, if they cannot appoint, the person who shall fill such vacancy. My object herein is not only to enable the Trustees to select persons in whom they have full confidence, but also that they may at all times have one of their number, if no more, who for a suitable compensation, will be able and willing to attend to the various duties and services required for a full discharge of the trusts of my Will. If two vacancies in the Trusteeship should happen to exist at the same time, I desire that they may be filled by the proper court or authority, by such persons as will be able and willing to perform the various services necessary to a faithful execution of the foregoing trusts.

XXXIII. I hereby revoke all former Wills and Codicils by me executed, and I nominate and appoint the Hon. THOMAS S. WILLIAMS, JOSEPH TRUMBULL and FRANCIS PARSONS, all of Hartford, Esq's., and the survivors and survivor of them to be the Executors of this my last Will and Testament.

XXXIV. I desire that my Executors shall not be required to give any bond exceeding ten thousand dollars, as I have full confidence in their integrity and judgment for the faithful settlement of my estate.

XXXV. My will is, that no bond be required of the Trustees named by me, nor of any Trustee, who may become such by their appointment, or in pursuance of a nomination made by any two of those who are named by me. Also that no such Trustee shall be answerable for any act or default of his Co-Trustee or Co-Trustees.

XXXVI. I give and bequeath the sum of three hundred dollars each, to my said Executors, for their personal care and advice in the settlement of my estate, beside their expenses.

XXXVII. As I cannot foresee the amount of care or labor which will attend the execution of the various trusts committed to my Trustees, I can only express my wishes, which are to have them suitably compensated for all their attention, care, services, and responsibility, and for all expenses attending the execution and performance of such trusts to their entire satisfaction.

XXXVIII. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, at Hartford, this 10th day of April, A. D. 1847, which is written on thirteen pages, and each page subscribed by the Testator, and a duplicate hereof executed at the same time, either of which may be used and proved as my last Will and Testament.

*Signed, sealed, declared and published by the said DANIEL WADSWORTH, the Testator, as and for his last Will and Testament, in presence of us, who in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses.*

DANIEL WADSWORTH. [SEAL.]

JAMES B. HOSMER.

CHARLES SHELDON.

CHARLES HOSMER.

I DANIEL WADSWORTH hereby make the following CODICIL to my last Will and Testament.

Mrs. WADSWORTH, with my express assent and approval, having given and bequeathed to her sister, Mrs. SILLIMAN, of New Haven, all the Silver Plate which had belonged to, or been procured by her, part of which Silver Plate is left with me to use, by Mrs. Silliman's desire.

To prevent any mistake or doubt as to the ownership thereof, I hereby give and bequeath to the said Mrs. SILLIMAN, or her heirs, all the Silver Plate marked F. T., or marked or stamped with a Bull's Head, which shall be found in my house or possession, at the time of my decease.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this 10th day of April, 1847.

DANIEL WADSWORTH. [SEAL.]

*In presence of us, who in his presence, and in presence of each other, have hereunto subscribed our names as witnesses,*

JAMES B. HOSMER.

CHARLES SHELDON.

CHARLES HOSMER.

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[*There is a Memorandum or after Codicil, of articles of Personal Property, as Tokens of Friendship, which it was not thought necessary to accompany this Copy of the Will.*]