
Will of John McKee
Deceased

COMMONWEALTH OF PENNSYLVANIA,

CITY AND COUNTY OF PHILADELPHIA, SS.

By the tenor of these presents, I. JACOB SINGER,
Register for the Probate of Wills and Grant-
ing Letters of Administration in and for the
City and County of Philadelphia, in the Com-
monwealth of Pennsylvania,

Seal of
Register of
Wills,
Philadelphia
County.

DO MAKE KNOWN TO ALL MEN, That on the twenty-first day of May, A. D. 1902, at Philadelphia, before me, was proved and approved the last Will and Testament of John McKee, deceased (a true copy whereof to these presents annexed), having, whilst he lived and at the time of his death, divers Goods, Chattels, Rights and Credits within the said Commonwealth; by reason whereof the approbation and insinuation of said last Will and Testament, and the committing administration of all and singular the Goods, Chattels, Rights and Credits which were of the said deceased; and also the auditing the accounts, calculations and reckonings of the said administration and absolute care of the same, to me are manifestly known to belong; and that administration of all and singular the Goods, Chattels, Rights and Credits of said deceased any way concerning his last Will and Testament, is committed to Patrick John Ryan and Joseph P. McCullen, Executors in the said Testament named; they having first been duly sworn well and truly to administer the Goods, Chattels, Rights and Credits of the deceased, and make a true and perfect inventory thereof and exhibit the same into the Register's Office of Philadelphia, on or before the twenty-first day of June next, and to render a just and true account, calculation and reckoning of the said administration, on or before the twenty-first day of May, one thousand nine hundred and three (1903) or when lawfully re-

quired; and also to diligently and faithfully regard and well and truly comply with the provisions of the Act relating to Collateral Inheritance.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of Office, at Philadelphia, this twenty-first day of May, in the year of our Lord one thousand nine hundred and two.

The said Testator died on the sixth day of April, 1902, at 10.10 o'clock P. M., as per affidavit filed.

CHARLES IRWIN,
Deputy Register

BE IT REMEMBERED, That I, John McKee, of the city of Philadelphia, at present residing at No. 1030 Lombard Street, in said city, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare the following to be my last Will and Testament, hereby revoking all wills and testaments, or writings in the nature thereof, by me at any time heretofore made.

Col. John McKee
FIRST: I order and direct my Executors hereinafter named to fully pay and settle all my just debts and funeral expenses as soon after my decease as may be practicable.

SECOND: I give and bequeath my gold watch and long chain and my rings to my grandson, Harry McKee Minton, son of my daughter, Martha Virginia Minton, deceased.

THIRD: I give and bequeath my short chain, my breast-pin and my large gold pencil to my daughter, Abby Ann Syphax, widow of Douglass Syphax, now residing with me.

FOURTH: I direct that my Executors shall provide for the burial of my body in the Lebanon Cemetery, on Passyunk Avenue, west of Broad Street, in the Twenty-sixth Ward of the city of Philadelphia, in the lot which I there

own, wherein my deceased wife lies buried, and which was conveyed to me by deed recorded in the Office for the Recording of Deeds for the city and county of Philadelphia. My body shall be placed in a black walnut coffin, covered with black cloth and with a silver plate upon it, and upon which plate shall be engraved my name and age. It shall be taken to the Catholic Cathedral of St. Peter and St. Paul, situate on Eighteenth Street above Vine Street, Philadelphia, where solemn requiem mass shall be celebrated for me. I further direct that my Executors shall engage twenty-five carriages to attend my funeral.

And whenever a sufficient sum arising from the rents, issues, income and profits of my residuary estate hereby given and devised to the Trustees hereinafter named comes into my [Trustees] hands, then I desire and direct that they will have a vault dug to the depth of eight feet in the said lot in the said Lebanon cemetery, to be walled up with brick and to have a marble slab at the bottom thereof, in which vault shall be placed the bodies of myself and wife, and also the bodies of my children, it being my desire that they shall all be buried there. My Executors shall erect over the said vault, at a cost not exceeding fifteen hundred dollars, a monument of the best granite, twelve feet in height, upon which shall be inscribed my name, the name of my wife and the names of my children as they shall be respectively buried there, and I hereby direct the Trustees hereinafter named to keep the said lot in thorough order and repair at all times, hereby authorizing them to apply yearly such sums of money as in their discretion may be required to maintain the same in thorough order and repair, such expenditure to not exceed, however, the sum of one hundred dollars per year, and the same to be paid out of the net rents, issues, income and profits of my residuary estate hereinafter given and devised to the said Trustees. I further direct that in case my daughter, Abby Ann Syphax shall be buried in the said cemetery lot, her funeral expenses shall be paid by the Executors and Trustees of this

my last Will, the outlay therefor, however, not to exceed three hundred dollars.

FIFTH: I give and bequeath unto my clerk and book-keeper, Annie Satterfield, of Number 2445 North Seventeenth Street, Philadelphia, the sum of one hundred dollars per year as long as she lives if she be employed with me at the time of my death; but, if not, this bequest shall be void.

