

DEED

WILLIAM W. CORCORAN, }
TO
JAMES M. CARLISLE, et al. }

DEED
Recorded
May 18, 1869.

This indenture made this tenth day of May, in the year of our Lord eighteen hundred and sixty-nine, by and between William W. Corcoran, of the city of Washington, District of Columbia of the first part, and James M. Carlisle, James C. Hall, George W. Riggs, Anthony Hyde, James G. Berret, James C. Kennedy, Henry D. Cooke, and James C. McGuire of the city of Washington and Georgetown, District of Columbia, and William T. Walters of the city of Baltimore, State of Maryland, of the second part.

Witnesseth, whereas, the said William W. Corcoran, in the execution of a long cherished desire to establish an institution in Washington City, to be "dedicated to Art," and used solely for the purpose of encouraging American genius, in the production and preservation of works pertaining to the "Fine Arts," and kindred objects, has determined to convey to a Board of Trustees the property hereinafter described, to which he may, hereafter, make other gifts and donations, to be held by said board and used for the purposes aforesaid: Now, therefore, the said William W. Corcoran, in consideration of the premises, and of the sum of one dollar current money of the United States to him in hand paid by the said

parties of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained and sold, aliened, enfeoffed and conveyed, and by these presents doth grant, bargain and sell, alien, enfeoff and convey unto the said James M. Carlisle, James C. Hall, George W. Riggs, Anthony Hyde, James G. Berret, James C. Kennedy, Henry D. Cooke, James C. McGuire and William T. Walters, and the survivors and the survivor of them, and the heirs and assigns of such survivor, lots numbered 5 (five) 6 (six) 7 (seven) and 8 (eight) in square numbered 167 (one hundred and sixty-seven) in the city of Washington and District of Columbia, as the same are laid down and distinguished upon the public plat of said city, fronting 106 feet 9 inches, more or less on President's square, and 160 $17/100$ feet, more or less on Seventeenth street west, together with all and singular the buildings, improvements, hereditaments, and appurtenances thereto appertaining, or in anywise belonging, and all the estate, right, title and interest of the said party of the first part in and to the same.

To have and to hold all and singular the lots and parcels of ground and premises aforesaid with the appurtenances unto, and to the use of them the said parties of the second part, and the survivors and survivor of them, and the heirs and assigns of such survivor. In trust, nevertheless, and to and for the intents and purposes hereinafter expressed and described, that is to say:

First. That the said parties of the second part shall, without unnecessary delay, after the acceptance of this trust, to be signified by their signing and sealing the memorandum to that effect, hereunder written, organize

themselves into a permanent Board of Trustees, with such officers, to be selected from their own number, as to them may seem necessary or convenient, for the orderly management of this trust, and the more efficient attainment of the end and objects designed by the said party of the first part, as indicated by his general intent to be gathered from this instrument, in all its parts and provisions, and with the same intent, and for the same ends and objects shall make and as often as may be necessary, from time to time, make, alter, amend, repeal and re-enact in whole or in part, all necessary by-laws, rules, and regulations, in the premises, in execution of and not inconsistent with the provisions and true intent of this instrument; in all which they shall act by the concurrence of a majority of the whole number of trustees.

Secondly. That when the number of the said original Board of Trustees, being the said parties of the second part, shall, by death, resignation, or inability, to be ascertained by a resolution of the said board, acting by a majority of the whole number, shall have been reduced below the number of nine members, the remaining members shall elect suitable persons, in their discretion, from time to time, as often as may be necessary, so that the board shall always be composed of nine members.

Thirdly. That all property, real, personal and mixed, rights, credits, choses in action, or other valuable thing whatsoever, hereby conveyed, or intended to be conveyed, or which may hereafter be conveyed, given or transferred and assigned, and delivered to the said Board of Trustees, whether composed of the said parties

of the second part or of their successors, chosen and elected as hereinbefore provided, whether in whole or in part, shall be held, managed, limited, used and devoted to executing the trusts, and giving effect, according to the best judgment of the said Board of Trustees from time to time; and all legal rights and titles in the premises shall be taken and held in such manner, and with such legal forms, as shall serve the trusts, intents, uses and purposes declared or plainly indicated or implied in and by the terms of this instrument.

Fourthly. The property so received and held, or which may be received and held by the said Board of Trustees, shall be held, used, managed and disposed of by them, and their successors and assigns, whether under this instrument alone or under any act of incorporation hereafter to be procured, for the perpetual establishment and maintenance of a Public Gallery and Museum for the promotion and encouragement of the arts of painting and sculpture, and the fine arts generally, upon such system, and with such regulations and limitations as the Board of Trustees may, from time to time, whether corporate or unincorporate, prescribe, limit and ordain: Provided, always, that the Gallery and Museum shall be open to visitors without any pecuniary charge whatever, at least two days in each week, for such convenient and customary hours as shall be, from time to time, prescribed and made public; and at such other times, not being such public days, as aforesaid, such moderate and reasonable fees for admission may be prescribed and received, to be applied to the current expenses of procuring and keeping in proper order the building and its contents.

Fifthly. While the officers necessary or appropriate to the organization of the Board of Trustees shall be elected from their own number, it is understood that the board shall and may, at its discretion at all times, employ other persons to be officers, agents and servants of the board for the orderly and efficient management and conduct of the institution.

Sixthly. The system and the appropriate measures for increasing the collection of paintings, statues and kindred works of art, of which the private gallery of the party of the first part will form the nucleus, and such other voluntary donations as the trustees may from time to time receive, are confided to the discretion and judgment of the Trustees, as is also the management generally of the institution.

