

Adjourned Monthly Meeting of Board of Admin, held Nov 12/08 - (Contd.)

These resolutions were adopted by the vote of all members present.

Mr James M. Connell asked and obtained permission to read to the Board a report prepared by him to be made to the Board in 1898, relative to Mrs Newcomb's will. - The report having been read, on motion of Mr Spencer seconded by W. Parkman, it was ordered that this report be spread on the minutes, and that the original of the report, together with the draft of Mrs Newcomb's will with her amendments thereon in her own handwriting, shown by Mr M. Connell during the reading of the report, should be deposited in the Archives of the Board. The report is as follows:

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To the President & Board
of Administrators of the
Tulane Educational Fund.

Gentlemen:

About the middle of March last, (1898), I received a note from Mrs. Newcomb handed me by a friend of hers, requesting my legal opinion and advice as to several matters stated by her. This note I answered in writing on the 21st, of March. She then sent me a request to come and see her which I did. During the two months that followed, and up to the date of her departure recently for the North, my visits to her, at her residence on Washington Ave., which were always on professional business at her request, became so frequent and continuous as to be noticeable to many persons, whose curiosity however could not have been gratified as no third person was ever present at any one of these interviews, between Mrs. Newcomb and myself, except when, on one occasion, she signed an authorization for the transfer to this Board, of certain real estate, as will be hereinafter mentioned.

As the matters discussed on the occasions of these numerous visits, were entirely of a professional nature touching Mrs. Newcomb's property affairs and personal interests, I do not feel at liberty to speak of them without her authorization, except as to certain matters, the communication of which to this Board in strict personal confidence, in Executive Session, I am satisfied she would approve.

During the many consultations had by me with Mrs. Newcomb she gave full and free expression to her views and wishes in regard to the disposition of her property, and I deem it not improper to mention in this connection her statement to the effect that she had suffered annoyance from certain parties touching her property interests, and especially in regard to her making disposition of it by will in accordance with her own desires, and desired my professional aid to guard her against such attacks both now and hereafter in making her will. Thereupon as the first precautionary step I caused her to make election and formal declaration of this City as her domicile and permanent home. I then assisted her in making her last will in theolographic form, in which two of her very near friends are appointed to be her Executors. Certain special

legacies are made by her and the rest of her Estate without reservation is bequeathed to the "Administrators of the Tulane Educational Fund". To guard against the possibility of the destruction of the will by fire, she made it, at my suggestion in duplicate original, and both have been deposited for safe keeping in two places in this City, distant from each other, in safes which are both burglar and fire proof.

Mrs. Newcomb had made a will in New York in May 8, 1895, This she sent for and opened in my presence, and at her request I cancelled and annulled it as a will, but at my suggestion as her counsel the document thus cancelled by her as a will, was preserved as a paper merely to evidence the fact should occasion require it, that in the said former will the chief disposition of her property had then been made in favor of the Administrators of the Tulane Educational Fund. It was preserved for that sole purpose.

By the terms of this New York will the property had been left to this Board in trust for the benefit of the "H. Sophie Newcomb Memorial College", and she informed me that she wished to place the same restriction, in the last will then being prepared, but I am happy to be able to say that I dissuaded her from this, assuring her as I did, that the Board of Administrators of the Tulane Educational Fund would devote the property bequeathed by her to them entirely to the benefit and development of the H. Sophie Newcomb Memorial College as a Department of the Tulane University of Louisiana, and that she could rely upon my assurance in that respect; and I now and here repeat to this Board this statement and emphasize the assurance so given by me to Mrs. Newcomb, in order that hereafter it may not be forgotten, and indeed this is one of the principal reasons for making this communication to the Board at this time. This was the only alteration suggested by me in regard to the wishes of Mrs. Newcomb. The apprehensions expressed to me by this good lady, that an attempt might be made after her death to prevent the consummation of her wishes in disposing of her property by last will, caused me to consider and suggest a course that would prevent the necessity of opening her succession in any other State than the State of Louisiana. I accordingly recommended and she at once acted on my advice, to take the necessary steps to transfer title to any and all real estate that she owned in other States to this Board. Her Trustee in New York was requested to have prepared at once and forwarded to her a power of Attorney containing a full and accurate description of all her real estate, by which he, as her agent, could make a valid and legal transfer of title from her to this Board. The power of Attorney was duly executed for Mrs. Newcomb before J. G. Eustis, Commissioner of Deeds for New Jersey, returned to the Trustee, and on the 4th inst., I received a letter from the Trustee saying the deed had been duly prepared and signed by him and that it would be forwarded as soon as it had been recorded.

If there is any other real property in any other State, in which Mrs. Newcomb is interested, about which lacked positive information, the title thereto ~~shall~~ it will also be transferred to this Board.

With reference to this, and other pending matters in which Mrs. Newcomb requested my advice and professional assistance, she has requested me to meet her in New York in August.

In closing this communication I desire to emphasize the request and earnest wish of Mrs. Newcomb that her purpose and intentions in providing for the endowment of the H. Sophie Newcomb Memorial College shall not be communicated to the ear of the Public, at any rate until she

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shall have formally announced her consent to do so; And assisting her in these and other pending matters as her Counsel, I beg to add my conviction that it is a matter of the highest importance that the facts I have mentioned in this communication which I have made in strict confidence in Executive Session, touching the last will and testament of Mrs. Newcomb, and of its provisions in favor of this Board, should under no circumstance and upon no consideration be made known beyond the limits of the personal membership of this Board.

(SIGNED) J. McConnell

P. S.--I prepared this report and took it to the Board at its last meeting before the Summer Vacation intending to read it, but on further consideration and consultation with Mr. Hincks and Mr. Morris concluded it best for all interests concerned to defer doing so--Read it to Messrs. Morris and Walmsley.

J. McC.

Then being no further business before the Board, the monthly meeting was adjourned.

Jos A Hincks