John McKee SIXTH: Should John Donohue, my carpenter (now residing in a house owned by me, at Number 2611 East Cumberland Street, Philadelphia), continue in the employ of the Executors and Trustees of my estate, in and about the work of my estate, for the period of twenty years after my decease, then at and after the expiration of the said period I give and bequeath the sum of one hundred dollars per annum out of the income of my estate unto him, the said John Donohue, during all the period of his natural life, and at and upon the death of the said John Donohue the said annuity shall cease. I order and direct that the wages of him, the said John Donohue, during his said employment shall be at the rate at which I now pay him,—that is, at the rate of two dollars and twenty-five cents for every day he actually works. I order and direct that if, during his said employment, he misbehaves he shall for the first offense be suspended for one week, for the second offense he shall be suspended for two weeks, and, if he persists in misbehaving and in failing to do his work properly, he shall be discharged.

SEVENTH: I give and bequeath unto my cook, Susan Washington, the sum of one hundred dollars.

EIGHTH: I give and bequeath unto my painter, Samuel Ferguson, the sum of one hundred dollars.

NINTH: I give and bequeath unto Mrs. Emma Burr, of Stockton Street above Lombard Street, Philadelphia, the

sum of one hundred dollars, she having for several years past frequently attended to writing for me.

TENTH: I give and bequeath unto Raymond J. Burr, husband of the said Emma Burr, of the city of Philadelphia, the sum of one hundred dollars, he having likewise frequently attended to writing for me.

ELEVENTH: E. C. Dubison, of McKee City, New Jersey, now occupies as tenant at will one of my properties situate at the said McKee City, to wit: Farm Number 2756 West Jersey Avenue, composed of fifty acres. Under agreement with me he was to have cleared this tract of brush at the rate of five acres per year during his occupancy. If he continues to occupy said premises and to aid in overseeing my property at the said McKee City and if he shall have cleared the brush, etc., from the entire tract of fifty acres, he shall, at the expiration of twenty years after my decease, be paid out of the income of my estate the sum of one hundred dollars. He has been paid for all actual work, such as surveying, etc., which he has done for me.

TWELFTH: I give and bequeath unto Mrs. Annie E. Smith (barber), of No. 1227 Lombard Street, Philadelphia, the sum of one hundred dollars.

I order and direct that the eight several legacies and annuities of one hundred dollars each given in and by the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth items of this my last Will shall be paid over unto each of said respective legatees in four equal quarterly payments of twenty-five dollars each on the first days of January, April, July and October.

THIRTEENTH: All the rest, residue and remainder of my estate, real, personal and mixed, and wheresoever situate, and of whatsoever kind, manner, sort or description, I give, devise and bequeath to the Most Reverend Patrick

John Ryan, Archbishop of Philadelphia, and his successor and successors in said office (as the head of the Roman Catholic Church in the Archdiocese of Philadelphia), and unto my counsel, Joseph P. McCullen, IN TRUST nevertheless to, for and upon the various trusts and for the purposes hereinafter fully set forth and for none other,—that is to say, IN TRUST, to collect the rents, issues and profits of all my real estate wheresoever situate or located and to invest my personal estate and to keep the said personal estate invested in lawful and interest-paying securities, and to collect and to receive the income thereof and out of the said rents, issues, incomes and profits of my real estate and out of the income of my personal estate to pay all charges, taxes and assessments and all charge for repairing against my real estate, and all charges and assessments against my annual sums of ground rents and all other expenses which may be necessary to keep my said estate in proper order and repair, condition and preservation. I order and direct that my said Trustees and their successors shall pay the following annuities to the persons subsequently named, and at the times indicated, out of the said net rents, issues, income and profits of my said residuary estate :

(A) Unto my daughter, Abby Ann Syphax, I give and bequeath an annuity of three hundred dollars per annum, to be paid to her half-yearly on the first day of January and July in each and every year during her natural life. Immediately upon my decease I order and direct my Executors and Trustees to advance unto my said daughter, Abby Ann Syphax, the sum of one hundred and fifty dollars on account of said annuity, and from and immediately after the death of my said daughter, Abby Ann Syphax, said annuity shall cease and be no longer paid from my estate. .

(B) Unto my grandchild, Harry McKee Minton, son of my daughter, Martha Virginia Minton, I give and bequeath an annuity of fifty dollars per annum, to be paid to him half-yearly on the first day of January and July

in each and every year during his natural life, the same to commence immediately after my decease, and from and immediately after the death of my said grandson, Harry McKee Minton, said annuity shall cease and be no longer paid from my estate.

(C) Upon the death of my daughter, Abby Ann Syphax, I give and bequeath unto each of her five sons, being my grandchildren, John McKee Syphax, Douglass Prosser Syphax, Marcellus Meade Syphax, Theophilus M. Syphax and Ernest H. Syphax, an annuity of fifty dollars per annum, to be paid to them respectively half-yearly on the first day of January and July in each and every year during their respective natural lives, and from and immediately after their respective deaths the annuity given to the one so dying shall cease and be no longer paid from my estate.

