

MEMORIAL

OF THE

EXECUTORS OF THE WILL OF JOSEPH L. LEWIS, DECEASED,

REMONSTRATING

Against the passage of a bill to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis.

JUNE 18, 1879.—Ordered to lie on the table and be printed.

To the honorable the Senate of the United States of America :

The memorial of the subscribers, named as executors in and of the last will and testament of Joseph L. Lewis, deceased, formerly of the city of Hoboken, State of New Jersey, respectfully showeth: That they have learned of the pendency before your honorable body of a bill known as H. R. 2046, Forty-sixth Congress, first session, entitled "A bill to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis"; and thereupon they respectfully represent that the 14th section of said will is as follows:

I give, devise, and bequeath all the rest, residue, and remainder of my estate, real and personal, and of every kind whatsoever of which I may die seized and possessed, and to which I may at my death be entitled, unto my executors in trust to expend and apply in reducing the national debt of the United States of America, contracted in the course of the rebellion of 1861. In the execution of this trust my executors, as trustees, may use their discretion as to the manner of applying the said residue and remainder of my estate to the reduction of said debt, but I strictly enjoin them that they personally superintend the application of the said residue and remainder to the purpose aforesaid, that there may be as little waste of it as possible, and that it may not be diverted to other uses by dishonest officials.

It is submitted that the Government of the United States has no legal title in the property devised by this will capable of being compromised. The amount of the residuary estate is directed to be applied by the executors toward canceling the national debt created by the rebellion. But the manner of so applying it is left to the discretion of the executors, who are bound to superintend it.

A copy of the will is hereto appended.

Your memorialists further show that the parties at whose instance, as they understand, said bill was brought before Congress are none of their legal heirs of the testator, are not mentioned in said will (except Frances Grace, for whom provision is made thereby), and have no claim upon his estate; all, including said Frances Grace, being illegitimate, and at any rate only half relatives by blood, the laws of New Jersey debar them from any claim. So, it is understood, do the laws of British Jamaica, whence they come; they being people of color, they cannot inherit or take as next of kin. This fact was well known to the testator. When he executed the will, he stated to his counsel that he had no legal

heirs or relatives. He said also to your memorialist, G. D. H. Gillespie, that he would leave no person having a claim to his estate, and subsequent investigation has made this manifest.

The will was drawn by the testator himself, and in great measure copied from his draft by his counsel. Though about 84 years old, he was in full and remarkable possession of his faculties. A long litigation, permitted very much that no complaint might be made of haste or injustice, has shown the contrary of all the pretenses of right made by the parties alluded to, and unveiled a mass of perfidy as well as mistake and falsehood. The chancellor, who is presiding judge of the prerogative court, has lately made order that the proofs close by September 1st next, and that the cause be heard at October term following. Propositions heretofore made for alleged compromise have seemed to your memorialists wholly inadmissible, and to be sought for purposes not to be sanctioned. And your memorialists submit that nothing ought to be done by Congress, in advance of said hearing, to encourage the parties seeking the passage of this bill.

Additionally to the foregoing, your memorialists submit that to pass a bill containing such recitals as those in the preamble of said bill is both unwise and unjust. Your memorialists allege the falsity of each and every one of those recitals, and expect to make that falsity manifest. For the United States to make such solemn assertions may greatly prejudice your memorialists in the litigation going on, and may be very injurious to other legatees.

Dated June 16, 1879.

GEO. D. H. GILLESPIE, *Executor.*
JNO. WOLFE, *Executor.*

WILL OF JOSEPH L. LEWIS.

In the name of God, amen.

I, Joseph L. Lewis, of the city of Hoboken, in the county of Hudson, in the State of New Jersey, being of sound and disposing mind and memory, make and publish my last will and testament as follows:

First. I direct all my debts and funeral expenses to be paid as soon as may be reasonable after my decease.

