

**THE
DETROIT MUSEUM
OF ART**

ANNUAL REPORTS

FOR THE YEARS

1902 - 1903 - 1904



THE
Detroit Museum of Art



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FOR THE YEARS
1902 - 1903 - 1904

AND

A HISTORY OF THE MUNICIPAL AND
LEGISLATIVE ACTS

relating to the Museum since its establishment.



The
Detroit Museum of Art

Annual Report

OF THE

Trustees for the Year Ending June 30, 1902,
together with the Reports of the
President, Director and
Treasurer

DETROIT, MICH.

1902

Members of the Corporation

RUSSELL A. ALGER	PERCY IVES
GEORGE W. BALCH	JAMES McMILLAN
GEORGE N. BRADY	GEORGE F. MOORE
WILLIAM H. BREARLEY	WILLIAM A. MOORE
CLARENCE A. BLACK	SIMON J. MURPHY
MRS. WILLIAM H. BREARLEY	CYRENIUS A. NEWCOMB
THEODORE D. BUHL	THOMAS W. PALMER
GEORGE G. BOOTH	EDWARD W. PENDLETON
DON M. DICKINSON	WILLIAM E. QUINBY
GEORGE S. DAVIS	JAMES E. SCRIPPS
JOHN M. DONALDSON	ALLAN SHILDEN
MRS. GRACE WHITNEY EVANS	MRS. E. C. SKINNER
FRED. E. FARNSWORTH	MRS. H. H. H. CRAPO SMITH
DEXTER M. FERRY	FREDERICK STEARNS
CHARLES L. FREER	MRS. J. T. STERLING
ARMOND H. GRIFFITH	EDWARD W. VOIGT
JOHN L. HARPER	E. CHANDLER WALKER
FRANK J. HECKER	BRYANT WALKER
MRS. E. G. HOLDEN	MRS. R. STORRS WILLIS
COLLINS B. HUBBARD	H. KIRKE WHITE

Annual Meeting of Incorporators, first Monday in July.

Roll of Deceased Members

CHRISTOPHER R. MABLEY	Died June 30, 1885
WILLIS E. WALKER	“ May —, 1886
FRANCIS PALMS	“ Nov. 24, 1886
GEORGE H. HAMMOND	“ Dec. 29, 1886
MRS. MORSE STEWART	“ May 27, 1888
MRS. ROBERT P. TOMS	“ June 17, 1888
JOSEPH BLACK	“ July 26, 1891
HENRY P. BALDWIN	“ Dec. 31, 1892
CHRISTIAN H. BUHL	“ Jan. 23, 1894
SAMUEL R. MUMFORD	“ May 23, 1894
LEWIS T. IVES	“ Dec. 13, 1894
JAMES L. EDSON	“ Aug. 25, 1895
CHARLES ENDICOTT	“ Jan. 17, 1896
BELA HUBBARD	“ June 13, 1896
JOSEPH PERRIEN	“ Mar. 3, 1896
JOHN L. WARREN	“ Aug. 10, 1896
GEORGE V. N. LOTHROP	“ July 12, 1897
HIRAM WALKER	“ Jan. 12, 1899
MARTIN S. SMITH	“ Oct. 28, 1899
GEORGE H. SCRIPPS	“ April 13, 1900
SULLIVAN M. CUTCHEON	“ April 18, 1900
DAVID WHITNEY, JR.	“ Nov. 28, 1900
JAMES McMILLAN	“ Aug. 10, 1902

Officers for 1902=1903

President	T. D. BUHL
Vice-President	WM. E. QUINBY
Secretary and Treasurer	FRED. E. FARNSWORTH
Director	A. H. GRIFFITH

Executive Committee

JOHN MCKIBBEN	THOMAS PITTS
JOHN M. DONALDSON	

Trustees

FRANK J. HECKER	1903
THEODORE D. BUHL	1903
JOHN MCKIBBEN (city appointee)	1903
WILLIAM E. QUINBY	1904
CLARENCE A. BLACK	1904
GEORGE H. BARBOUR (city appointee)	1904
THOMAS PITTS (city appointee)	1905
JOHN M. DONALDSON	1905
FRED. E. FARNSWORTH	1905
GEORGE W. BALCH	1906
D. M. FERRY	1906
T. W. PALMER	1906

Trustee meetings are held on the second Saturday of July, October, January and April, at 4 P. M.

Form of Bequest

I Do Hereby Give, *devise and bequeath to the DETROIT MUSEUM OF ART, a corporation organized and existing under the laws of the State of Michigan, with its home office in said State—*

Bequests may be made in Money, Books, Paintings, Sculpture, and all Works of Art.

President's Report

Detroit, October 20th, 1902.

To the Incorporators of the Detroit Museum of Art,

LADIES AND GENTLEMEN:

AT our last annual meeting we all hoped that the present would view the completion of the Auditorium, or at least find it under way. This, however, we must still look forward to as a work yet to be accomplished. The requirements for the same are constantly increasing. The average attendance of 12,000 visitors a month shows the interest felt and the want of room to display material cannot long remain unheeded. Several private collections may be lost to the museum through this lack of space. Many improvements made during the last year, together with the completion of the room for the Baldwin collection of marbles and a number of new cases, for various gifts and permanent loans, certainly gives room for congratulations. While the citizens of Detroit each year show more appreciation of the museum; they could aid much in increasing the interest by their more frequent attendance and by the loan occasionally of their collections of art work, of which few cities have finer. This is a great school of education to the present, as well as the rising generation, and in no way can our citizens add to its

advancement, more than by showing their interest and encouragement in its work. The subject of endowment has often been spoken of and should be considered. This would form a permanent aid. In this Cincinnati sets a magnificent example.