FOURTEENTH: I order and direct that, when necessary so to do, my said Trustees shall alter and convert the premises Number 1030 Lombard Street, Philadelphia, into a store and dwelling, and rent the same, and, when the said Trustees shall so alter the said dwelling house into a store and dwelling, they shall build thereto a back building, three stories high and thirty feet deep by twelve feet in width, first removing the house on the rear end of the lot fronting on Ivy Street.

FIFTEENTH: Before expending any funds in improvements upon my large lot of ground on Stonehouse Lane (formerly called Arc Lane) and Fifth Street, in the city of Philadelphia, other than such as are absolutely necessary, and before proceeding to make the alterations from dwelling houses into stores of certain of my real estate, as hereinafter provided, I desire that the said Trustees, after the payment of all annuities and sums hereinbefore mentioned, shall invest whatever surplus income may be derived from my said residuary estate in loans of the United States

of America, of the Commonwealth of Pennsylvania, or of the city of Philadelphia or in such other safe investments approved by law and readily convertible into cash, until the fund of such surplus income so invested shall amount to twenty thousand dollars, which fund I desire my Trustees to keep constantly on hand, and only to draw upon in case at any time through some unfortunate contingency or accident the income of my said residuary estate thereafter received may be insufficient to pay said annuities, or to meet costs of making absolutely necessary improvements upon my real estate or to repair losses caused by fire or by the elements or to effect extra insurance or to otherwise provide for the safety, care and preservation of my real estate, and, whenever all of my children shall have departed this life, then I order and direct the said Trustees to annually thereafter, until the death of my youngest grandchild, appropriate the sum of two thousand dollars out of the net rents, incomes and profits of my said residuary estate, and the said sums so yearly appropriated shall be set aside, together with the original fund of twenty thousand dollars, and shall be invested in loans of the United States of America, of the Commonwealth of Pennsylvania, of the city of Philadelphia and in other safe investments approved by law, to be kept as a contingent fund by the said Trustees to provide for any contingency where the income of said fund, with the increase thereof, in the exercise of their discretion ought to be used for the benefit of the estate by this my last Will, devised and bequeathd, and to preserve the same from loss, damage or danger, whether from fire or other contingency, accident, incident or casualty.

SIXTEENTH: After the accumulation of the said fund of twenty thousand dollars and additions and subject to the payment of the annuities hereinbefore bequeathed and given and the other provisions of this my Will hereinbefore mentioned I desire that the said Trustees shall, after expending such part of the said net rents, issues, income and

profits of my said residuary estate as shall be required to meet the absolutely necessary improvements of my real estate, allow and permit the balance or remainder of the said net rents, issues, income and profits of my said residuary estate to accumulate until a sum of seventy-five thousand dollars shall be raised, which sum shall be invested by my said Trustees in loans of the United States of America, of the Commonwealth of Pennsylvania, of the city of Philadelphia or in other good and safe investments approved by law, which fund of seventy-five thousand dollars, with the increase thereof, shall be held until my large lot of ground on Stonehouse Lane, containing about twenty-two acres (according to a survey thereof made by John H. Dye, Surveyor), shall be entirely paved, curbed or otherwise improved as city property, and, when so improved, I direct my said Trustees to have plans of the said ground made by a competent surveyor, and to have the same laid out with proper and suitable streets and divided into convenient building lots, and from thenceforth to apply all the net rents, income and profits of my said residuary estate not required for the paying of said annuities and for the other purposes of this my Will to the completion of all improvements upon the said large lot of ground, such as grading, paving of footways and all other improvements of a similar character. And, whenever the said ground shall be fully improved in the manner above indicated and the same shall be laid out into lots suitable for building purposes, then I desire and direct the said Trustees to build a substantial brick dwelling house on each of said building lots, making any of such buildings, as seems advisable in their judgment, both stores and dwelling houses, and to pay the cost of erecting said houses out of said fund of seventy-five thousand dollars and the increase thereof. And, when said fund and its increase is exhausted, to proceed with building such of said houses, still to be built, from the said net rents, issues, income and profits of my said residuary estate.

SEVENTEENTH: After the said large lot on Stonehouse Lane shall be fully improved and all the building lots thereon be built on, as hereinbefore provided for, then I desire the said Trustees to use the entire net rents, issues, income and profits of my said residuary estate not required for the payment of annuities and for the other purposes of this my Will, and any part of the said sum of seventy-five thousand dollars, with its increase, which may not have been used, in erecting and building a store and dwelling, three stories high, on my lot of ground Number 710 West Street, in the Fifteenth Ward, Philadelphia, and also in building two stores and dwellings twenty feet front by ninety feet deep each and three stories high on my two lots of ground Numbers 3403 and 3409 Richmond Street, north of Ontario Street, in the city of Philadelphia, and also in building upon the two corner lots at the corner of Cumberland and Commerce Streets, in the city of Philadelphia, two large stores and dwellings the full size of the lots, three stories high, of the depth and in accordance with the size and shape of the lot, and at a cost of about five thousand dollars each. This lot is now rented of me by Richard C. Remmey.

