

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1973-50

No. 622 **AN ORDINANCE** ACCEPTING GIFT OF MONEY TO THE CITY OF PROVIDENCE FROM THE RHODE ISLAND HOSPITAL TRUST NATIONAL BANK, TRUSTEE UNDER THE WILL OF EDWARD F. ELY, FORMERLY CHAIRMAN OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF PROVIDENCE, TO BE PERMANENTLY INVESTED AND ITS INCOME USED TO PAY NECESSARY COSTS OF FINANCING PUBLIC CONCERTS IN THE PARKS OF THE CITY OF PROVIDENCE, RHODE ISLAND

Approved December 24, 1973

Be it ordained by the City of Providence:

Section 1. The City of Providence, Rhode Island hereby accepts a gift of money under the will of Edward F. Ely dated the 14th day of July, 1916, which is to be permanently invested and kept invested, and to use the income, thereof, to pay the necessary cost of furnishing public concerts in the parks of the City.

Section 2. The acceptance of this gift of money on behalf of the City of Providence, from the Rhode Island Hospital Trust National Bank, Trustee under the will of Edward F. Ely formerly Chairman of the Board of Park Commissioners of the City of Providence, is gratefully accepted by His Honor, Mayor Joseph A. Doorley, Jr., on behalf of the Citizens of the City of Providence who will benefit by the public concerts, does hereby create in memory of this City's benefactor, the "Edward F. Ely Memorial Fund", said fund shall be administered by the Mayor and the Board of Park Commissioners, who shall have control of the public presentations of such concerts.

Section 3. This Ordinance shall take effect upon its passage.

APPROVED

MAYOR

IN CITY COUNCIL

DEC 6 1973
FIRST READING
READ AND PASSED

Vincent Vespecci
CLERK

DEC 24 1973

Joseph A. Doorley Jr.

IN CITY COUNCIL

DEC 26 1973
READ AND PASSED

Robert L. Dutton
PRESIDENT
Vincent Vespecci
CLERK



LOUIS A. MASCIA
CITY SOLICITOR
RONALD H. GLANTZ
DEPUTY CITY SOLICITOR
JOHN CAPPELLO
JOSEPH A. FLORIO
STEVEN S. SABER
ASSISTANTS
HENRY J. ALMAGNO
SPECIAL COUNSEL
ROBERT J. PACI
CLAIMS ADJUSTER

MAYOR
JOSEPH A. DOORLEY, JR.

LAW DEPARTMENT
CITY HALL, PROVIDENCE
RHODE ISLAND 02903
421-7740 EXT. 381
AREA CODE 401

October 17, 1973

Committee on Finance
c/o Vincent Vespia
City Clerk's Office
City Hall
Providence, R.I. 02903

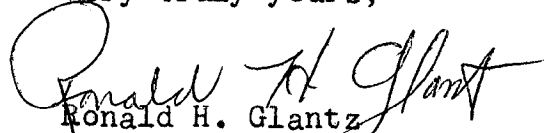
RE: Acceptance of Gift of Money under the
Will of Edward F. Ely

Gentlemen:

In response to your memo of September 14, 1973, be advised that it is the opinion of this office that the bequest under the will of Edward F. Ely can only be used in the public parks of the City of Providence as administered by the Board of Park Commissioners. This would preclude all other areas of the City such as Westminster Mall.

Section 18-29(d) of the Code of Ordinances of the City of Providence specifically designates that all gifts or bequests shall be deposited in a special account to be drawn upon only by the Board of Park Commissioners, and the proposed ordinance conflicts with said section. To go one step further, even if the terms of the will were analyzed, you would find that this money could not be used in the General Fund.

Very truly yours,


Ronald H. Glantz
Deputy City Solicitor

RHG-sf

15
STATE WIDE

STATE OF RHODE ISLAND &c.
COUNTY OF Providence

PROBATE COURT OF THE
City of Providence

OFFICE OF THE CLERK

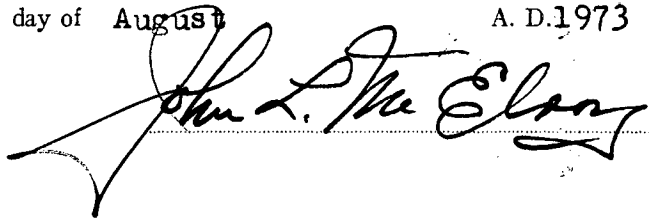
— C E R T I F I C A T E —

I **John L. McElroy,** clerk of said Court, having by law the custody of the seal, and all the records, books, documents and papers of or appertaining to said Court, hereby certify the annexed to be true copies of papers appertaining to said Court, and on file and of record in this office.

In attestation whereof I have hereunto set my hand, and have affixed the seal of said Court, this **22nd**

day of **August**

A. D. **1973**



Clerk.