As to the unremitting attendance of the director and his assistants to their work, you are all familiar; personally it has afforded me pleasure to have served you and I retire with regret that my work has not been more effective. The associations are of such a nature to me that you are certain of my best wishes and interest at all times.

I have the honor to be, Sincerely yours,

GEO. N. BRADY,
President.

Trustees' Report

Detroit, October 20th, 1902.

To the Incorporators,

LADIES AND GENTLEMEN :

YOUR Board of Trustees respectfully present the following report :

At the first trustee meeting, held after the annual, the following officers were elected :

President—Mr. Geo. N. Brady.

Vice-President—Mr. Henry P. Baldwin.

Secretary and Treasurer—Mr. Fred E. Farnsworth.

Executive Committee—Mr. Geo. N. Brady, Mr. John McKibben, Mr. H. P. Baldwin, Mr. Fred E. Farnsworth. Ex-officio member. Mr. H. P. Baldwin, being a city appointee who had served the museum most acceptably, was found to be ineligible, owing to the fact that he had taken up his residence at Grosse Pointe. His resignation was reluctantly accepted and Mr. Thomas Pitts, the new city appointee, elected to fill the vacancy in the executive committee.

This committee has served up to the present time.

At this meeting the director announced that he had employed Mr. Clyde Burroughs and Mr. Theodore Perry as his new assistants.

A printing press was ordered and has been found invaluable; many labels are now in printed form, making them more legible, and the change is greatly appreciated by all visitors.

As a matter of greater protection, an iron grill was placed in front of the museum. This, it is believed, has added to the appearance and certainly proved advisable in other ways. Quite a number of other necessary improvements have been made about the building during the year, all looking to the care of the collections and better facilities for their study by the visitor.

In May, the collection of marbles bequeathed to the Museum by the late Governor Baldwin, was placed in our keeping, and they are now in a room specially prepared for them. This collection consists of some thirty odd pieces and forms a very valuable and attractive exhibit.

Our late President, Mr. Charles Buncher, as is well known, left a large library, containing many books on art and archeology. The latter were offered to your Trustee Board on such liberal terms that it was thought wise to make a purchase of a portion of them, as such works are in constant service for reference by those employed about the Museum, as well as by the visitors and students, and this suggests that the time is not far off when some special provision must be made for a room where the visitor can consult books quietly. The present room is in no way adapted to this work, nor is it near large enough. In fact, the many additions made to the Museum collections in all departments make it imperative to provide more room and that very soon.

The Museum is rapidly becoming what the incorporators have always hoped it would be, the general meeting place of all those interested in art, archeology, science or literature. The public schools have instituted a series of Saturday afternoon lectures for the benefit of the pupils and any others interested. These are illustrated by material in the collections and cannot fail to prove of great benefit both to the public at large and the institution.

On August 10, our entire city learned with regret of the sudden death of Hon. James McMillan. It came with double force to the Trustees of the Museum. He had been associated with it from the very first and his interest in its progress and welfare continued to the last. Only a few weeks before his death a letter was received from him expressing his pleasure at its success.

This recalls, also, that some time since a suggestion was made that the gallery should possess a painting representing the first Museum Board. The gentlemen who composed that body are rapidly passing away and there should be some memorial preserved for the future. It would seem that a painting would be the most fitting and it is urgently suggested that some movement be inaugurated towards its achievement.

The increased interest shown by the public in the institution is very gratifying and argues well for its future usefulness.

Your Trustees have found the employes faithful in the observance of their duties and take this opportunity to express their appreciation of the same.

Respectfully submitted,

FRED E. FARNSWORTH, *Secretary.*

Treasurer's Report

For the year, July 1, 1901, to July 1, 1902.

ASSETS.

City appropriation\$12,000 00

EXPENDITURES.

Printing	\$ 217 93
Light	173 38
Fuel	270 47
Postage	111 05
Salaries	6,072 26
Library	219 62
Property	1,453 80
Repairs	483 12
Exhibitions	304 26
General Expenses	1,475 25
Photo Expense	60 84
Interest	170 00
Building	13 70
	<hr/>
Paid by vouchers.....	\$11,025 68
Balance to our credit July 1, 1902.....	974 32

Director's Report

Detroit, Oct. 20, 1902.

To the Incorporators of the Detroit Museum,

LADIES AND GENTLEMEN :

SINCE the last annual meeting we had all hoped to have seen the completion of the Auditorium—so much needed—and which we are still looking forward to as work for the future, the requirements for same increasing. The average attendance of 12,000 persons per month shows the interest felt, and the want of room to display presentations shows the need of the addition to aid in meeting these requirements. Through repairs to the building, it is in an improved condition, and with the completion of the room for the Baldwin collection and the gifts that have been presented, we certainly are in a much better condition.