John McKee

EIGHTEENTH: And after all the said buildings are erected and built and subject to the payment of said annuities and subject to the preceding provisions of this my Will I desire and direct the said Trustees to use all of the net rents, issues, income and profits of my said residuary estate in altering, changing and converting the following real estate into store properties, namely: The fifteen houses on Cumberland Street, between Almond and Commerce Streets, to be converted into stores and dwellings sixteen feet by forty feet, three stories high, with two-story back buildings. My eight houses on Bainbridge Street, Numbers 1334 to 1348, inclusive, shall also be altered and converted into stores, the main buildings to be sixteen feet front by fifty feet in depth, three stories high, with a space immedi-

ately in the rear of the main building, ten feet in depth, for the stairway, and with back buildings in the rear of the said stairway thirty-two feet in depth by twelve feet in width. And at the time of making the said alterations I desire that the buildings on Rose Street, in the rear of the said Bainbridge Street premises, shall be torn down, and the lots on Bainbridge Street, each sixteen feet in width, be run through to Rose Street, thus giving them the entire depth from Bainbridge Street to Rose Street. My three houses, Numbers 1316, 1318 and 1320 Callowhill Street, Philadelphia, to be converted into stores and dwellings, each seventeen feet and six inches in front by fifty feet in depth and three stories high. And my house Number 616 South Twelfth Street, Philadelphia, is likewise to be converted into a store and dwelling. And in case the said Trustees shall consider it for the benefit of my estate to alter any other of my dwelling houses into stores they shall have the power to do so. And they shall also have the power, whenever they consider it essential for the benefit of my estate, in case of dilapidation or when they think the neighborhood requires any building to be changed, to tear down any of the old houses, in whole or in part, and to rebuild a new building or enlarge the buildings then on the ground out of said net rents, issues, income and profits of my said residuary estate.

John McKee

The directions in this the eighteenth item of my Will are made subject to the provision and direction that the income of my estate is first to be expended in and about the improvements and erection of the buildings upon my twenty-two acres of ground at Stonehouse Lane (to be laid out in building lots) as the improvements in that neighborhood may demand it.

NINETEENTH: As concerns my lands in Russell, Logan and Cabel Counties, in the State of West Virginia; also, my tract of land of forty-nine thousand acres in Franklin county, in the State of Georgia, and my lands in Martin,

Lawrence and Johnson Counties, in the State of Kentucky, I desire and direct the said Trustees to be in no haste to sell the same or any part thereof, but to keep the same or any part thereof unsold as long, as in their judgment, the same may seem likely to increase in value, and it may reasonably seem to be to the prospective advantage of my estate to so hold the same unsold; but, in case the said Trustees at any time deem it for the advantage of my estate, either present or prospective, to sell or lease all or any of the said lands, then I authorize and empower them to do so for the best price or prices and upon the best terms they can get for the same.

TWENTIETH: I direct that none of my real estate in the city of Philadelphia, or elsewhere, other than such as I have above specified shall be sold. And in case the said Trustees have to proceed at law to recover arrearages of any ground rent belonging to my estate, or the principal and interest of any mortgage belonging to my estate, and they may have to buy the real estate out of which the ground rent issues, or upon which the mortgage may have been given, at the sale under the execution in such proceedings, in order to protect my estate from loss thereby, the property so purchased by them shall not be resold by the said Trustees, but shall remain a part of my estate for the purposes of this my Will, and be held by the said Trustees in trust for the same intents, objects and purposes for which they hold the other properties of my estate.

TWENTY-FIRST: To each of the children of my daughter, Abby Ann Syphax, as well as to each of the wives of such children as may come from Washington to attend my funeral, I give and bequeath the sum of twenty-five dollars. The sum so paid, however, shall be deducted from the amounts given to said children after the death of their mother, the said Abby Ann Syphax.

TWENTY-SECOND: It is my desire that after my decease my daughter, Abby Ann Syphax, shall reside during her

John McKee lifetime in the house Number 1355 Patton Street, in the city of Philadelphia, owned by me, and that she shall not be charged any rent during her occupation thereof. I also order and direct that she shall be permitted to take and transfer to said premises from my dwelling house such household goods as she may desire to furnish the premises Number 1355 Patton Street as her home; and I further order and direct that if she should need it for maintenance of her household my Executors and Trustees shall advance and pay to her during her occupation of said premises, 1355 Patton Street, the sum of fifty dollars, this to be in addition to the annuity of three hundred dollars to her which I have hereinbefore provided for her.

TWENTY-THIRD: I order and direct my Executors and Trustees to erect and construct, at Bristol Road and College Wharf Road, in Bristol Township, Pennsylvania, upon my lot of ground there situate an office building two stories high, twenty feet front by sixty feet deep, the second story of which shall have one room twenty feet by twenty feet, at the rear end of which shall be placed shelving for boxes. The boxes to be placed upon such shelving shall be of tin and be made suitable to hold my deeds and papers relating to my various properties. Upon the boxes there shall be painted inscriptions in indication of the contents, the method to be pursued being similar to that which I now pursue in my office at present located at Number 1030 Lombard Street, Philadelphia.