Seventhly. The general intent of the said party of the first part being expressed in general terms in the premises and recitals of this instrument, and further indicated, with certain specifications in the foregoing articles, numbered from one to six, inclusive, it is hereby declared that all and singular the gifts, grants, conveyances, and assignments, herein expressed and set forth are to and for the trusts, intents, and purposes so as aforesaid expressed, implied, set forth, or indicated, and to none other whatsoever; and that while it is the intention of the grantor and donor herein that no merely technical or formal breach of or departure from the terms and conditions of this trust shall operate as any forfeiture or defeasance in favor of his heirs, or of any claiming in his right, nevertheless it is hereby declared, and these presents are upon the express and strict condition, that

these presents and every matter and thing hereinbefore contained, and every estate, right, title, interest, and power thereby given, granted, conveyed, and limited, shall cease and determine, and become utterly void and of none effect, whensoever it shall be decreed, adjudged, or declared by the highest judicial authority having jurisdiction, upon a proper proceeding in law or in equity, to be instituted by the heirs, devisees, or assignees of the said party of the first part, that the real estate hereinbefore conveyed shall have been diverted from the purposes of this trust, to be gathered from this instrument in all its parts and provisions, so as substantially to defeat or plainly to be inconsistent with and repugnant to this trust, construed and interpreted in a liberal and sensible spirit; and thereupon, as in a case of a breach of strict condition subsequent, the heirs, devisees, or assigns, or other proper legal representatives in the premises, of the said William W. Corcoran shall be entitled to re-enter upon the said real estate as of his, the said William W. Corcoran's, right and title prior to the execution of these presents, and as if the same had never been executed; and, in like manner, all and every other estate, property, chattel, or valuable thing, the title to which shall have proceeded in the premises from the said William W. Corcoran to the said trustees, or their successors and assigns, shall as far as may be consistent with the rules and principles of law and equity, revert and be revested in right of the said Corcoran or his proper legal representatives therein.

Eighthly. That the said Board of Trustees may at any time hereafter, in its discretion, apply for and accept an act of Congress incorporating them and their successors, so as to facilitate the execution of this trust by vesting the same in a perpetual body corporate with the like powers and for the same trusts, intents, and purposes herein declared, expressed, or indicated, but for no other trusts, intents, or purposes whatsoever; such act of incorporation to refer to this deed, and to be expressed to be in execution of the trusts thereof; and thereupon the said parties of the second part, and the survivors and survivor of them, or the heirs and assigns of such survivor, shall execute such conveyances as may be necessary to transfer the whole property of this trust to such corporation upon the trusts of this deed. And whereas the lots of ground and improvements herein before described and referred to have, by reason of the exigencies of the public service of the United States, been rented and occupied for the public use, without any special contract, but subject to the constitutional provision that "private property shall not be taken for the public use without just compensation," which just compensation for the whole period of such occupation by the United States now remains to be paid, and considering the same properly to belong to this trust, as being of the rents, issues, and profits of the ground and buildings which he had heretofore, and as early as the year eighteen hundred and fifty-nine, devoted and dedicated to the trusts and purposes hereinbefore formally declared, Now, therefore, in consideration of the premises, and of the sum of one dollar by the said parties of the second part

to him in hand paid, he, the said party of the first part, hath assigned, transferred, and set over, and by these presents doth assign, transfer, and set over, unto the said parties of the second part, and the survivors and survivor of them, and the executors, administrators, and assigns of such survivor, all and singular the rents, issues, and profits of the lots of ground and improvements hereinbefore described for and during the whole period of the occupation and possession of the same by the Government of the United States, and all the just compensation which may be due from the United States for the public use of the same, hereby authorizing and empowering the said parties of the second part, or a majority of them, either by themselves or by any substituted attorney or attorneys, to be named and appointed by them or a majority of them, to acquit and release and receipt for the same in any sufficient legal form of acquittance which may be according to law, as fully as he, the said party of the first part, could personally release and acquit the same; which rents, issues, and profits, and just compensation for the public use of the said property, shall be received and held, by the said parties of the second part, for the same uses, intents, and purposes hereinbefore declared, but shall, as far as may be necessary, be applied, before all other objects, to the completion of the interior of said building, and to putting it in a condition to be immediately applied to the primary intents and purposes of this trust, as expressed in the recital in the premises of this deed.

In testimony whereof, the said party of the first part

hath hereunto set his hand and affixed his seal, the day
and year first hereinbefore written.

W. W. CORCORAN. [SEAL.]

Signed, sealed, and delivered,
in the presence of—

JOHN HUNTER.

A. T. BRICE.

We, jointly and severally, accept the trusts of the
foregoing deed.

Witness our hands and seals, the said tenth day of
May, eighteen hundred and sixty-nine.

J. M. CARLISLE. [SEAL.]

J. C. HALL. [SEAL.]

GEO. W. RIGGS. [SEAL.]

ANTHONY HYDE. [SEAL.]

JAMES G. BERRET. [SEAL.]

JAMES C. KENNEDY. [SEAL.]

HENRY D. COOKE. [SEAL.]

JAMES C. McGUIRE. [SEAL.]

W. T. WALTERS. [SEAL.]

DISTRICT OF COLUMBIA, }
County of Washington, } *sct.*

I, Whitman C. Bestor, a notary public in and for
Washington county aforesaid, do hereby certify that
William W. Corcoran, the party of the first part to a
certain deed bearing date the tenth day of May, A. D.
eighteen hundred and sixty-nine, and hereto annexed,

personally appeared before me, in my county aforesaid, on the day of the date hereof, the said William W. Corcoran being personally well known to me to be the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under my hand and notarial seal this tenth day of May, eighteen hundred and sixty-nine.

WHITMAN C. BESTOR,
Notary Public.

[NOTARIAL SEAL.]