While I think the citizens of Detroit each year show more appreciation of the Museum, they could aid much in increasing the interest by their more frequent attendance and in the loan now and then of their collections of art work, of which few cities have finer. This is a great school of education to the present as well as the rising generation and in no way can our citizens add to its advancement more than by showing their interest and encouragement in its work.

The subject of endowment has often been spoken of and would form a nucleus for permanent aid of which we have so good an example in our sister city of Cincinnati.

My worst difficulty is that our days are not long enough; you can readily understand that there are many interruptions. We are here to show attention and give information to visitors whenever in our power to do so. This of a necessity makes many demands upon our time and often hours are spent in this way, not unprofitably, but it leaves whatever we may have in hand at the moment at a standstill. Thus work, which we hope to accomplish in a given time, is often delayed for days, but upon inquiry of other institutions I find the same conditions. The only thing left us is to keep eternally at it.

The employes of the Museum have proven most loyal, both to the Museum and the public, ever ready and anxious to give of their time and ability that the best interests of the institution may be served. In the officers and Trustees I have found the greatest encouragement for all our efforts, and my sole wish is that each succeeding year may see better and more successful work.

Respectfully and sincerely yours,

A. H. GRIFFITH, *Director.*

Election of an Incorporator

On motion, Mr. W. C. McMillan was unanimously elected an Incorporator to fill the vacancy caused by the death of his lamented father, Hon. James McMillan.

Election of Trustees

On motion, the following gentlemen were unanimously elected Trustees: Hon. D. M. Ferry, Mr. George W. Balch. Hon. T. W. Palmer.

Resolution to the Press

In the press of this city the Detroit Museum of Art has found a most valuable ally. Their services have done much toward that popularity which it now enjoys. Therefore be it—

RESOLVED, That the thanks of the Incorporators of the Detroit Museum of Art be, and is hereby, sincerely extended to the press of this city for their continual good offices to this institution.

Resolution to Retiring Officers

Our by-laws require that Trustees must retire for the space of one year after the expiration of their terms. This year the terms of Mr. Percy Ives, Mr. Bryant Walker and Mr. George N. Brady will expire.

These gentlemen for the past three years have been most generous of their time in the interests of the Museum, promptly attending the meetings and in every way possible adding to its usefulness.

Mr. George N. Brady, as chairman of the Executive Committee, has given most valuable service; residing conveniently near the building, he has been ever ready to respond to a call.

Mr. Bryant Walker has not only given much time to meetings, but on consultation at any time gave valuable advice in many matters connected with the Museum.

While Mr. Percy Ives has been a most willing man at all times and given many valuable suggestions, therefore be it—

RESOLVED, That the best wishes and thanks of the Incorporators of the Detroit Museum of Art be extended to these gentlemen for their untiring and faithful efforts in its behalf at all times and particularly during the term of their office.

Resolution on the Death of Hon. James McMillan

August 12, 1902.

Senator James McMillan's sudden death came as a shock to the officers and members of the Detroit Museum of Art, he having been one of the original incorporators and subscribers, and having served as a member of the Board of Trustees, and as President.

At a special meeting of the Executive Committee, held today, the following resolutions were passed:

Since God in His wisdom has seen best to remove from this life one of the Museum's most loyal and able supporters, be it

RESOLVED, That the Detroit Museum of Art by his death, has lost a firm friend and beneficent helper, and one who was always willing and ready to do his share toward the work of making this Institution what he fondly hoped from the beginning it would be, namely, of educational value and benefit to the people of his home city. To this end he was willing to give generously of his time and means.

Resolved, That this action be spread upon the records of the Museum and a copy sent to the bereaved family.

EXECUTIVE COMMITTEE.

Hon. James McMillan died Aug. 10, 1902.

Trustees' Meeting

Detroit, October 28th, 1902.

At a special meeting of the Board of Trustees held to-day, the following officers were elected for the coming year: President, Theo. D. Buhl; Vice-President, William E. Quinby; Secretary and Treasurer, Fred E. Farnsworth.

On motion, Messrs. John McKibben, Thos. Pitts, John M. Donaldson, Fred E. Farnsworth ex-officio.

Meeting adjourned.

FRED E. FARNSWORTH, *Secretary.*

Special Exhibitions

The following special exhibitions have been held during the year :

Mycological Club,	Exhibition of fungi.
C. L. Freer,	50 Japanese prints.
Mathias Alten,	86 paintings.
W. Walter Stetson,	50 paintings.
A. E. Albright,	31 paintings.
Society of Western Artists,	147 pieces.
Myron Barlow,	15 paintings.
Maurice Prendergast,	64 monotypes.
Al Humphreys,	59 paintings.
Pingree Monument Competition,	24 designs.

Lectures

During the year the following noteworthy lectures have taken place at the museum :

December 7—"Problems in Art Education," Prof. Ernest F. Fenallosa.

December 11—"A Comparison of European and Asiatic Art," Prof. Ernest F. Fenallosa.

December 14—"Japanese and Chinese Pottery," Prof. Ernest F. Fenallosa.

December 10—"Cave Dwellers of Ancient Asia Minor," Prof. John R. S. Sterrett for Archæological Society.

January 21—"American Excavations in Crete," for Archæological Society, Miss Harriet A. Boyd.

February 18—"Early Christian Pictorial Art," Rev. Walter Lowrie, for Archæological Society.