TWENTY-FOURTH: No alterations or improvements as to my real estate, with the exception of the large lot of twenty-two acres on Stonehouse Lane and Fifth Street, Philadelphia, shall be made, however, by my Executors and Trustees until the death of my children, and of such grandchildren as I may have living at the time of my decease; *provided*, however, that they shall have the right to keep all my properties in good order and repair, and to replace and rebuild any property that may be destroyed

by fire or other casualty, and in the improvement of my real estate for which in and by this my Will I have provided, my Executors and Trustees shall have the right to purchase such real estate as may be necessary for the purpose of squaring any of my building lots.

TWENTY-FIFTH: The five hundred dollars insurance moneys payable by the Prudential Life Insurance Company, of Newark, New Jersey, under the policy of insurance issued on my life, I give and bequeath unto my Executors and Trustees in trust to hold and invest the same and to keep the same invested in good and lawful securities and to use the income arising therefrom towards maintaining in good order my grave and burial lot hereinbefore mentioned.

TWENTY-SIXTH: I am the owner of a large tract of ground composed of over four thousand acres situate in the State of New Jersey and known as McKee City. I direct that the said tract of ground shall always be known as McKee City, and that in any sales that may be made of land comprised within it the property shall be described in the deeds of conveyance as being located in McKee City, in the State of New Jersey. Out of said tract of ground, upon the decease of all my children, and all of my grandchildren who may be living at the time of my decease, I give, devise and bequeath unto the Roman Catholic Bishop of the Diocese in which the said McKee City, New Jersey, is located and unto his successor and successors in office a tract of ten acres, extending from English Creek Avenue to West Jersey Avenue, facing the line of the West Jersey Railroad, and being bounded on one side by McKee Avenue. Upon the same tract of ten acres and facing West Jersey Avenue I direct that there be erected by the said Roman Catholic Bishop a Roman Catholic Church and a Rectory, or Priests' House, also a School House and a Sisters' Convent, all of which shall be under the control and management of said Bishop. Each of the said buildings, with the

lots upon which the same are to be erected, shall extend three hundred feet in depth, and the remainder of the said tract of ten acres shall be used as and for a cemetery for burial purposes under the direction and management of the said Bishop and of his successor and successors in office. This devise, however, shall not go into effect until after the death of all my children and of all my grandchildren who may be living at the time of my decease.

TWENTY-SEVENTH: In order that such a number of poor colored male orphan children and poor white male orphan children (and by the term "orphan" I mean fatherless children) born in the county of Philadelphia, Pennsylvania, as can be trained in one institution may receive a better education as well as a more comfortable maintenance than they usually receive from the application of the public funds, I order and direct that after the death of all my children and of all my grandchildren who may be living at the time of my decease my said Trustees shall hold all the said rest, residue and remainder of my estate, real, personal and mixed, whatsoever and wheresoever, *in trust*, to use the net rents, issues, income and profits thereof for the erection on my large lot of ground at College Wharf Road and Bristol Road, in Bristol Township, Bucks County, Pennsylvania, of a durable and substantial fireproof college building, with other necessary buildings, ample and complete for the health and well-being of at least two hundred male children as aforesaid, and at a cost not exceeding one hundred thousand dollars, and to be called "*Colonel John McKee's College*," which name shall be inscribed on a large marble slab in the front wall of the said college building, and in front of said college building shall be placed a statue of myself. And said lot of ground on which said college building and the other buildings in connection therewith are to be erected shall be surrounded by a well-built stone wall, eight feet high and three feet thick

at the bottom, tapering up to two feet thick at the top, the foundation of said wall to be at least two feet below the surface of the ground. The said wall shall be capped with granite slabs slanting each way on top from the middle of the wall, so as to carry off all water on each side of the wall, said capstones to extend four inches beyond the wall on each side. But neither the erection of said buildings nor of said wall shall be commenced until the decease of all my children and grandchildren who may be living at the time of my decease. The statue of myself, hereinbefore referred to, shall be erected immediately in front of the main entrance to the college building. It shall be an equestrian statue of myself as I appeared in the military equipment worn by me as Colonel of the Thirteenth Regiment, National Guards of Pennsylvania. My photograph in such equipment will be found enclosed in the envelope containing this my last Will and Testament. The said equestrian statue and pedestal on which the same is to be erected shall be of the same size, material, color, style and pattern in every way as that erected to the memory of General John F. Reynolds, on the north side of the new City Hall, or Public Buildings, in the city of Philadelphia; and on the front of said pedestal of my statue there shall be cut in large letters: "*Colonel John McKee, the Founder of this College,*" and below this shall be cut into the pedestal the date of my death.

John
McKee

Before any pupils shall be received into said college it shall be thoroughly supplied with all needful books, apparatus, appliances and furniture necessary for the comfortable lodging and thorough instruction of the pupils to be received therein. It is my will and I order and direct that all the pupils received into said college shall therein be taught a thorough naval education, similar to that taught in the United States Naval Academy at Annapolis, Maryland, and in the United States Naval War College and Torpedo School, my desire being that said college shall equip skilled men for service upon the various warships of

the United States Navy in case of there being necessity for their service in such capacity.

