

**HENRY SHAW'S WILL:
ESTABLISHING THE MISSOURI
BOTANICAL GARDEN: ADMITTED
TO PROBATE AT ST. LOUIS,
MISSOURI, SEPTEMBER 2, 1889**

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Henry Shaw's will: establishing the Missouri Botanical Garden: admitted to probate at St. Louis, Missouri, September 2, 1889 by Henry Shaw

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HENRY SHAW

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BOTANICAL GARDEN: ADMITTED
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MISSOURI, SEPTEMBER 2, 1889**

HENRY SHAW'S WILL

ESTABLISHING THE

Missouri Botanical Garden

Admitted to Probate at St. Louis, Missouri,

September 2, 1889.

ALSO

ACT OF GENERAL ASSEMBLY OF MISSOURI, APPROVED MARCH 14, 1879,

AND

DEED OF HENRY SHAW TO WASHINGTON UNIVERSITY, OCTOBER 14, 1885.

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HENRY SHAW'S WILL.

I, HENRY SHAW of the City of St. Louis and State of Missouri of sound and disposing mind, but mindful of the uncertainties of life, and desiring specially to carry out and provide for certain objects which have been the subject of thought and labour, and care for many years past, more effectually than I have hereto done, do make publish and declare this, as and for my last will and testament, hereby revoking all other wills by me at any time heretofore made, in manner following, that is to say.

FIRST CLAUSE—I give and bequeath unto M Dwight Collier, Henry Hitchcock, Wm H H Pettus, Dr John B Johnson, Adolphus Meier, Wm G Eliot who is now Chancellor of the Washington University, and his successor in office, Charles F Robertson, who is now Bishop of the Episcopal Church of the Diocese of Missouri and his successors, David F Kaime, James Yeatman, Judge Saml. Treat, Joseph W Branch, Gerard B Allen, Rufus Lackland, Judge G A Madill, the President for the time being of the Public Schools, and his successors in office, the President for the time being of the Academy of Science of St Louis, and his successors, the Mayor of the City of St Louis and his successors in office, Dr Asa Gray of Cambridge Masssts and Profr Spencer F Baird, secretary of the Smithsonian Institution, Washington City. The two last named as honorary trustees are added to the trust in recognition of their scientific eminence and ability; the following real and personal property, to wit, all the real estate owned by me at the time of my death within the following limits, to wit, Grand

avenue on the east, the road running from Grand avenue to the Old Manchester road, and now known as McRee avenue dividing United States survey number fifteen hundred and nineteen (1519) and thirty-two hundred and ninety-four (3294), on the north; Arsenal street or road on the south, and Kings highway, and Old Manchester road on the west; excepting such interests and estates as I have heretofore conveyed to the City of St Louis, by two deeds, one bearing date the twentieth day of October 1868, [2] and the other bearing date the ninth of July 1872, and do therein devise to the said City of St Louis for Tower Grove Park; as also such interest as I have conveyed to the Orphans Home, and also to the Calvary Church or the trustees thereof; all being part or parcel of the Prairie Denoyer common fields. Also all the interest estate and property that at the time of my death I may own and be possessed of, in a certain tract of land, bounded north by the said Arsenal road, east by property late of Eggers, south by property of J Tool, and west by Kings Highway, which was originally held by me in common with the late Peter Lindell, and since his death has been divided between his representatives and myself. Also all the estate property and interest which at the time of my death I may own or be possessed of, in a certain tract of land n United States survey numbered two thousand and thirty seven (2037) in the name of Charles Gratiot, and bounded as follows to wit, north by Fyler avenue, east by Kings highway, south by Pernod road and west by owners unknown, being the same property owned in common by me with the late Peter Lindell, and since his death divided in partition between his legal representatives and myself; together with the improvements thereon, as also all the household and kitchen furniture of all kinds and descriptions in the house now occupied by me on the tract of land first herein described by me, as also all the plants, trees, flowers and shrubs, contained in the garden grounds, conservatories, green houses, hot houses, and other structures

