

(a) To pay to the following named persons the following sums of money, such payments to be made within two years after my death, to wit: to Emil Brunswick Five Thousand Dollars (\$5,000); to Elias Hanff Two Thousand Dollars (\$2000); to Cyrus Arnold, N. Hunsberger, George Schaeffer, John Steitz, Genevieve Houghton, Mrs. Benjamin Berkowitz and Albert Paradis, each Five Hundred Dollars (\$500); to Julius Macks, Louis Doblin, Harry McCoy, Jacob Knause, Frederick Martin, Charles McDevitt, Mary Bourgeois, and Marjorie Daily, each Two Hundred Dollars (\$200).

(b) To pay to the girls at the time of my death employed in the office of the Company on the first floor, the sum of Two Hundred Dollars (\$200) which amount shall be paid to and distributed among them in such sums and proportions as may be directed by the officers of the said Company.

(c) To pay and distribute the sum of Five Hundred Dollars (\$500) to and among such employees of the said Samuel Sternberger Company as shall be selected by the officers of the Company, in such sums and proportions as they, the said officers, may select and designate; provided that in making such selection they are not to include any of the beneficiaries hereinbefore named in articles "a" and "b".

FIFTH. I and my brother Leopold own together (each having a half interest) a number of tracts of land and mining claims, in Colorado and Arizona, the titles to most of which, however, stand in my name, although some few of them stand in the name of my brother, Leopold. I have also standing in my name 1,821,224 shares of the capital stock of the Pennsylvania Mining, Power and Reduction Company, and 1996 shares of the capital stock of the Fall River Power Company, both companies being engaged in business in Colorado where they own valuable properties and rights. These shares of stock, although standing in my name, in fact belong to myself and my brother in equal shares. My brother in like manner holds a small amount of stock in these two companies in his own name, which, however, in reality belong to me jointly with him. I order and direct my executors and trustees, immediately after my death, to execute all the necessary conveyances, assignments and other documents requisite to convey and transfer to my brother in fee simple, his undivided one-half share of the said tracts of land and mining claims as above mentioned, so that he may hold the same as tenant in common with my estate, as well as to assign and transfer to him his one-half of the shares aforesaid, held by me in my name, of the Pennsylvania Mining, Power and Reduction Company stock, and the Fall River Power Company stock: PROVIDED, HOWEVER, that none of these conveyances, assignments and transfers shall be executed by my said executors and trustees unless my brother at the same time executes all conveyances, assignments or other legal documents that may be necessary for the purpose of confirming to my estate the right to my undivided one-half of the said tracts of land and mining claims, as well as my right to my share of the stocks as aforesaid held by me for the joint account of myself and brother; and also conveys to my said executors and trustees, for the benefit of my said estate, the one-half of all the said tracts of land, mining rights or claims, and shares of stock, hereinabove mentioned, standing in his name, but which, as I have stated, belong to us as joint owners thereof.

SIXTH. After these several conveyances, assignments and transfers have been duly executed by my executors and trustees and my brother, I order and direct my said executors and trustees, when and as often as in their discretion they deem it advisable so to do, to advance and pay over to the said The Pennsylvania Mining, Power and Reduction Company, and in like manner to the said the Fall River Power Company, one-half of the amounts annually required by each of the said companies for the payment of taxes due by them on lands and mining claims held by them, as well as for any legal expenses in which they may have become involved in taking care of their corporate interests, PROVIDED my brother at the time of making such payments pays the other half. I in like manner order and direct them, if in their discretion they deem it advisable so to do, to pay out from time to time, when and as the same may be required, one-half of any taxes that may become due on any lands and mining claims held by my brother and my estate as joint tenants as aforesaid, as well as any legal expenses that may be requisite for protecting our interests as joint owners, PROVIDED my brother at the time of making such payments also pays the other half.

SEVENTH. After the division between my brother and my estate of the properties and shares of stock now owned by us as hereinabove provided, but standing in my individual name, my estate will then hold nine hundred and ninety-eight (998) shares or more of the capital stock of the Fall River Power Company. As this company owns valuable water rights and a complete hydro-electric plant, and furnishes power to the Pennsylvania Mining, Power and Reduction Company, of which my estate will also be a large stockholder, I order and direct my executors and trustees not to sell or part with any of this stock of the said the Fall River Power Company so long as my brother lives and my estate continues to be interested in and hold stock in the Pennsylvania Mining, Power and Reduction Company. Should, however, a purchaser at any time be found ready to purchase the stock of the said Pennsylvania Mining, Power and Reduction Company, held both by my brother and my estate, then I authorize and direct my executors and trustees to join with my brother in selling his and my estate's respective stock; but not to sell the stock belonging to my estate, unless my brother at the same time sells or parts with his; my intention being, that as long as my brother lives and holds his stock, my estate shall continue to hold my stock, so that the estate and my brother may work in conjunction together for the best interests of both concerned. On the death of my brother, or should he at any time part with his stock of the said Pennsylvania Mining, Power and Reduction Company, then my executors and trustees are authorized, if they deem it advisable so to do, to part with my stock therein. In the event of my estate parting with this stock, then my executors and trustees are authorized to sell and dispose of the stock of the Fall River Power Company which they will hold; but under no circumstances shall they part with the stock of the said the Fall River Power Company so long as my estate holds any of the stock of the Pennsylvania Mining, Power and Reduction Company; my belief being that the interests of both my brother and my estate can be best conserved, protected and developed, by their acting together, holding their stock together, and selling it together. And I desire and direct hereby my executors and trustees to do whatever is necessary to carry out my wishes and intentions in this respect.