All special events may be attended by the public free of charge.

Sunday Talks

The following is a list of topics used for Sunday Talks by the Director :

- Oct. 6—Romance and Realities of Museums.
- Oct. 13—The Country of the Nile.
- Oct. 20—Customs and Symbols of the Egyptians.
- Oct. 27—Fungi, W. H. Brotherton.
- Nov. 3—The Tombs and Temples of Egypt.
- Nov. 10—The Romans in Egypt.
- Nov. 17—Pompeiiian Art.
- Nov. 24—Demonology.
- Dec. 1—The Golden Age of the Greeks.
- Dec. 22—History of Shoes and Hats.
- Dec. 29—Amusing Costumes.
- Jan. 5—Table Customs.
- Jan. 12—Art—By W. W. STETSON.
- Feb. 2—Famous Museums.
- Feb. 9—History of American Progress in Tableware.
- Feb. 16—Tracing Unknown Curios.
- Feb. 24—Wood Carving.
- Mar. 2—Mechanics in Art.
- Mar. 9—Industrial Art.
- Mar. 16—Industrial Art.
- Mar. 23—Some Old Blue Dishes.
- Mar. 30—Myths, Legends and Superstitions.

Gifts

The following gifts have been received by the Museum during the year:

JOHN E. KING AND WIFE.

Cash—Two hundred (\$200.00) dollars.

DEPARTMENT OF FINE ARTS.

ART INSTITUTE, Chicago.

Twenty-two sketches and studies by pupils of the Art School.

MR. PRESTON BRADY.

Seven marble pedestals.

EX-GOV. H. P. BALDWIN in his will left the following marbles:

STATUES—Rebecca, Ceres, Cupid Resting, Hyacinth, Venus de Medici (copy).

PORTRAIT BUSTS—Severus, Julia Domna, Bocaccio, Christopher Columbus, Farinacio, Tasso, Antinous, Christ, Virgin Mary, Marco Polo, Enrico Dandolo, Sappho, Ludovico Ariosto, Demosthenes, Junius Brutus, Thomas A Becket, Macedonian Priest, Caracalla.

MEDALLIONS—Pope Innocent IX., Pope Leo X., Pope Hildebrand, St. Peter, St. Paul, Nero, Rape of the Sabines, The Laocoon. Thirteen walnut pedestals and five walnut brackets accompanied the same.

DEPARTMENT OF ETHNOLOGY.

MRS. E. R. HOFFMAN.

Armenian head dress.

MR. J. C. HATCH.

One Indian birch bark canoe.

DEPARTMENT OF ARCHÆOLOGY.

DAVID E. HEINEMAN.

Small piece of Florentine mosaic.

W. H. ALLISON.

Eight pieces marble mosaic.

Piece of pumice.

DEPARTMENT OF NATURAL HISTORY AND SCIENCE.

MISS ISABELLA LANDSBURG.

One hundred eighty-eight pieces minerals.

HISTORICAL DEPARTMENT.

J. W. WESTCOTT.

Copy of the "Ulster Co. Gazette;" Stock and barrel of a short gun; Piece of a cane made from the ship "New Orleans," Sackett's Harbor, 1812.

MR. ALBERT TELLIER.

Seven hand wrought iron nails and a hickory lath.

COIN COLLECTION.

H. L. KAPEL.

Chinese copper cash coin.

RARE BOOK COLLECTION.

JENNIE M. WILLIAMS.

Forty-two war envelopes; copy of "American Minerva," published in New York, 1794; copy of the "Detroit Gazette" of 1814; copy of the "Acts of the General Assembly, Commonwealth of Virginia," published 1801.

MISS ROSE VAN TIFFLIN.

Indian dictionary (hand made).

MISS MARY MESSENGER.

"Constitution of the State of Massachusetts and United States," published 1805.

LIBRARY.

MRS. S. BALDWIN.

Two handbooks of Egypt.

FRED T. MORAN.

Seven volumes of a French geneological dictionary.

Loans

Among the many loans to the Museum during the year the more important ones are as follows:

DEPARTMENT OF FINE ARTS.

MR. A. L. STEVENS.

Marble statue of Marguerite.

MRS. M. S. SMITH.

Copy in marble of "Psyche," by Praxitiles.

MRS. D. GOODWIN.

Four oil paintings, an Italian carved wood panel and a marble medallion.

MRS. H. P. BALDWIN.

A table with carved gilded legs, the top formed from a mosaic taken from Nero's Golden Palace.

DEPARTMENT OF ETHNOLOGY.

MR. NEWTON ANNIS.

Blue silk Chinese robe, lined with white wool; Chinese fur coat made of small pieces of fur.

HISTORICAL DEPARTMENT.

MR. JAMES VAN NATTA.

Duelling outfit of Horace Greeley.

DAUGHTERS OF THE REVOLUTION.

Spinning wheel and reel.

MISS M. SOLARI,

Eleven pieces of embroidery, tapestry, etc., of historic interest;
Four old Florentine jars; two oil portraits of Rembrandt and Rubens; two watercolors of Italy.

PHOTOGRAPH DEPARTMENT.

MR. H. C. PENNY.

Four large photos of Roman ruins; two oil paintings.

The
Detroit Museum of Art

Annual Report

OF THE

Trustees for the Year Ending June 30, 1904,
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DETROIT, MICH.