I desire that there shall be, from time to time, a trial and test of the skill and ability of such pupils in a practical way, and to that end I request that, if it be possible, permission be obtained from the Secretary of the United States Navy to make use of Government vessels. Connected with such college there shall be organized, of an appropriate number of pupils, a full band of music and drum corps, which shall be fully equipped.

When all the books, apparatus, appliances, furniture, naval equipments and equipments for the said band of music and drum corps shall be provided, a competent number of instructors, teachers, assistants and other necessary agents shall be selected for carrying on the work of instruction and superintendence in said college, and, when needful, their places shall be from time to time supplied; they shall receive adequate compensation for their services, but no person shall be employed who shall not be of tried skill in his or her proper department and of established moral character; and in all cases they shall be chosen on account of their merit and not through favor or intrigue. The said band of music and drum corps shall be composed of scholars of the college sufficiently instructed in music therein to perform their respective parts, and they shall perform as a band on at least two evenings of each week or else before sundown on at least two afternoons of each week. And, further, it is my will and desire that on the thirtieth day of May in each and every year (which day is known as Decoration Day or Memorial Day) the scholars of said college, with said band of music and drum corps, shall turn out and parade and decorate my grave and the graves of the colored soldiers and sailors in Lebanon and Olive Cemeteries, in the county of Philadelphia, and of the white and colored soldiers and sailors in the Cathedral Cemetery, in said county of Philadelphia, and for said purpose the said Trustees shall furnish them with

a hearse and with sufficient flowers and plants, to be paid for out of the said rents, issues, income and profits of my said residuary estate. And it is also my will and desire that whenever there is a general inspection or parade in which the military companies of Philadelphia participate the said scholars shall, on getting the necessary permission to do so, take part in such inspection or parade.

When all things are prepared as aforesaid, and not until then, the college shall be opened and pupils shall be received therein. In no case, however, shall any of the principal of the portion of my estate thus given, devised and bequeathed in trust for the erection and support of said college be used. It shall always be kept intact, and the net rents, issues, income and profits thereof and arising therefrom shall alone be used and expended for the maintenance of said college. And the erection, furnishing and equipment of said college shall proceed no faster than funds arising from the said net rents, issues, income and profits to pay therefor shall come into the hands of said Trustees. Neither shall there at any time be received into said college more pupils than there shall be sufficient of said net rents, issues, income and profits to maintain and provide for, and the proportionate number of colored and white orphan children admitted shall be kept as nearly equal as possible.

John McKee

On the application for admission of pupils an accurate statement shall be taken (in a book prepared for the purpose) of the name, birthplace, age, health, condition, and names of relatives and a statement of other particulars of moment or importance concerning said orphan applicant. No orphan shall be admitted, however, until the guardian of such child, or the Directors of the Poor, or a proper guardian, or other competent authority, shall have given by indenture, relinquishment or otherwise adequate power to enable the enforcement in said college as to such orphan of every proper restraint, and to prevent relatives and others from interfering with or withdrawing such orphan

from the institution. Those orphans for whose admission application shall first be made shall be first admitted, all things concurring. And at all times priority of application shall entitle the applicant to preference in admission, all things concurring. The orphans admitted into the college shall be there fed with plain but wholesome food and shall be clothed with plain but decent wearing apparel. Their trousers and coats shall be of material blue in color, and their garments shall be of the same cut and style. Their caps shall be blue in color, and the buttons on their coats and caps shall be of brass, with the name "*McKee*" embossed on each button. They, the scholars, shall also be lodged in a plain but safe manner. Connected with the college buildings there shall also be constructed a suitable dormitory for the scholars, and the same shall be provided with all necessary washstands and bathtubs. Due regard shall be paid to the health of the scholars, and to this end their persons and clothing shall be kept clean, and they shall have suitable and rational exercise and recreation.

They shall be instructed in the various branches of a sound English education. The course of study, in addition to the special naval training, shall include spelling, reading, penmanship, arithmetic, geography, grammar, composition and elocution; also, geometry, mensuration, surveying, algebra, the high mathematics, bookkeeping, history, particularly that of the United States, the Constitutional law of the United States and of the State of Pennsylvania, drawing, music, philosophy, chemistry, anatomy, physiology, hygiene and such other branches of learning and of science as the capacity of the several scholars may warrant. And each pupil shall also be instructed in at least one of the following languages, viz: Greek, Latin, Hebrew, French, German and Spanish. The language to be chosen shall be selected by the pupil with the advice and consent of the faculty of said college. I desire that by every proper means a pure attachment to our Republican institutions and to the sacred rights of conscience as guar-

anted by our Constitution shall be formed and fostered in the minds of the scholars.