situated therein, all the library and books and paintings in said house and museum building, and stuffed birds and animals in said museum building, and the herbaria of dried and prepared plants and specimens therein, all the implements of gardening, horticulture and husbandry, and also all farming utensils, horses, cattle, hogs, poultry, hay, grain, provisions and groceries in and about the said premises, herein first mentioned and conveyed, and the houses, stables, and [3] barns situated thereon. To have and to hold the said real and personal property to them and the survivors of them and their assigns in office forever, in Trust however for the following uses, and purposes, as joint tenants in common, to wit. Whereas I have for many years been engaged in laying out and establishing a botanical garden, with a museum and library connected therewith upon a portion of the tract first described, and which is now known as the Missouri Botanical Garden, with the design at the time of my death to convey the same with other property to Trustees for the object and with the view of having for the use of the public a Botanical garden easily accessible, which should be forever kept up and maintained for the cultivation and propagation of plants, flowers, fruit and forest trees, and other productions of the vegetable Kingdom; and a museum and library connected therewith, and devoted to the same and to the science of Botany, Horticulture, and allied objects; and whereas as a means of enabling me more effectually to secure the object I have in view, and to preserve the same to the use and enjoyment of the public for all time, the General Assembly of the State of Missouri did pass an act, entitled an act to enable Henry Shaw to convey and devise to Trustees certain lands which was approved of on the 14th day of March 1859; and as it was with the design of carrying out the purpose and object upon which I have been so long engaged, and availing myself of the power given me in said act so far as necessary. I have herein given, devised and bequeathed to said Trustees the property

herein specified ; I do now declare the uses, purposes and trusts which said Trustees hold the said property to be as follows.

1st—The said Trustees shall not have the power to make any sale, conveyance or disposition of the real estate herein devised to them or any portion thereof, except as herein specified.

2nd—Said Trustees shall forever keep that portion of the said tract first described, which is now occupied by the Botanical garden, Fruti-[4] Fruticetum, Arboretum, Museum, my residence with such other extent of land as from time to time they may find it expedient or necessary to add thereto for the extension of the said botanical garden and grounds, including the residence of the Director thereof as a Botanical garden for the propagation and cultivation of specimens of plants flowers, fruit, and forest trees for the promotion of science and knowledge, which shall be kept open during such hours, and under such regulations as they shall prescribe every day except sundays, for the use of the public at large.

3rd—The residue of the real estate not required for the immediate purposes of the said Botanical garden in extending the same, whenever it shall appear or seem to the said Trustees necessary, shall from time to time, as the same can be advantageously done, be leased by said Trustees as follows; such portions thereof as can be advantageously leased upon building leases, shall be leased for a term not exceeding sixty years, with a provision in such leases for perpetual renewal thereof for succeeding terms of not more than sixty years, at a rent to be fixed by valuation to be made as therein provided at each term of renewal. Such leases shall also contain a provision that the lessee as a part of the rent shall pay all taxes general and special, and assessments that may be levied or assessed upon said land so leased. It is my design and object not only that the lands so leased shall afford an income or revenue for the support of the said Botanical Garden, but that

it may in the future be so leased as by its improvement its contiguity may be pleasant and attractive to the visitors and students of the Botanical Gardens. The said Trustees may lease the cottages already erected, and such portions of the said real estate herein before devised, as they do not use for the garden, and cannot profitably lease for building purposes, on short leases to nurserymen, florists, vegetable and market gardeners and others. [5]

4th — Of the Trustees herein mentioned to whom the real and personal property is hereby devised and bequeathed; the Mayor of the City of St Louis, and the Chancellor of the Washington University, the Bishop of the Episcopal Church, the President of the Public Schools, and the President of the Academy of Science, are hereby constituted such Trustees by virtue of their office, and not as individuals, and upon their ceasing *be to* such officers, their functions as such Trustees cease, and their successors in office immediately vested with such title to the property, and such rites and duties in relation to the said trust as was possessed by the person ceasing to be such officer. In the event of death, resignation, removal from the city, or permanent inability to serve, of any of the said Trustees, the remaining Trustees will proceed to elect some person fitted by his social position, character and tastes to fill the vacancy; and when any person shall be elected to fill any such vacancy, the other Trustees shall by proper instrument clothe him with the same trusts, interests and power over the said trust property as was possessed by the Trustee in whose place he was elected. In the event of the death of the said Eliot or the said Robertson, I recommend to the said Trustees to fill the vacancy by electing the person who shall succeed to the office or station of the deceased persons above named, and that such selection may be continued to be made upon the death of the individual holding such office and station, so long as the trust shall endure. The said Trustees and their successors in office as herein provided shall constitute a board of Trustees, and said board shall keep written min-