

KNOW ALL MEN BY THESE PRESENTS that I, Edward H. R. Lyman, of Brooklyn, in the County of Kings and State of New York, in consideration of one dollar and other good and valuable considerations paid by The City of Northampton in its corporate capacity, in the County of Hampshire, and Commonwealth of Massachusetts, and further in consideration of the love and affection which I have for said city of Northampton and its inhabitants, do hereby give, grant, bargain, sell and convey unto said City of Northampton and any successor to its politic and corporate rights and privileges

the following described tract or Parcel of land situated in said Northampton at the corner formed by the junction of Main Street with the approach or entrance to South Street near the High School House grounds, and bounded as follows, namely: beginning on Main Street at the aforesaid junction thence running southerly on said entrance to South Street about two hundred and twelve (212) feet to a fence post, thence easterly on the line of the wire fence about one hundred and nine (109) feet to line of land now owned or occupied by Jacob Holley; thence northerly on land of said Holley about two hundred and eleven (211) feet to said Main Street; thence westerly on said Main Street about one hundred and thirty-eight (138) feet to the place of beginning, with the building thereon, called the Academy of Music and all and singular its furnishings, properties and equipment.

TO HAVE AND TO HOLD the granted premises, with all the privileges and appurtenances thereto belonging, to the said City of Northampton and any successors as aforesaid, to its and their own use and behoof forever.

And I hereby for myself and my heirs, executors, and administrators, do covenant with the said grantee, that I am lawfully seized in fee-simple of the granted premises; that they are free from all incumbrances;

that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall WARRANT AND DEFEND the same to the grantee forever against the lawful claims and demands of all persons

AND for the consideration aforesaid I, Catharine A. Lyman, wife of said Edward H. R. Lyman

do hereby release unto the grantee all right of or to both DOWER AND HOMESTEAD in the granted premises,

IN WITNESS WHEREOF we the said Edward H. R. Lyman and Catharine A. Lyman, his wife hereunto

set our hands and seals this third day of November in the year one thousand eight hundred and ninety-two

Provided nevertheless, and the foregoing deed is upon the following conditions, namely:

First; Said granted premises shall be devoted and used solely and exclusively for the delivery of lectures, the production of concerts and operas and the impressions and delineation of the drama of the better character; and such other kindred subjects as shall be approved by the unanimous vote of the Committee or board of management hereinafter named; but said premises shall never be used for political meetings or rallies or for the distinctive presentation of party politics.

Second; The care and management of the granted premises shall be vested solely in a special committee, or board of management, of five persons, who shall exercise a careful and diligent oversight of the property. The Mayor of the City of Northampton ex-officio, the President of the Trustees of the Smith College, ex-officio, the grantor, Edward H. R. Lyman and Chauncey H. Pierce and Timothy G. Spaulding, the last two being residents of said Northampton, shall constitute this committee or board. The aforesaid Mayor and President being members of the board by virtue of their official positions, will upon the expiration or the resignation of their respective terms of office be succeeded in membership upon this board by their respective successors in their aforesaid official stations; and no permanent vacancy will exist as to these two members. In the event of the death or resignation of the grantor Edward H. R. Lyman, the vacancy on the board so caused shall be filled by the election, by the remaining members of the board of his son, Frank Lyman, or his son-in-law, Alfred T. White, to and as a member of the board, or such other person as they both, or in the event of the death of one, the survivor shall nominate and appoint. All other vacancies at any time arising in the membership of this board shall be filled by a majority vote of the remaining members.

to be kept, in which all items of receipts and expenditures, connected with the use and management of the granted premises shall be regularly entered under proper headings, and a complete account of such receipts and disbursements shall be annually rendered to the said City of Northampton.

Fourth; Said committee or board shall have power and authority to employ and pay such help or service as they shall judge to be necessary for the proper and efficient care and preservation of the property.

Fifth; Said committee or board shall keep the building with all its appurtenances insured against fire in the sum of forty thousand dollars (\$40,000). And the premiums paid for such insurance shall be charged as an expense item in their accounts. In case of loss by fire any money received from the insurance shall be paid to said committee or board and shall be expended by them in repairing or re-building said building with its furnishings, properties, etc.

Sixth; If in any year there shall be an excess of receipts over disbursements, such excess shall be paid into the city treasury of Northampton with the annual account. If in any year the disbursements shall exceed the receipts, the City of Northampton shall appropriate and pay to said board or committee or to the person who shall be acting as treasurer first, such sum as may be needed to balance the account for such year.

Seventh; No other building or any annex to the present building shall be erected upon the granted premises without the unanimous vote of approval of the board or committee of management, and then only for the purpose of increasing the facilities of the present building. Such vote shall be expressed at length with

the reasons and objects of the same upon the records of said board or committee.

In the event of the breach of any of the foregoing conditions, said granted premises shall at once without entry revert and re-vest in the grantor or his heirs and assigns.

Signed and sealed and delivered
in the presence of Charles N.
Clark to E.H.R.L. and C.A.L.

E. H. R. Lyman (Seal)

Catharine A. Lyman (Seal)

COMMONWEALTH OF MASSACHUSETTS

Hampshire, ss., November 4th, 1892. Then personally appeared the above named E.H.R. Lyman and acknowledged the foregoing instrument to be his free act and deed, before me.

Charles N. Clark (notarial seal)

Notary Public

(City Seal)

Hampshire, ss., February 20, 1893, 4 o'clock 53 minutes p.m.

The foregoing is a true copy of the original.

Robert W. Lyman, Register.

CITY OF NORTHAMPTON

IN BOARD OF ALDERMEN, February 6th, 1893.

WHEREAS: the Honorable Edward H. R. Lyman has shown his love and affection for his native city, not only by his yearly return and dwelling among us, but also in the erection and gift to the City of the Academy of Music, which he has fitly designed to be a most valuable means of recreation, education and culture to our citizens in the present and for the future and WHEREAS: the possession by the City of this building designed and elaborated at great expense by the donor and dedicated to the common good of the people, will, as it is believed, aid in a very marked manner in the education and culture of all and WHEREAS: the uses of this Academy, as designated by the donor, are for purposes for which the City may lawfully accept and hold this property.

IT IS THEREFORE ORDERED, if the common council concur, that the City of Northampton does hereby gratefully accept this gift of the Academy of Music made by Hon. Edward H. R. Lyman to this City, by his deed dated and upon the terms and conditions in said deed set forth. That after this vote is approved by the Mayor, he is authorized and directed in further attestation of the foregoing to cause the name and corporate seal of the City to be affixed and this instrument to be acknowledged as the free act and deed of the City and to cause the said deed of gift and this acceptance thereof to be recorded in the Registry of Deeds for Hampshire County.

And the Mayor is further authorized and requested to cause a copy of the recorded deed of the Academy and of the Acceptance thereof by the City duly certified from the Register of Deeds to be forwarded to the donor.

Rules suspended, passed three several readings, and sent down for concurrence, Feby. 9th, came up concurred and enrolled in concurrences.

(city seal)

Attest: Egbert I. Clapp, Clerk.

A true copy. attest; Egbert I. Clapp, City Clerk.

Hampshire, ss. Feb. 20, 1893 4 o'clock 53 minutes p.m.

The foregoing is a true copy of the original.

Robert W. Lyman, Register