Second. I give and devise to John Benson, Lewis Benson, Margaret Benson, and Joshua J. Benson, children of my friend Joshua Benson, all of Hoboken, New Jersey, as a memorial of my regard and esteem, my house and lot of land where I now reside on the westerly side of Bloomfield street, in the city of Hoboken, known as number three hundred and twenty-six (326), being the same premises which were conveyed to me by William Machold and wife; to be held by said John Benson, Lewis Benson, Margaret Benson, and Joshua J. Benson, and the survivors and survivor of them, for life, and at the death of the survivor of them to go to the issue of said survivor in fee, and in case the said survivor has no issue, then to go to the heir or heirs at law of said survivor in fee.

Third. I give, devise, and bequeath to Joshua Benson one-half, and to his wife, Jessie, the other half, of a certain bond and mortgage, the said bond having been made by said Joshua Benson and his mother, Margaret Benson, and secured by the said mortgage on the house in which the said Joshua Benson now resides, known as number three hundred and twenty-eight (328) Bloomfield street, in the city of Hoboken, given by Joshua Benson and his said wife, Jessie, and Margaret Benson, together with all sums, principal and interest, due and to become due thereon, and which at my death remain unpaid, and also the lands mortgaged.

Fourth. I give and bequeath to Magdelene J. Johnson, of the town of Falmouth, island of Jamaica, West Indies, the sum of ten thousand dollars, to be paid to her as follows: Five hundred (500) dollars every six months for the first three years after my death, commencing at the end of the first six months after my death; three thousand five hundred (3,500) dollars at the end of the fourth year after my death, and at the end of the fifth year after my death the remaining three thousand five hundred (3,500) dollars.

I request that the said Magdelene J. Johnson will pay to her aged aunt, Frances Grace, three hundred (300) dollars a year in equal quarter-yearly payments so long as her said aunt shall live.

Fifth. I give and bequeath to each, Marianne, Hermann, Lewis, and Lilly Batjer, children of my friend Hermann Batjer, of the city of New York, by his deceased wife, Marianne, the sum of one thousand dollars, and direct that the said sums of money be paid by my executors to Hermann Batjer, the father of said children, in trust; that he invest the same for the said children in United States bonds or State of New York stocks, and apply the interest thereof to the maintenance and support of said children, or accumulate and capitalize the interest for them as he shall see fit, and pay to each of said children when he or she reaches the age of twenty-one years his or her one thousand (1,000) dollars and the interest capitalized, due and accrued thereon.

Sixth. I give and bequeath to Jennie Hatfield, daughter of my friend General James T. Hatfield, of the city of Hoboken, the sum of one thousand (1,000) dollars, and direct that the said sum of money be paid by my executors to the said General James T. Hatfield, in trust; that he invest the same for his said daughter Jennie in United States bonds or State of New York stocks, and apply the interest thereof to the maintenance and support of his said daughter, or accumulate and capitalize the interest for her as he shall see fit, and pay her when she reaches the age of twenty-one years or when she marries, if she marries before she is twenty-one years old, the said sum of money and the interest capitalized, due and accrued thereon.

Seventh. I give and bequeath to Nellie Madeline and John Lewis, children of my friend John S. Harberger, of the city of New York, the sum of five thousand (5,000) dollars, to be divided among them, share and share alike, and direct that the said sum of money be paid by my executors to the said John S. Harberger in trust; that he invest the same for said children in United States bonds or State of New York stocks, and apply the interest thereof to the maintenance and support of said children, or accumulate or capitalize the interest for them as he shall see fit, and pay to each of said children when he or she reaches the age of twenty-one years his or her proper share of said five thousand (5,000) dollars and the interest capitalized, due and accrued thereon.

Eighth. I give and bequeath to Margaret Wolfe, daughter of my friend John Wolfe, of the city of New York, the sum of five thousand dollars, and direct that said sum of money be paid by my executors to the said John Wolfe, in trust; that he invest the same for his said daughter Margaret, in United States bonds or State of New York stocks, and apply the interest thereof to the maintenance and support of his said daughter, or accumulate and capitalize the interest for her as he shall see fit, and pay to her when she reaches the age of twenty-one years, or when she marries, if she marries before she is twenty-one years old, the said sum of money, with the interest capitalized, due and accrued thereon.