The lands and mining claims held by me, as hereinbefore stated, in Colorado and Arizona, are only valuable for the gold, silver, copper ore, and other metals or minerals which they are supposed to contain. I direct my executors and trustees not to expend any of the money of my estate in developing these lands or conducting any mining operations thereon; but I authorize and empower them from time to time in their discretion to sell and convey any of the said lands and mining claims, or my estate, right and title therein, either at public or private sale, for such price or prices as they may deem satisfactory, with full power and discretion as to the terms of sale and the method of payment therefor, and conveying title to the purchaser or purchasers; and no purchaser or purchasers shall be at any risk or responsibility by reason of the non-application or misapplication of the purchase money: PROVIDED, HOWEVER, that under no circumstances shall my executors and trustees sell or convey any of the said lands and mining claims, or my estate's interest in any of the lands and mining claims, the title to which is vested in my brother and my estate, or in which he has a half interest as hereinbefore stated, during the lifetime of my brother, unless my brother at the same time sells and conveys his right, title and interest in the same; my intention being that, as long as my brother lives and holds his interest in the said lands and mining claims, my estate shall continue to hold my interest, so that the estate and my brother may work in conjunction for the best interests of both concerned. I further authorize and empower them, when and as they may deem it advisable or expedient so to do, instead of selling the lands or mining claims, to sell, in conjunction with my brother, the rights from time to time, to mine and take out of the said tracts of land or any of them, such gold, silver, copper, or other ore, metals or minerals, as may be found therein, and sell or otherwise dispose of the same on such terms and in such manner that the proceeds and royalties derived therefrom shall, as representing the price of such ore, metals or minerals in place, constitute purchase money of portions of the lands themselves, and not income of my estate, and that the same as such purchase money shall become and be part of the principal of my estate, and as such be invested and held by my said executors and trustees, subject to the directions in relation thereto hereinafter expressed.

I further order and direct that as long as my brother Leopold, who is at present indebted to me in a large amount, lives and continues to hold the said stock of the Pennsylvania Mining, Power and Reduction Company, as also the stock of the Fall River Power Company and renders active and valuable assistance to the said companies in their management, working and operations, and further continues to hold his undivided interest in the said lands and mining claims in Arizona and Colorado in conjunction with my estate, and works in harmony with my executors and trustees as joint owners thereof with him in selling and disposing of the said lands and mining claims, and the ores, metals or minerals existing thereon or therein, rendering active assistance in bringing about and promoting such sales, and joining (wherever the same may be necessary) as such owner of an undivided half interest therein with my said executors and trustees in making the necessary conveyances of such lands, mining claims, ores, metals and minerals, he shall not be required by my executors and trustees to make payment or settlement for any balances owing to my estate, provided that he gives them such acknowledgments thereof as they may desire from time to time to prevent the running of the statute of limitations; nor is he to be charged with any interest on the balance that he now owes me as shown by the account stated between us on November 1st, 1917, of Two Hundred and Twenty-two Thousand, One Hundred and Fifty-four Dollars and Three cents (\$222,154.03) while, on the other hand, my executors and trustees shall credit his account from year to year with commissions for such services as he may thus render as hereinbefore stated; these commissions to be equal to five per cent. of whatever may be realized as net profits by my estate during such year, from dividends, income or returns of any kind, character or description from either of the said stock companies, in the management, workings or operation of which he may have rendered active and valuable assistance; and also a further commission equal to five per cent. of whatever may be realized by my estate from the sale of any of the said lands or of the ores, metals or minerals as found thereon or therein as hereinbefore provided, in the making of which sales he has rendered active assistance, and joining when necessary in the deeds of conveyance.

It is my intention and desire, and I so order and direct, that the indebtedness thus due and owing to me by my brother, as shown by the said statement of account of November 1st, 1917, shall be paid by him to my estate only out of moneys received by him through these mining interests, or realized therefrom; and when and as soon as he has thus succeeded in making payment of a total sum amounting to seventy-five per cent. of the said indebtedness, excluding any and all interest thereon subsequent to the aforesaid date of November 1st, 1917, he shall be fully relieved and discharged of and from any and all further liability on his part for the payment of the balance of the said indebtedness, the whole of the same being thereby fully extinguished and ended, and he shall be discharged, released and acquitted therefrom by my said executors and trustees.

EIGHTH. I am at present the owner of seven hundred and fifty (750) shares of the capital stock of the aforesaid Samuel Sternberger Company, which is capitalized at fifteen hundred (1,500) shares of the par value of One Hundred Dollars (\$100) each, being all common stock, which stock I hereby authorize and empower my executors and trustees to sell at such time as they may deem advisable, and at such price as they in their discretion may deem it advisable to accept; but under no circumstances shall they sell the said stock except as a whole or to part with it at different times in small portions would be a detriment to my estate.

NINTH. I order and direct my executors and trustees to keep my real estate in good order and repair, and collect the rents, issues and profits thereof, and to invest, reinvest and keep invested my personal estate, with power from time to time to change, add to and alter investments; and to apply the net rents, issues, income, interest and profits arising therefrom, subject to the making of the various payments thereout as hereinbefore directed, as follows, to wit:

(a) To pay thereout to the following named persons during the terms of their respective natural lives, the following monthly payments, which payments are to commence on the first day of the month succeeding my decease, to wit: Bertha Sundheimer, Thirty Dollars (\$30); Henrietta Sternberger and her husband Moses Sternberger, or the survivor of them,