

the income as it is divided each year; and if said interest and income shall not be adequate for the comfortable maintenance of my children as aforesaid, I order and direct the trustees or trustee who shall, for the time being, be acting under this will to appropriate such portion of the principal of said remainder of the trust premises to the purposes aforesaid as shall be requisite and necessary.

Third, At the death of my son Norman R. Grist before he attains the age of twenty-one years and before my daughter Elizabeth Grist attains the age of twenty-one years I order and direct that the above directions, orders, conditions and stipulations of the above trust estate be continued, and carried out and that the said Elizabeth Grist my daughter attains the age of twenty-one years be substituted for the day my son Norman R. Grist would have attained the age of twenty-one years had he survived, without leaving issue, be added to the fund held for the survivors or survivor, the one-fifth equal share being changed to a one-fourth equal share. My issue of my son Norman R. Grist, provided he die as above stated, shall take by representation its parents share at the time above provided for.

Fourth At the deaths of my son Norman R. Grist and my daughter Elizabeth Grist after my son Norman R. Grist before either attains the age of twenty-one years, then I order and direct that all of the above said real personal and mixed property held in trust be equally divided immediately among the survivors of the above named children and the issue of my deceased child who shall take by representation its part in the share, excluding John Grist and his issue.

Fifth And my will expressly is, that in case my said wife Mary Z. Grist shall not accept of the provisions, devises and legacies hereinbefore by me made and given her as aforesaid, and shall, at any time or times hereafter, prosecute any action or suit for dower, thirds, or any other part of my estates, real or personal, other than what I have so hereinbefore devised and given her, then and in that case and each of them, and all other legacies and bequests hereby by me before given or intended to be given to her, shall cease and be void to all intents and purposes, anything to the contrary notwithstanding.

James Grist

I give and confer to and upon the trustees or trustee acting under this will, full power and authority, by public sale or private contract, in such way and manner, and at such price or prices, as he, she or they shall deem expedient, to make sale of and convey any and all the real estate of which the trust premises are or shall be composed; and to do all needful acts requisite to convey a title thereto to a purchaser or purchasers, and to invest the proceeds arising from such sale or sales in other real estate, with like power of disposition over any and all the real estate in which the trust

premises, or any part thereof, shall be situated. And it is my will that said trustees shall not be answerable for any losses or damages to the trust premises, unless the same shall happen by their own wilful default or negligence; nor shall either of them be answerable for the other or others of them, but each for himself or herself only, and then only for such portion of the premises as shall actually be received by him or her; and I direct that said trustees shall not be required to give bonds for the faithful execution of the trusts hereby imposed in them.

If my refusal to accept said trusts, by resignation, death, removal, or refusal to act, the number of trustees shall at any time be reduced to one, it is my will that one or more trustees, shall be appointed to fill such vacancy; and I authorize my wife Mary Z. Grist, if living, in conjunction with those of my children who shall have attained majority, to appoint and nominate such new trustees or trustee with the concurrence of the judge of probate for the time being having jurisdiction over this will; and in case of their neglect or refusal, so to do I refer the appointment to said judge of Probate, or to the supreme judicial court sitting in Chaucey; and such new trustees or trustee shall have and possess all and the like interest, power and direction in and over the trust premises, as if he, she or they had been originally named and appointed, in and by this instrument (except the exemption from giving bonds for the due execution of said trusts).

I appoint my wife Mary Z. Grist and my son James M. Grist guardians to each of my children during their minority; and I direct that neither be required to give bonds for their fidelity as such guardians. I constitute and appoint my wife Mary Z. Grist and my son James M. Grist the executors of this will (which shall operate upon all real estate of which at the time of my decease I shall be owner).

I further order and direct that neither of the above said trustees and executors or their successors shall be allowed or permitted to act under any of the above said powers conferred upon them by this my will without the written consent of the other trustee or executor.

I further order and direct that if my said wife Mary Z. Grist remarries, she must give a bond for the due execution of the above said trusts and also as executor of this will and as guardian of my children during their minority.

I further order and direct that if my said wife Mary Z. Grist remarries that her said husband shall have no say, influence or control over this will, my estate, my children and the trusts provided for in this will.

In testimony whereof, the said James Grist, have to this, my last will and testament contained, on two sheets of paper, and to every sheet thereof subscribed my name, and to this the last sheet thereof, I have subscribed my name and affixed my seal this tenth day of March, A.D. one thousand nine hundred and eight.