I, EDWARD FRANCIS ELY, of the City and County of Providence in the State of Rhode Island, hereby revoking all prior wills and writings testamentary by me at any time made, do hereby make and establish this and this only as and for my last will and testament as follows:

FIRST. I direct my just debts, funeral expenses, and the expense of settling my estate to be paid by my executor hereinafter named.

SECOND. I give and bequeath to Alice Ely, of Providence, widow of Joseph C. Ely, the sum of Ten Thousand Dollars (\$10,000).

THIRD. I give and bequeath to Richard Montgomery Ely, of Windsor in the State of Vermont, son of Ryland F. Ely, the sum of Five Hundred Dollars (\$500).

FOURTH. I give and bequeath to John Hall Ely, of Windsor in the State of Vermont, son of Ryland F. Ely, the sum of Five Hundred Dollars (\$500).

FIFTH. I give and bequeath to Charles Herbert Blood, of Cavendish in the State of Vermont, son of Mary Elizabeth Ely Blood, the sum of Five Hundred Dollars (\$500).

SIXTH. I give and bequeath to Lora Isabella Blood, of Cavendish in the State of Vermont, daughter of Mary Elizabeth Ely Blood, the sum of Five Hundred Dollars (\$500).

SEVENTH. I give and bequeath to Richard Skinner Ely,

of West Townsend in the State of Massachusetts, son of Francis Wayland Ely, the sum of Five Hundred Dollars (\$500).

EIGHTH. I give and bequeath to Frank Dana Ely, of Windsor in the State of Vermont, son of Francis Wayland Ely, the sum of Five Thousand Dollars (\$5,000).

NINTH. I give and bequeath to Helen L. Ely Carman, of Washington in the District of Columbia, wife of Ray A. Carman, and daughter of Frank Dana Ely, the sum of Five Thousand Dollars (\$5,000).

TENTH. I give and bequeath to Florence V. Ely, of Windsor in the State of Vermont, daughter of Frank Dana Ely, the sum of Five Thousand Dollars (\$5,000).

ELEVENTH. I give and bequeath to Gladys L. Ely Meservey, of Windsor in the State of Vermont, wife of Guy W. Meservey, and daughter of Harry Hill Ely, deceased, the sum of Five Thousand Dollars (\$5,000).

TWELFTH. I give and bequeath to Sarah Hill Ely, of Chester Depot in the State of Vermont, daughter of Harry Hill Ely, deceased, the sum of Five Thousand Dollars (\$5,000).

THIRTEENTH. I give and bequeath to William H. Backus, of Danielson in the State of Connecticut, and Lillian T. Backus, of New York in the State of New York, widow of Ebenezer Y. Backus, the sum of Five Thousand Dollars (\$5,000), to be equally divided between them if they both survive me, but

if only one of them shall survive me, then such survivor to receive the whole of said sum.

✓] FOURTEENTH. I give and bequeath to my cousin, Sarah A. Williams, of Brookline in the Commonwealth of Massachusetts, daughter of my aunt, Anna E. Backus Williams, deceased, the sum of Five Hundred Dollars (\$500).

FIFTEENTH. I give and bequeath to my cousin, Frank B. Williams, of New York, son of my aunt, Anna E. Backus Williams, deceased, the sum of Five Hundred Dollars (\$500).

SIXTEENTH. I give and bequeath to Abby Gay Backus, of Danielson in the State of Connecticut, the sum of Five Hundred Dollars (\$500).

/ SEVENTEENTH. I give and bequeath to Mary O'Shea, the sum of Five Hundred Dollars (\$500); to Mrs. Nora G. Walker, the sum of Two Hundred and Fifty Dollars (\$250); to Julia Scannell, the sum of Two Hundred and Fifty Dollars (\$250); and to any persons employed by me in my house at the time of my decease other than those mentioned in this clause, the sum of One Hundred Dollars (\$100) each.

✓ ✓ EIGHTEENTH. I give and bequeath to the Rhode Island School of Design any three pictures in my collection which may be selected by its officers or agents.

NINETEENTH. I give and bequeath to my niece, Ruth Ely, all silver and silverware and all other household furniture and furnishings and other articles of household use or ornament, except such as are herein otherwise specifically dis-

posed of; and also all articles of personal use, boats, and all other articles of tangible personal property.

TWENTIETH. Whereas it may be uncertain whether I have any power of disposition over the property held by me as trustee under the will and codicils of my great grandfather, Joseph Cady, or whether said trust property will vest under the terms of said will in my said niece, Ruth Ely, of said Providence, daughter of my deceased brother, Joseph C. Ely; now therefore, in order that my said niece shall receive and enjoy all of said trust property, I hereby exercise any power of disposition which I may have over it and I hereby give, bequeath and devise to my said niece all interest which I may be able to dispose of in and to the estate and house on the southwesterly corner of Prospect and Waterman Streets in said Providence and also all interest which I may have in all securities and bank deposits which shall stand in my name as trustee under the said will of my great grandfather and all securities which shall be referred to as belonging to said trust estate upon the books of account kept by me.