1904

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Annual Meeting of Incorporators, first Monday in July.

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SULLIVAN M. CUTCHEON.....	"	April 18, 1900
DAVID WHITNEY, JR.....	"	Nov. 28, 1900
JAMES McMILLAN	"	Aug. 10, 1902
GEORGE F. MOORE.....	"	Mar. 25, 1904

Form of Bequest

I Do Hereby Give, *devise and bequeath to the
DETROIT MUSEUM OF ART, a corporation organized
and existing under the laws of the State of Michigan, with
its home office in said State—*

Bequests may be made in Money, Books, Paintings, Sculpture,
and all Works of Art.

President's Report

Detroit, July 7th, 1904.

To the Incorporators, Detroit Museum of Art,

LADIES AND GENTLEMEN :

WHILE there have been special meetings of the incorporators of the Detroit Museum of Art, owing to several causes (chief of which was the important measures of state and city legislation pending during the past year and a half) there have been no changes in the various officers and trustees of the Museum since October 20, 1902.

Progress and the development of that which is best is the spirit of the twentieth century, and while we study old ideas with profit, we also seek to take advantage of those that are new and seem best adapted to the needs of the present day and generation.

The Museum idea is of comparatively recent growth in this country. Fostered and encouraged for centuries among the older nations, a new people required time to fully appreciate its educational value.

When in 1886 the people of Detroit (for while the wealthy gave liberally toward the establishment of this institution there were hundreds of those less able who contributed their part) made the Museum possible, great care was taken to found it on what seemed at that time the very best basis. Fortunately in selecting a name the founders built better than they knew. According to the best authori-

ties a museum of art has a very wide scope and means everything in the line of human effort which may represent a thought, however crudely expressed, a desire to do something. A city or a nation cannot hope to leap with one bound into the higher flights of art and fancy. Long before any nation produces a Phidias, a Raphael or a Michelangelo, there must be a development of the craftsman and the art-worker among the great body of the people. Art must be universal in order to be appreciated properly, and that universal knowledge can only be secured through constant contact by all people with every available agency and medium of instruction.

Circumstances and environment have much to do with the success of an individual or an institution. While some may have had an exalted idea of just what the Detroit Museum of Art should be, circumstances, environment and opportunity have produced results entirely beyond even the fondest anticipation of its founders. To quote from an autograph letter of the late Senator McMillan to the incorporators, you will find that he said: "Deeply as I have been interested in the Museum work and sanguine as I have been in regard to its success, nevertheless it has surpassed my expectations in its usefulness to the community and the pleasure it has given to the thousands who have enjoyed its collections." This accurately describes the position of the Detroit Museum of Art as it stands with the people of this city, and is the best evidence that the broad policy adopted is one which meets the approval and best interests of the people who are most benefited by it.

It has fallen to the lot of your present officers and trustee board to have inaugurated and carried to a successful issue one of the most important movements in the history of the Museum, one which we feel sure time will prove to

have been wise and which has already met with the approval of your body—I mean the transfer of the real estate to the city, thus securing for all time the co-operation of the city in its future progress. This act places the Museum on a firm foundation and makes it more than ever the property of the citizens who cannot fail to look after their own. Your Trustees' report will give the details.

It is a pardonable vanity of human nature to ask that generosity be remembered. In a public building built by donations the single individual is lost sight of in the many. Not so in gifts to the collections where each article is marked with the donor's name and becomes a perpetual reminder of his or her kindly act. Now that provision is made for building there will be no lack of material to fill it. In fact, the crowded condition of our present collections urgently demands more room. This will be supplied in the building now under way.

Of necessity the officers of such an institution cannot keep themselves thoroughly informed of all the details, but must depend upon and leave much of the actual work in the hands of those who are actively employed in its care. The popularity and enviable position held by the Museum in this community and its general reputation abroad are their best commendation.

In retiring from the position which you have seen fit to honor me with, I beg leave to thank you all for the hearty support you have given me, and I assure you that in leaving the office of President I shall continue to feel an unabated interest in the welfare and future of the Detroit Museum of Art.

Respectfully,

THEODORE D. BÜHL, *President.*

Trustees' Report

Detroit, July 7th, 1904.

To the Incorporators, Detroit Museum of Art,

GENTLEMEN:

AS our President has stated, no annual meeting was held last year, so this report covers a year and a half.

On October 28, 1902, the Trustees elected the following officers: Mr. T. D. Buhl, President; Mr. Wm. E. Quinby, Vice-President; Mr. Fred E. Farnsworth, Secretary and Treasurer; Messrs. John McKibben, Thomas Pitts and John M. Donaldson, Executive Committee. These gentlemen have continued in office until the present time. The chief reason for there having been no election is that it seemed wise to continue the same officers and trustees pending the legislation concerning the Museum. This legislative action began with the very first meeting of your present trustee board and has only ended during this month (June), covering a year and a half and ending in a satisfactory conclusion. The Detroit Museum of Art is today on a more solid basis than ever before. That this should be the case is a cause for mutual congratulation.