Ninth. I give and bequeath to my long-trying and faithful friend George G. H. Gillespie, of the city of New York, the sum of ten thousand dollars (\$10,000).

Tenth. I give and bequeath unto my executors, hereinafter named, in trust, to pay over to the trustees of the Five Points House of Industry, in the city of New York (incorporated in 1854), or to its treasurer for the time being, the sum of five hundred dollars (\$500), to be applied to the uses thereof.

Eleventh. I give and devise unto my executors, hereinafter named, in trust, to pay over to the treasurer or other proper officer or officers of The Woman's Hospital, of the city, county, and State of New York, the sum of five hundred dollars, to be applied to the support and maintenance of said hospital.

Twelfth. I direct and enjoin my executors and their successors in the execution of my will and administration of my estate to set apart from my estate the sum of two thousand dollars, and invest the same in United States bonds and New York State stocks, and keep the same permanently invested in good securities, and use the interest of said sum and so much of the principal as may be necessary, from time to time, in keeping my burial-ground in Greenwood Cemetery, Long Island, and the vault therein, in perfect order and repair, renovating the vault when necessary so to do, and if it be not necessary at any time to use all the interest of said sum for said purpose, then I direct that the surplus interest be capitalized and kept invested as the principal sum and applied to the same purpose.

Thirteenth. I do hereby give and bequeath to the following-named persons the articles mentioned after the name of each as keepsakes from me:

1. To my friend James M. Morrison, president of the Manhattan Bank, New York City, my gold duplex watch, numbered 8,468, made by Cooper, London (to mark the vigils kept by him over the pet lamb).

2. To John Wolfe, his choice of my two line-engraved pictures, La Maddalena del Correggio, by Loughi, 1809, proof impress; and a picture of Venus by Titian, engraved by Pound.

3. To George D. H. Gillespie, a line-engraved picture, "Ora Sesta de Notte," from

a painting by Rafael by Tomas, 1806; also my large engraved picture, "Weighing the Deer," from a painting by Fred. Taylor, engraved by Atkinson.

4. To John S. Harberger, the duplicate engraved picture, "La Maddalena del Corregio," proof 1809; also a large engraved picture of Rome; also a book, Encyclopædia of Gardening, by J. C. London, London, 1827.

5. To Robert Elder, my best fishing-rod, agate-mounted guides, and German silver reel to match, and a book, Izaak Walton's Complete Angler; plates; Bagster's edition; London, MDCCCXV.

6. To Maggie Benson, daughter of Joshua Benson, my Oxford edition of the Holy Bible, and my New York edition of the Book of Common Prayer, to match.

7. To Jennie Hatfield, in this my will before mentioned, my diamond brooch, the design of which is a rose flower, and a book entitled "Milton's Paradise Lost," 2 vols., plates, London ed., 1816.

8. To Joshua Benson, my hunting knife, with rifle-pistol attached; also an engraved picture, "Castle of Heidelberg"; also a book entitled, "Health, Diet, and Regimen," by Dr. Graham, London, 1842; also Colonel Hawker on "Shooting," plates, London ed., 1830; also all my household furniture not specifically bequeathed.

9. To John Benson, my case of Colt's revolving pistols, made for me to go to the war of 1861.

10. To Lewis Benson, my case of pistols, with barrels one inch long, but nevertheless effective; also my salmon and trout fishing-rod, with reels to match, flies, &c.

11. To my friend Robert Gilchrist, now attorney-general of the State of New Jersey, my Pompeii ring (monogramic), embracing the portraits of Socrates, Sappho, and Pluto, obtained by me at Pompeii, Italy, in 1833, and also an autograph letter from Thomas Jefferson, author of the Declaration of American Independence, dated at Monticello, October 10, 1824, to Joseph L. Lewis, No. 3 Wall street, New York.