Should it unfortunately happen that, from misconduct, any of the pupils admitted into the college should become unfit companions for the rest, and should mild means of reformation prove abortive, such pupil or pupils shall no longer be permitted to remain in the college. Those scholars who may merit it may be permitted to remain in the college and enjoy all its advantages until they respectively arrive at the age of twenty-one years. I order and direct that no scholar or pupil shall be admitted to said college under the age of twelve years or over the age of eighteen years at the time of his admission, and then only after passing satisfactory examination as to his qualifications for admission. I enjoin and require that if at the close of any year the income of the fund devoted to the purpose of the said college shall be more than sufficient for the maintenance of the institution during that year, then the balance of said income for any such year, after defraying the costs and expenses of such maintenance, shall forthwith be invested in good securities thereafter to be and remain a part of the principal; but in no event shall any part of the said principal be sold, disposed of or pledged to meet the current expenses of the institution, to which I devote, as aforesaid, only the rents, interest, income and profits thereof.

The details of the construction, equipment and organization of the said college and the instruction, discipline, training and provisioning of the scholars I necessarily leave to the discretion of the said Trustees of the fund set apart for the construction and maintenance of the same as well as to the discretion of their successors in said trust; *provided, however*, that such details shall conform to and not conflict with the directions and regulations set forth in this Will.

When the said college buildings shall have been completed, and when the said college shall be fully equipped

and furnished in every way, and be ready for the admission of scholars or pupils, there shall be a Board of Managers formed for conducting the said college and managing the same. The said managers shall be ten in number, who shall be elected by the pastors of the various Roman Catholic churches of the Diocese of Philadelphia. The election of managers shall take place on the fourth day of March in every four years. The Board of Managers so selected shall elect from out their number a President, Vice-President and Secretary, and they shall select the teachers and faculty and shall make the necessary rules for the government and management of said college, so, however, as in no way to conflict with any of the provisions of this my Will.

TWENTY-EIGHTH: The said Trustees shall always invest the funds belonging to my estate separately and in their names as "*Trustees under the Will of John McKee, deceased,*" and all deeds, conveyances and instruments of writing affecting my estate, made by them or to them, shall be executed in the same style. And I do hereby declare that all the preceding bequests and devises of the residue of my estate to my said Trustees under this my Will are made upon the following express *trusts and conditions*; that is to say:

First: That none of the moneys, principal, interest, dividends, rents, issues, income or profits arising from the said residuary devise and bequest shall at any time be applied to any other purpose or purposes whatsoever than those herein mentioned and appointed.

Second: That after the decease of all my children and all my grandchildren who may be living at the time of my decease the said Trustees shall render a detailed account annually concerning the said devised and bequeathed estate and of the investment and application of the same, and also a report in like manner of the state of the said college, and they shall submit all the books, papers and accounts touch-

ing the same to the proper Court of Philadelphia County for examination.

Third: That after the decease of all my children and all my grandchildren who may be living at the time of my decease the said Trustees shall cause to be published, in the month of January, annually, in two or more newspapers printed in the city of Philadelphia, a concise but plain account of the state of the trust, devises and bequests herein declared and made, comprehending the condition of the said college, the number of scholars therein and other particulars needful to be publicly known for the year next preceding the said month of January, annually.

Fourth: That in case any person or persons beside myself shall at any time give, devise or bequeath any property for the purposes of the said college the said Trustees shall, in said accounts, reports and published statements give credit for such additional gift, devise or bequest, and for the result and benefits of the same, and for the number of scholars maintained in said college thereby.

TWENTY-NINTH: AS some of my lands in Hamilton Township, Atlantic County, New Jersey, contain clay suitable for making bricks, I direct the Trustees, under this my Will, to lay off a portion of said lands containing brick clay for a brickyard, and to rent out the same under proper and appropriate agreements of lease, providing the payment to my estate of a royalty based upon the output of brick clay taken from the said lands by the said lessee under said lease. And I direct the said Trustees at any time before they commence the erection of the said college building hereinbefore mentioned, whenever they have in hand funds enough arising from the net rents, issues, income and profits of my residuary estate not otherwise appropriated, to divide all the remainder of my said lands in Hamilton Township aforesaid that do not contain enough of brick clay to render them suitable for brickyards, into farms of

fifty acres each, and fence each of said farms off, and to erect on each of said farms a six-room house, a barn, a chicken house and a corncrib. If I shall have begun this work before my decease, then the said Trustees shall complete it before they commence the erection of said college building.

After my lot of ground on Stonehouse Lane is improved as hereinbefore provided, and also after the said Trustees shall have done all the building and improving they are, by the provisions of this my Will, directed to do (excepting repairing, altering and rebuilding), I direct them, as soon as they deem it for the best interests of my estate to do so, to proceed to lay out streets through all my lands, containing between three hundred and four hundred acres, in said Hamilton Township, adjoining the town of May's Landing, each one hundred feet wide; and thus divide said farms into squares of ground, each four hundred feet on each side, making as many of said squares out of said farm as possible; but to each side of the strip of ground on which the West Jersey Railroad runs through said farm, and which belongs to said railroad and is one hundred feet wide, there shall be added a strip of ground thirty feet wide, making the whole strip of ground on which the said railroad runs through said farm one hundred and sixty feet wide, and which is to be called West Jersey Avenue. Said Trustees shall lay out each of said squares of ground into building lots, each one hundred feet front by one hundred and seventy feet in depth, to a fifty-foot wide street, and the portions of said farm, not including the said squares, into building lots as near the same size as can be; and the said Trustees shall grade and curb all the said streets. And when they have thus laid out streets through said farm and laid it out in building lots and graded and curbed said streets I direct said Trustees to sell said building lots as fast as they can for what they may deem fair prices for the same, reserving a yearly ground rent out of each of said lots, payable half-yearly, the principal