As you are all aware, a bill was prepared and submitted to the last Legislature asking that the city might be authorized to issue bonds to the amount of fifty thousand dollars for the purpose of building the much needed addition to the Museum building. After considerable delay it finally came before the lower house and passed. When presented

to the upper house the members demurred on the grounds that if passed it might not meet the approval of the city council. On the matter being presented to that body they at once signified their approval of the bill, which was immediately passed by the upper house and received the signature of the Governor.

On June 30, 1903, the common council by unanimous consent placed the sum of fifty thousand dollars in the estimates for 1903. When first presented to the Board of Estimates the issue met with their approval, but owing to the lateness of the season and the high price of building material the whole matter was laid over until their meeting in November, 1903, when they again gave it their unanimous approval, provided the real estate (not the collections) should be deeded to the city. Deeds and a lease were prepared. At a special meeting of the Incorporators of the Detroit Museum of Art, held in the Museum on Friday, January 15, 1904, by a vote of thirty-six to three, the transfer was authorized. The deed was accepted by the city and a lease executed by which the corporation was to forever occupy the building for museum purposes. At this point a question of law as to the right of the city to collect a tax for the building and maintenance of the Museum arose, and it was decided that in order to forever set at rest any question in this regard, there should be instituted a friendly suit between the city and the controller, together with the Museum. At a special meeting of your trustees held April 7, 1904, Mr. Bryant Walker was retained to appear as counsel on behalf of the controller and Museum. The case came to trial on April 28, 1904, before Judge Mandell, Hon. T. E. Tarsney appearing for the city. On May 30th Judge Mandell rendered his decision, which was in favor of the Museum and set at rest all further contention.

It was then discovered that while the legislative act had set the duration of the bonds at not less than ten nor more than twenty-five years, the city council in their resolution of May 30, 1904, had made the term for thirty years. This error was corrected by a new resolution passed by the city council of June 7, 1904, and the controller instructed to advertise the bonds. This has been done and the money is now in the hands of the city treasurer subject to the demands of the trustees under vouchers properly approved by the officers of the Museum and the controller.

At a special meeting of the trustees held April 7, 1904, Mr. John M. Donaldson, who had prepared the preliminary plans for the new building, suggested that as he was a member of the Board of Trustees it would be wise to transfer the work to some other architect or architects. This met the approval of the Trustees, and Messrs. Stratton and Baldwin were employed to prepare the detailed plans under such supervision as seemed best for the carrying out of the work. These plans contemplate a building four stories high and approximately 70x100 feet, which, together with the present building, will cover the entire lot. In it there will be ample storage room, a work shop, a large auditorium, one floor to be divided into four large rooms to be devoted to museum purposes, and one floor divided into four large galleries with an elevator reaching all the floors. It is proposed to get this building, which will be practically fire-proof, under roof before winter, and if possible the auditorium completed in time for the next annual series of lectures. The rest of the building will be finished as rapidly as circumstances will permit, and it is believed will furnish ample accommodation for the material we now have crowded in every part of the building, as well as for that which may come to us for a number of years, tho' we

have every reason to believe that there are several valuable collections which will come to the Museum as soon as there is a place for them.

During the past two years the Museum has made rapid strides as an educational adjunct to the public schools, and is today firmly established as a part of the city's work for its people. Its value and usefulness is shown in the fact that by comparison with the number of visitors to other similar institutions in proportion to the number of inhabitants it stands first and with new and better facilities will undoubtedly meet even greater success in the years to come.

On January 28, 1904, a special meeting of the Trustees was called by the President to consider a proposition which had been made by another city for the services of the Director. Your Trustees, feeling that his services to this institution were worthy of greater remuneration, passed a resolution increasing his salary and giving him such discretionary time as he may wish to devote to outside lecture engagements.

At a regular meeting of the Trustees held April 6, 1903, a resolution was unanimously passed granting the Director and his assistant a leave of absence for three months to be passed in Europe studying the museum work of the old world, their salary to be continued during their absence. There is no doubt that these trips by those in charge of museum work result in good to the institution. This plan is followed by other institutions and it is a source of satisfaction to know that the action of your Trustee Board has met with general approval. That it has been appreciated by the recipients is proven by their increased interest and devotion to the Museum and its work.

Respectfully,

FRED E. FARNSWORTH, *Secretary.*

Treasurer's Report

For the year ending July 1, 1903.

Balance from the city's appropriation for the year ending July 1, 1902.....	\$ 974 32
City's appropriation for the year ending July 1, 1903	12,000 00
	<hr/>
Making the total amount to our credit, 1902-3..	\$12,974 32

Expenditures by vouchers 1 to 96, inclusive, from July 1, 1902, to July 1, 1903, as follows:

Printing	\$ 627 49
Light	261 64
Fuel	325 99
Postage	113 81
Salaries	6,745 86
Library	333 70
Property	990 06
Repairs	432 23
Exhibitions	773 52
General Expense	1,426 64
Photo Material	56 34
Interest	425 00
Building	240 00.
	<hr/>
Paid by vouchers.....	\$12,752 28
Balance to our credit	222 04

Treasurer's Report

For the year ending July 1, 1904.