TWENTY-FIRST. All the rest, residue and remainder of my estate and property, of every name and nature, real, personal or mixed, wherever the same may be located, hereby expressly including any real estate by me hereafter acquired, and all lapsed legacies and devises, I give, devise and bequeath to the Rhode Island Hospital Trust Company, of said Providence, IN TRUST, nevertheless, to hold and manage all of said trust property with the powers hereinafter conferred upon it, and to col-

lect all the income thereof and after paying from said income all taxes and other public rates and charges, all expenses of keeping any real estate constituting a part of said trust property in proper repair and insured against loss by fire and other casualties, and all expenses of administering these trusts, including a reasonable compensation to my said trustee, to pay over the remaining or net income as often as once in each six months to my said niece, Ruth Ely, and my said sister-in-law, Alice Ely, during their lives, and to the survivor of them during her life; and if for any unforeseen reason said net income payable to them or the survivor of them in any one year shall not amount to the sum of at least Six^v Thousand Dollars, for my said trustee to make up and pay to them or her the deficiency from the principal of my said trust property; and upon the decease of the survivor of the said Ruth Ely and Alice Ely, in further trust for my said trustee to convey, transfer and pay over the principal of my said trust property to such of the child, children and more remote issue of said Ruth Ely as shall survive her and be entitled under the statutes of Rhode Island to inherit real estate of which she had died seized and intestate, the^v child, children or more remote issue of any deceased child of hers to take collectively through all generations the share only which their deceased parent or ancestor would have taken if living, and equally as between brothers and sisters.

And if my said niece shall die leaving no child or more remote issue surviving her and capable of taking any in-

terest under the foregoing provision, then IN TRUST for my said trustee upon the death of the survivor of the said Alice and Ruth Ely to convey, transfer and pay over all of the principal of said trust property as follows, that is to say:

One-half part thereof to the City of Providence to be by it permanently invested and kept invested and to use the income thereof to pay the necessary costs of furnishing public concerts in the parks of the City;

One-fourth part thereof to the Rhode Island Hospital to be used by it in any manner it shall deem proper;

And one-fourth part thereof to such of the aforesaid Helen L. Ely Carman, Florence V. Ely, Gladys Ely Meservey and Sarah Hill Ely, as shall be living at the decease of the survivor of the said Ruth Ely and Alice Ely, or if both of them shall die in my life then to such as shall be living at my decease, and to such of the child, children and more remote issue of any of them who shall have died before the survivor of the said Ruth Ely, Alice Ely, and myself as would be entitled to inherit under the then statutes of Rhode Island real estate of which such deceased had died possessed and intestate, and to take in the same proportions as they would be entitled to inherit such real estate.

No child by adoption shall have the right or power to take or to transmit any interest whatsoever under this will.

And I hereby authorize and empower my said trustee to retain as a part of my said trust property any investment or investments in the form in which they are at my decease with-

out being liable for any subsequent loss, and to vary from time to time, in the discretion of the officers or committee of my said trustee having the charge of trust estates, any investment or reinvestment of said trust estate, real or personal, and for this purpose or any other purpose of these trusts to sell from time to time in the like discretion of its trust officers or committee aforesaid any such investment or reinvestment, real or personal, at public or private sale without the purchaser thereof being under any obligation to inquire into the propriety, regularity or necessity of any such sale, or to see to the application of the purchase moneys; and with power to my said trustee to reinvest the proceeds of any such sale or sales in good income producing securities, real or personal, either within or without the State of Rhode Island; and with power also in the discretion of its trust officers or committee aforesaid to lease any real estate at any time a part of said trust property for such length of time and for such rentals and under such covenants, conditions and agreements as to it or them shall seem proper.

TWENTY-SECOND. I direct my executors to pay all inheritance, transfer and legacy taxes, whether imposed under the laws of Rhode Island or of any other jurisdiction, out of my residuary estate so that each of the foregoing legatees shall receive the full amount of their legacies without deduction by reason of any such taxes.

TWENTY-THIRD. I hereby appoint the said Ruth Ely and the said Rhode Island Hospital Trust Company, executors of

this my will, and direct that neither of them shall be required to give any surety upon any bond which she or it may give, nor to render any inventory of my estate to any probate court.

IN TESTIMONY WHEREOF, I have hereunto set my hand this *Fifteenth* day of *July* in the year of our Lord One Thousand Nine Hundred and Sixteen.

Edward F. Ely

Signed, published and declared by the said Edward Francis Ely as and for his last will and testament, in the presence of us, who have, at his request, in his presence, and in the presence of each other, hereunto subscribed our names as witnesses.

✓ *Harold B. Tanner* 74 Elmwood Avenue, *Pro. R.I.*

✓ *W. R. Wellinghall* 268 Angell St., Providence R.I.