

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

PROBATE COURT

1892

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HAROLD A. PRIEST, ALAN FERGUSON, .  
WARREN E. PECK, HOWARD F. .  
GLEASON and FRANCIS W. WARREN, .  
Trustees of the HALE HIGH SCHOOL .  
FUND, .

Plaintiffs, .

JUDGMENT

FRANCIS X. BELLOTTI, Attorney .  
General for the Commonwealth of Massa- .  
chusetts, and the heirs-at-law of ELIJAH .  
HALE, HENRY BROOKS, JOHN W. .  
BROOKS and FRANCIS W. HALE, .

Defendants. .  
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At a Probate Court held at Cambridge, in and for said  
County of Middlesex on the 24th day of July in the year of  
our Lord One Thousand Nine Hundred and Seventy-Five.

On the Complaint of Harold A. Priest, Alan Ferguson, War-  
ren E. Peck, Howard F. Gleason and Francis W. Warren, Trust-  
ees of the Hale High School Fund, Plaintiffs, against Francis X.  
Bellotti, Attorney General for the Commonwealth of Massachu-  
setts, and the heirs-at-law of Elijah Hale, Henry Brooks, John W.  
Brooks and Francis W. Hale, Defendants, praying that the court

determine that the gifts made to the Hale High School Fund were made for a charitable public purpose with a general intention on the part of the donors to devote said property to public charitable purposes and that said purpose has become impossible to fulfill and that the court allow said Fund to be administered cy pres and that the Plaintiffs be authorized to use the income of said Fund for the maintenance of a reference room in the Randall Memorial Library in the Town of Stow for high school students all as is more fully set forth in the said Complaint and for such other and further relief as to the court may seem mete. After hearing and consideration, the Attorney General for the Commonwealth having appeared and assented to the entry of a judgment in accordance with the prayers of the Complaint, the court orders as follows:

1. The Plaintiffs be and hereby are authorized to apply the funds held by them as described in said petition for the operation of the Plan hereinafter set forth in paragraphs 2 through 4 inclusive.

#### THE PLAN

1. A room shall be set aside in the Randall Memorial Library in the Town of Stow and shall be designated the Hale Reference Room.
2. Such room shall be used to house reference materials generally, with the emphasis on such materials as are required by students attending high school.

3. The annual income from the Hale High School Fund shall be used for the purchase of equipment and research materials for use in said room or as a contribution towards the salary of a reference librarian or for such other or related expenses as may be incurred in setting up and maintaining such a room.

4. Such expenditures shall be made either directly by the Trustees for the time being of the Hale High School Fund or by annual distributions to the Trustees of the Randall Memorial Library for such purposes.

5. The Plaintiffs shall pay to Sherburne, Powers & Needham from the principal of the Hale High School Fund the sum of \$866 as counsel fees, and expenses incurred in these proceedings.

*Sheila E. McGovern*  
Judge of the Probate Court

Date: 7-24-75