of each of said ground rents to include both the price of the lot of ground out of which it is reserved and the advances, if any, to be made to the purchaser thereof to aid him in building thereon. And it shall be stipulated in the deeds reserving each of said yearly ground rents that the respective grantees therein, their heirs and assigns shall and will within one year from the date thereof erect and build on the lot of ground so granted to them a substantial brick or frame dwelling house, containing not less than six rooms, to secure the yearly ground rent thereby reserved; but said advances shall not exceed three hundred dollars on each of said houses that are of brick, and shall not exceed two hundred dollars on each of said houses that are of frame; and said advances shall be made out of any fund arising from the net rents, issues, income and profits of my said residuary estate not otherwise appropriated.

John McKee
It shall be provided in each deed reserving any such yearly ground rent that at any time after the period of nine hundred and ninety-nine years from and after the date of the deed shall have expired, and not before, the grantee therein, his heirs and assigns shall have the right to pay off and extinguish the same by paying to said Trustees, their successors and assigns, the principal of the ground rent in the particular case, the arrearages of the same to the time of such payment and the proper costs and charges in the law of the release and discharge of the same. And any ground rents which shall include such advances as aforesaid shall be accompanied with suitable policies of fire insurance.

THIRTIETH: I nominate, constitute and appoint the Most Reverend Patrick John Ryan, Archbishop of Philadelphia (as the head of the Roman Catholic Church in the Archdiocese of Philadelphia), and my attorney Joseph P. McCullen, to be the Executors and Trustees under the provisions of this my last Will and Testament.

IN WITNESS WHEREOF, I, John McKee, the testator above named, have hereunto set my hand and seal this eighth day of December, A.D. one thousand eight hundred and ninety-nine (1899).

[SEAL]

JOHN MCKEE.

Signed, sealed, published and declared by John McKee, the testator above named, as and for his last Will and Testament in our presence, and we have in his presence and in the presence of each other, at his request, hereunto subscribed our names as witnesses.

HARRY L. NEALL,
FRANCIS T. MCGEEHAN,
RALPH L. MORROW.

CITY AND COUNTY OF PHILADELPHIA, SS.

REGISTER'S OFFICE, May 21st, 1902.

Then personally appeared Harry L. Neall, Francis T. McGeehan and Ralph L. Morrow, the subscribing witnesses to the foregoing last Will (dated December 8th, 1899) of John McKee, deceased and on their solemn oath did say that they were present and did see and hear John McKee, deceased, the Testator therein named, sign, seal, publish and declare the same as and for his last Will and Testament, and that at the doing thereof he was of sound disposing mind, memory and understanding, to the best of their knowledge and belief. And, further, that the said Testator so signed the same in their presence, and at his request they, the said deponents, in his presence and in the presence of each other subscribed their own proper signatures and handwriting as witnesses thereto, all being present at the same time at the execution of said Will.

Sworn and subscribed before me the date above.	}	HARRY L. NEALL, FRANCIS T. MCGEEHAN, RALPH L. MORROW.
JACOB SINGER, <i>Register.</i>		

CITY AND COUNTY OF PHILADELPHIA, SS.

REGISTER'S OFFICE, May 21st, 1902.

We do swear that as the Executors of the foregoing last Will and Testament of John McKee, deceased, we will well and truly administer the Goods and Chattels, Rights and Credits of said deceased, according to law; and that we will diligently and faithfully regard and well and truly comply with the provisions of the Law relating to Collateral Inheritances. That the said Testator died on the sixth day of April, A.D. 1902, at 10.10 o'clock P. M.

Sworn and subscribed before me the date above and Letters Testamentary granted unto them.	}	PATRICK JOHN RYAN, 225 N. 18th St., Phila.
CHAS. IRWIN, <i>Deputy Register.</i>	}	JOSEPH P. McCULLEN, 6326 Drexel Rd., Phila.

STATE OF PENNSYLVANIA,
CITY AND COUNTY OF PHILADELPHIA.

BE IT REMEMBERED, That on the twenty-first day of May, A.D. 1902, before me, Jacob Singer, Register of Wills for the City and County aforesaid, after due proof and hearing had, according to the Laws of the said State, it is ordered and decreed, that the last Will and Testament of John McKee, late of said City and County, deceased, be duly admitted to probate and filed of record in the Office of the Register of Wills of the said City and County.

IN TESTIMONY WHEREOF, I have hereunto set my hand, the day and year above written.

JACOB SINGER,
Register.