Balance from the city appropriation for the year ending July 1, 1903	\$ 222 04
City appropriation for the year ending July 1, 1904	12,000 00
Total to our credit for the year ending July 1, 1904	<u>\$12,222 04</u>

Expenditures by vouchers 1 to 53, inclusive, from July 1, 1903, to July 1, 1904, as follows:

Printing	\$ 337 23
Light	166 67
Postage	163 05
Fuel	394 85
Salaries	6,965 92
Library	138 10
Property	1,057 04
Repairs	280 24
Exhibitions	273 95
General Expense	1,094 10
Photo Expense	57 25
Interest	255 00
Paid by vouchers	<u>\$11,183 30</u>
Balance to our credit	1,038 74

Director's Report

Detroit, July 7th, 1904.

To the Incorporators, Detroit Museum of Art,

GENTLEMEN:

IT is with great satisfaction that I place before you my present report. The transfer of the Museum real estate to the city, the realization of a new addition to the Museum after nearly three years of agitation, is a source of great gratification and gives me increased ambition to make of this institution, so far as lies in my ability, one of the best of its kind in the country. The sincere encouragement I have always received from the officers and members of the Boards of Incorporators and Trustees, together with the many letters received from citizens in every walk of life, leads me to believe that the work has been appreciated even beyond its merits. My greatest wish is that my future work with the museum may prove of still greater value.

It has been one of my fondest dreams that as the Sunday work grew in popularity I might sometime have a place where the talks could be given under better conditions and with the use of a lantern for purposes of illustration. This could not be done during the daytime in our main gallery owing to the large skylight, but in our new auditorium the windows are so arranged that the room can be darkened, and I am led to believe that the lectures can be made far more effective and valuable. I am assured that this auditorium will be completed in time for the regular series to

begin in November. Another great advantage will be that we will be able to devote the main gallery entirely to the use of exhibitions, doing away with the reasonable complaint so often made by visitors who could not get into the room either for lectures or to see the pictures owing to the crowds that filled the gallery far beyond its capacity. These same crowds completely blocked access and egress to the east and west galleries as well.

Never before in the history of the museum has its collections been so constantly and freely used by the pupils and teachers of the public schools, and by the various clubs of the city and surrounding towns, proving that its collections are becoming better known to all people.

During the past year we have been issuing a quarterly bulletin which, while it has added somewhat to our printing and postage account, we believe has been of great value, and the many complimentary notices received regarding it would indicate that it is not only read but preserved. In this we have copied after the institutions who have found it desirable means of diffusing knowledge regarding their museum and work. Two numbers have been issued and the third is now in the press.

A number of exhibitions have been given during the past winter, all of which have been well attended, and we find that they are the means of giving much information and a better knowledge of what is going on in the art world than through any other medium. There should, however, be a fund for the purchase of a worthy picture now and then, to be added to the permanent collections of the Museum. In order to bring this about a plan has been formed by a prominent citizen interested in art, which is, briefly, this: That one hundred names be secured, each of whom will subscribe a sum of money annually for this purpose.

I have every reason to believe that it can be made a success, and with the consent of the new officers we will put it in shape for the coming winter's exhibitions. In this connection it has occurred to me that there has already been three bequests made to this institution; one of two thousand dollars by Joseph L. Perrien, which, unfortunately, was absorbed in the debts that hung over our heads some years since; another of two hundred dollars from Mr. and Mrs. King, which is now in the hands of the Secretary-Treasurer, and a more recent one of five thousand dollars from the late Mr. W. C. Yawkey, not yet paid. I should like to suggest in regard to this that these two latter form a nucleus of a fund, the income from which to be used for the purchase of works of art. In a few years this fund should assume pretty considerable proportions and from it additions could be made annually to the collections.

Through the means of our own printing press we have nearly completed the labeling of all the collections now in the Museum. This adds greatly to the appearance of the material and is appreciated by every visitor. As soon as the new building is in shape a rearrangement and classification of all the material will be made, clearing all the cases out of the front main floor and placing therein plaster casts and statuary which require less light and more space than smaller articles. I would also suggest the purchase of four large plaster reproductions of famous antique statues to be placed on the heaters in the large gallery.

In closing I wish to thank the Trustees for my vacation of last year and to assure them that I have tried hard to make up for it by extra work during the past winter, and this summer I shall stay by the new building until it is completed.

In all our dealings with the city and state officials the Museum has received the most cordial and respectful attention and support. Everywhere there seemed to be a high appreciation of its merits and a most willing desire to do for it everything within their power within the meaning of the law, and to the press we owe many favors, for while there have been times when some opposition developed I have found them always ready to give the Museum a hearing and aid it under a proper understanding.

For all those employed in the Museum I have nothing but good words. They have been faithful and courteous and have striven in every way to make themselves and the Museum valuable to the public.

Respectfully,

A. H. GRIFFITH, *Director.*

Resolution of Thanks to the Trustees

The Incorporators of the Detroit Museum of Art realize that the late Trustee Board have had unusual duties to perform in connection with the work of the Museum, therefore be it

RESOLVED, That the thanks of the Board of Incorporators of the Detroit Museum of Art are most sincerely given to these gentlemen who have so loyally given of their valuable time in the interests of this institution. The incorporators fully appreciate what this has meant to busy men.

RESOLVED, That this resolution be spread upon the records and a copy sent to each member.

Respectfully,

FRED E. FARNSWORTH, *Secretary*.

