

[MONTGOMERY PARK]

Declaration of Trusts

First The said Trustees and their successors shall be known and called "Trustees of the Proprietors of Montgomery Park" and they shall hold and manage said Park in trust for the use and benefit of said Proprietors, and it is expressly understood that said Proprietors shall consist only of those persons who have an interest legal or equitable in some one or more of said estates contributing to the purchase of said Park, a list of which estates is set forth in the Schedule hereto annexed, so that only the owners for the time being of the said contributing estates, and no others shall be the Proprietors of said Park.

Second Said Trustees shall take care of and manage said Park according to their best skill and judgment and as the means contributed by said Proprietors from time to time shall allow. They shall incur no debt on the credit of the Proprietors and shall create no lien upon said Park, and all funds contributed from time to time by said Proprietors for the care and ornament of said Park shall be faithfully applied to that purpose and no other.

Third In case said proprietors shall deem it advisable to sell the whole or any part of said park, said Trustees may, with the written consent of the Proprietors of any ten of the said contributing estates, sell the whole or any part of said Park at public or private sale to such person or persons and for such considerations as said Trustees may deem proper and may execute and deliver suitable deeds to the purchaser of the premises sold free and discharged of all trusts herein declared, and the purchaser shall not be answerable for the application of the purchase money and the net proceeds of all such sales shall be divided among the then Proprietors of said Park, in proportion to the original shares or contributions of the contributing estates.

Fourth Whenever any one or more of said Trustees shall die, resign, or become incapable of exercising said Trusts, a new Trustee or Trustees shall be appointed by the Judge of the Probate of said Country of Suffolk to fill any vacancy so occasioned, upon the petition and nomination of any ten of said Proprietors, and when any of said Trustees or their successors shall, from any cause, cease to hold any interest either legal or equitable in any one of said contributing estates he shall cease to be a Trustee and his office shall be vacant, and such vacancy shall be filled in the manner above mentioned, and every new Trustee or Trustees shall, when appointed have the same power, privileges and exemptions and be subject to the like duties as the Trustees above named and the surviving or remaining Trustees shall convey to such new Trustee or Trustees the trust property and estate to be held jointly with them upon the trusts herein declared.

Fifth In the management and care of the trust property and estate each Trustee shall be answerable only for his own acts, receipts, doings and defaults and not one for the other, and they shall be liable for the wilfull default only, and no bond shall be required of said Trustees or either of them or their successors and they shall receive no compensation for their services. In witness whereof and in token of our acceptance of the conveyance of said Land to us and of the foregoing trusts under which the same is to be held, we the said

Thomas Mickell, Jonathan A. Land, Matthias Rich, Albert Gay and Albert H. Rhodes have hereunto set our hands and seals this seventh day of February in the year Eighteen hundred and sixty-five.

Executed in the presence of Luther L. White witness to all, Commonwealth of Massachusetts, Suffolk ss March 6, 1865. Personally appeared the above named Jonathan A. Lane, etc. and severally acknowledged the above instrument to be their free act and deed, Before me, Luther L. White, Justice of the Peace.

Schedule of the estates contributing to the purchase of Montgomery Park, in Boston, with the amount or shares to which each estate is entitled in said Park.

Description of Estates	Names of Owners	Amount	Shares
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House & land at S.W. corner, Dedham & Tremont Sts		John L. Gardner	\$150.00	12
House & land 609 Tremont St		Sarah Rogers	200.00	16
“ 611 “		Henry A. Whitney	300.00	24
“ 613 “		Henry P. Kidder	300.00	24
“ 615 “		L. W. Martin	300.00	24
“ 617 “		Bery Sweetser	300.00	24
“ 619 “		Isaac Emery	300.00	24
“ 621 “		Albert H. Rhodes	300.00	24
“ 623 “		Jonathan A. Lane	250.00	20
“ 625 “		William J. Ewing	100.00	8
“ 25 Canton St.		George Fowle	200.00	16
“ 24 “		Charles Chipman	200.00	16
“ 23 “		Charles J. Butler	200.00	16
“ 22 “		H.M. Smith	200.00	16
“ 21 “		Albert Gay	200.00	16
“ 20 “		Thos. Mickell and wife	200.00	16
“ 19 “		Albert S. Haven	150.00	12
“ 18 “		Misses Baldwin	100.00	8
“ 16 “		John Lodge	50.00	4
“ 15 Montgomery St.		Heirs of E. Baker	262.50	21
“ 14 “		Heirs of E. Baker	262.50	21
“ 13 “		Maria T. Tileston	262.50	21
“ 12 “		Estate of E. Baker	262.50	21
“ 11 :		Estate of E. Baker	250.00	20
“ 9 “		Estate of E. Baker	200.00	16
“ 8 “		Estate of E. Baker	200.00	16
“ 5 Dedham St.		S. L. Hastings	175.00	14
“ 4 “		Sanderson	200.00	16
“ 3 “		Matthias Rich	200.00	16
“ 2 “		Aard Brown and wife	200.00	16
“ 1 “		George M. Guild	<u>250.00</u>	200
			(6725.00)	(538)

March 6, 1865, at one o'clock and forty five minutes P.M. Received, entered and examined

Attest James Rice, Reg.