14. I give, devise, and bequeath all the rest, residue, and remainder of my estate, real and personal, and of every kind whatsoever of which I may die seized and possessed, and to which I may at my death be entitled, unto my executors in trust, to expend and apply in reducing the national debt of the United States of America contracted in the course of the rebellion of 1861. In the execution of this trust my executors as trustees may use their discretion as to the manner of applying the said residue and remainder of my estate to the reduction of said debt; but I strictly enjoin them that they personally superintend the application of the said residue and remainder to the purpose aforesaid, that there may be as little waste of it as possible, and that it may not be diverted to other uses by dishonest officials.

Lastly. I do constitute and appoint my friends, George D. H. Gillespie and John Wolfe, both of the city of New York, executors of this my last will and testament, exempting them from all accountability for any diminution in the value of my estate, real and personal, by reason of the failure or decrease in value of any of the securities in which it may be invested or by reason of the failure or decrease in value of any securities in which my said executors may hereafter invest it, or any portion of it; provided that at the time of the investment the said last-mentioned securities appear reasonably good to an ordinarily careful man; and I do hereby revoke all former wills by me at any time made.

In witness whereof I have hereunto subscribed my name and set and affixed my seal this first day of October, A. D. eighteen hundred and seventy-three, the same being written on six half sheets of paper similar to this sheet on which I sign my name and affix my seal.

JOSEPH L. LEWIS. [L. s.]

Signed, sealed, published, and declared by the said Joseph L. Lewis, the testator, to be his last will and testament, in our actual sight and presence—we being present at the same time—who in his presence, and at his request, and in the presence of each other, subscribed our names, each with his own hand, as attesting witnesses to the due execution hereof, this first day of October, A. D. eighteen hundred and seventy-three.

ALEX. T. MCGILL,

106 Washington street, Jersey City.

GEO. SANDERSON,

201 Grove street, Jersey City.

E. DE R. GILLMORE,

156 Grand street, Jersey City.

This is a codicil to be added to the last will and testament of me, Joseph L. Lewis, which bears date on the first day of October, A. D. eighteen hundred and seventy-three.

First. I do hereby ratify and confirm my said will in all respects, save so far as any part thereof shall be revoked by this present codicil.

I do hereby revoke and alter my said will in the following particulars only, viz: I revoke the devise denominated "*Second*" in my said will, which is that to John Benson, Lewis Benson, Margaret Benson, and Joshua Benson of my house and lot where I now reside; and also the bequest and devise denominated "*Third*" in my said will, which is to Joshua Benson and Jessie Benson, his wife, of a certain bond and a mortgage on the house in which said Joshua Benson resides.

And also the bequests under the section denominated "*Thirteenth*" of my said will named in subdivision 6 (six), 8 (eight), 9 (nine), and 10 (ten) of said section, to wit, the bequest of a Holy Bible to Maggie Benson. Hunting-knife with pistol attached, an engraved picture, two books, and my household furniture not specifically bequeathed, to Joshua Benson. My case of Colt's revolving pistols to John Benson, and a case of pistols and fishing-rod, &c., to Lewis Benson. And I do will that the property so given, devised, and bequeathed, which devises and bequests I hereby intend and mean to revoke, shall pass into and be a part of the rest, residue, and remainder of my estate, and be disposed of as in my will directed.

In witness whereof to this present writing, which I hereby declare to be a codicil and the only codicil to my last will and testament, and which I direct to be added thereto, and to be taken as a part thereof, I have set my hand and seal this fifth day of June, A. D. eighteen hundred and seventy-five.

JOSEPH L. LEWIS. [L. s.]

Signed, sealed, published, and declared by the said Joseph L. Lewis, as and for a codicil to his last will and testament, and to be taken as part thereof, in the presence of us, in our actual sight—we being present at the same time—who, in his presence, and at his request, and in the presence of each other, subscribed our names, each with his own hand, as attesting witnesses to the due execution hereof, this fifth day of June, A. D. eighteen hundred and seventy-five.

ALEX. T. MCGILL, JR.,
106 Washington st., Jersey City.
GEO. SANDERSON,
201 Grove st., Jersey City.
CORNELIUS B. HARVEY,
Closter, N. J.

Filed in register's office, March 29, 1877.

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