

LIBRARY PLOT AND TRUST, 1884

Whereas George Grosvenor Tarbell of Lincoln in the County of Middlesex and Commonwealth of Massachusetts on the third day of March A.D. 1884, offered to convey by deed of gift to the Inhabitants of said Town of Lincoln the premises hereinafter described, in and by a written communication whereof the following is a copy.

Lincoln, Mass., March 3d, 1884.

To the Inhabitants
of the Town of Lincoln

I hereby offer to convey, by deed of gift, the land, about one acre, upon which I am now building a Library building, and the building thereon, when completed to the Town of Lincoln in trust for the use of all the inhabitants of the Town subject to such regulations and restrictions as the Trustees, hereinafter mentioned, may establish.

The land, Library building, and such books as now are, or in the future may become the property of the Town for library purposes, to be placed in the care of a Board of five Trustees, constituted as follows —: The Chairman of the Board of Selectmen, *ex officio*, — the Chairman of the School Committee, *ex officio*, — and three persons to be appointed by myself, which three shall elect their own successors in perpetuity.

In case the Chairman of the Board of Selectmen should at any time hold also the position of Chairman of the School Committee, the Town shall elect some other person to serve on this Board of Trustees until such time as the two offices shall be held by two different persons.

Should any of the Trustees, appointed by me, or any of their successors be Chairman of the Selectmen or Chairman of the School Committee, the Town shall elect a person or persons to fill the places of those officers in this Board of Trustees until such time as those offices shall be held by a person not otherwise a Trustee.

The Board of Trustees, of whom a majority shall be a quorum, shall have entire control and management of the land, library, and books; shall make all purchases of books; shall direct the expenditure of all monies received from the Town or from any source; shall receive and acknowledge all

gifts to the Library; shall annually appoint a Librarian and such other persons as may be needful for the care of the Library; and shall establish such rules for its management as they may from time to time deem proper.

If the Town shall vote to accept the gift in trust upon the terms above set forth I will make the conveyance as soon as the building is completed.

GEORGE G. TARBELL.

And Whereas the Inhabitants of said Town of Lincoln at a Town Meeting held on the third day of March A.D. 1844, unanimously accepted said offer by a vote recorded on the records of said Town as follows: "Voted to accept the proposed gift and conveyance of Mr. George G. Tarbell of the Library Building and Lot, to hold in trust upon the terms set forth in his communication to the Town this day made, and that said communications be recorded with this vote on the Town Records. Voted that the Selectmen be instructed to accept the Deed when it shall be offered, in behalf of the Town, and to place the Library in the case of the Trustees" —

And Whereas said Library building is now completed.

Now Therefore Know All Men by these Presents that I the said George Grosvenor Tarbell, in consideration of the acceptance of the trust herein set forth, by the said Inhabitants of the Town of Lincoln, do hereby give, grant, bargain, sell and convey to the said Inhabitants of the Town of Lincoln that parcel of land with the Library building thereon, containing about one acre, situated in said Town of Lincoln at the junction of the Bedford and Waltham Roads, measuring two hundred and forty (240) feet more or less on said Bedford Road, two hundred and fifty (250) feet more or less on said Waltham Road, and three hundred and twenty (320) feet more or less along a way on its north-easterly side running from one of said Roads to the other — being part of the premises that were conveyed to me by deed of Samuel H. Pierce which was dated April thirtieth A.D. 1883, and is recorded with the Middlesex Deeds, Southern District lib. 1631, fol. 549.

To Have and to Hold the granted premises with all the privileges and appurtenances thereto belonging to the said Inhabitants of the Town of Lincoln their successors and assigns to their own use and behoof forever, but in Trust nevertheless to hold for the purposes and upon the terms and provisions contained in the communication to said Inhabitants hereinbefore recited.

IN WITNESS WHEREOF

Annual Report 1958

GENERAL GOVERNMENT

purchase of a Police Cruiser to replace existing equipment, or take any other action relative thereto.

Voted: That the Town raise and appropriate the sum of \$1,400.00 for the purchase of a police car to replace existing equipment.

Article 13. To determine whether the Town will appropriate the sum of \$12,500.00 for the construction of two additional tennis courts at the Ballfield, appoint a committee with full authorization to carry out said construction, or take any other action relative thereto.

Voted: That the sum of \$12,500.00 be raised and appropriated for the construction of two additional tennis courts at the Ball Field, and that the Moderator appoint a committee of three which shall have full power and authority within the limits of said \$12,500.00 to construct said tennis courts. Yes, 292; No, 230.

Article 14. To determine whether the Town will approve the proposed action of the Library Trustees seeking to change the provisions under which the Town accepted as a gift in 1884 the parcel of land and building now used as a library, so that the Town may have broader representation on the Board of Library Trustees, and also so that the Chairman of the Selectmen and the Chairman of the School Committee will not be required to serve as Library Trustees, or take any other action relative thereto.

Voted: (unanimously) That the Town approve the proposed action of the Library Trustees seeking to change the provisions under which the Town accepted as a gift in 1884 the parcel of land and building now used as a Library, so that the Town may have broader representation on the Board of Library Trustees, and also that the Chairman of the Selectmen and the Chairman of the School Committee will not be required to serve as Library Trustees, and Resolved: That it is the sense of the meeting that there be added one or more Library Trustees selected by the Town.

Article 15. To determine whether the Town will accept as a public way the private road known as Acorn Lane, as shown on a plan entitled "Plan of Land in Lincoln, Mass. Rowland A. Barnes & Company, Civil Engineers, dated October, 1955" and filed with South Middlesex District Registry of Deeds as plan #2463 of 1955, recorded in Registry of Deeds Book #8644, Page 70, and approved by the Planning Board of the Town of Lincoln, December 30, 1955, or take any other action relative thereto.

Voted: That subject to the receipt of a deed under easement in form satisfactory to the Selectmen the Town accept as a public way the private road known as Acorn Lane, as shown on a plan entitled "Plan of Land in Lincoln, Mass., Rowland A. Barnes & Company, Civil Engineers, dated October, 1955" and filed with South Middlesex Registry of Deeds as plan #2463 of 1955, recorded in Registry of Deeds Book

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX:SS

SUPERIOR COURT
IN EQUITY

CHARLES K. FITTS, JOHN W. CARMAN
ALICE G. MERIAM, EDWIN M. COLE
AND ROLAND C. MAC KENZIE

VS.

THE ATTORNEY GENERAL

FINAL DECREE

This cause came on to be heard at this sitting of the Court and after a hearing thereon it is ORDERED, ADJUDGED and DECREED:

1. The language in the George Grosvenor Tarbell Library Trust established in 1884 for the benefit of the Town of Lincoln requiring the Chairman of the Board of Selectmen of the Town of Lincoln and the Chairman of the School Committee of the Town of Lincoln to serve as trustees ex officio thereunder is stricken and eliminated therefrom and is no longer in force

2. The Plaintiff, Charles K. Fitts, and the Plaintiff, John W. Carman, are authorized and directed to resign forthwith as ex officio trustees under the aforesaid trust

3. The aforesaid trust is herewith permanently amended and modified so as to authorize the concurrent appointment or election of three additional trustees in lieu of the aforesaid ex officio trustees as follows:

(a) one Trustee is to be appointed for a three year term by the Board of Selectmen of the Town of Lincoln

(b) one Trustee is to be appointed for a three year term by the combined Lincoln School Committee and Lincoln Regional School Committee

(c) one Trustee is to be elected for a three year term by the Inhabitants of the Town of Lincoln.

By the Court

Raymond E. Russell
Assistant Clerk

Entered: Sept 17, 1958