Resolution to Mr. Bryant Walker

In Mr. Bryant Walker the Incorporators of the Detroit Museum of Art have found a most faithful and generous friend to the institution, who has given freely of his time and ability in its interests. Therefore be it

RESOLVED, That the most sincere thanks of this body be extended to Mr. Walker as a slight token of their appreciation of his efforts in the cause of the Museum, and further be it

RESOLVED, That this resolution be spread upon the records and a copy sent to Mr. Walker.

Respectfully,

FRED E. FARNSWORTH, *Secretary*.

Resolution of Thanks to the Press

RESOLVED, That in the press of Detroit the Museum and its work has ever found firm and willing friends always ready to do their part toward the progress and betterment of the institution; and to them individually and collectively the officers, incorporators and Trustees of the Detroit Museum of Art desire to extend their thanks.

Respectfully,

FRED E. FARNSWORTH, *Secretary.*

Resolution of Thanks to the Officers

Feeling that the officers of the Detroit Museum of Art have during their term had unusual duties thrust upon them, which they have fulfilled to the entire satisfaction of the Trustees and Incorporators; be it

RESOLVED, That the thanks of the Incorporators of the Detroit Museum of Art be extended to these gentlemen for their unselfish devotion to the interests of this institution. We one and all appreciate to the fullest extent that they have willingly and freely given of their valuable time to its care and progress.

RESOLVED, That this resolution be entered on the records and a copy sent to each one.

Respectfully,

FRED E. FARNSWORTH, *Secretary.*

**Resolution on the Death of Mr.
George F. Moore**

March 30th, 1904.

Mrs. J. Ledlie Hees, Fonda, N. Y.,

DEAR MADAM—Permit me on behalf of the Incorporators of the Museum of Art of Detroit to extend to you their deepest sympathy, together with a copy of the following action taken by them, Wednesday, March 30, 1904:

It is with most sincere regret that we, the Incorporators of the Detroit Museum of Art, learned of the death of Mr. George F. Moore.

Mr. Moore was one of the original Incorporators of this institution, and while his health during the past few years had been such that he gave no attention to its work, he always manifested a lively interest in its progress and welfare.

RESOLVED, That in the death of Mr. George F. Moore the Detroit Museum of Art lost one of its early friends whose interest and generosity made a beginning possible.

RESOLVED, That the above be spread upon the records of the Museum and a copy sent to the family.

Respectfully,

FRED E. FARNSWORTH, *Secretary.*

Mr. George F. Moore died March 25, 1904.

Trustees' Meeting

Detroit, July 7th, 1904.

At a Trustees' meeting, held immediately after the Incorporators' meeting, the following officers were unanimously elected for the year of 1904-5: President, Mr. Thos. Pitts; Vice-President, Mr. Frederick Stearns; Secretary and Treasurer, Mr. Fred E. Farnsworth; Executive Committee, Thos. Pitts, John M. Donaldson, John McKibben, Fred E. Farnsworth, ex-officio.

This committee to also act as Building Committee.

A letter was read from the architects, Messrs. Stratton & Baldwin, regarding contracts and plans for the new addition.

On motion, Mr. Bryant Walker was instructed to act as attorney and draw up the proper papers.

Election of an Incorporator

On motion, Mr. George H. Barbour was unanimously elected an Incorporator to fill the vacancy made by the death of Mr. George F. Moore.

Election of Trustees

On motion, the following gentlemen were unanimously elected Trustees: Frederick Stearns, Bryant Walker, Percy Ives, George H. Barbour.

City Trustees

The re-appointment of Mr. John McKibben to succeed himself and Mr. Joseph L. Hudson to succeed Mr. George H. Barbour was made by the Mayor and unanimously confirmed by the City Council July 19th, 1904.

Appointment of Assistant Director

Upon the written recommendation of the Director, Mr. Clyde H. Burroughs was by a unanimous vote of the Trustees appointed Assistant Director.

On motion, the Secretary was instructed to send letters of thanks to the retiring officers and Trustees.

Meeting adjourned.

FRED E. FARNSWORTH, *Secretary.*

Special Exhibitions

1902-3

The following special exhibitions have been received and shown during the year 1902-3:

Bradford Johnson,	37 paintings.
Alex J. Fournier,	20 paintings.
A. E. Albright,	33 paintings.
Will H. Low,	70 paintings.
H. W. Mesdag,	27 paintings.
Chas. Chamberlain,	31 paintings.
J. A. Frazer,	45 paintings.
E. T. Hurley,	101 paintings.
Al Humphreys,	54 paintings.
Townley Benson,	27 paintings.
Francis P. Paulus,	74 paintings.
Society of American Illustrators,	101 original illustrations.
Detroit Artists,	231 paintings.
F. H. Richardson,	25 paintings.
Detroit Architectural Club,	423 pieces.
B. Kobayashi,	176 Japanese prints and paintings.
Society of Western Artists,	249 pieces.

Special Exhibitions

1903-4

The following special exhibitions have been received and shown during the year 1903-4:

Mycological exhibition of fungi.

National League of Mineral

Painters,

China Exhibit.

H. Nakagawa,	88 paintings.
Birge Harrison,	27 paintings.
Miss Jeanette Guysi,	18 paintings.
A. E. Albright,	36 paintings.
F. E. Johnson,	68 paintings.
E. T. Hurley,	41 paintings.
O. D. Grover,	32 paintings.
Howard Pyle,	92 illustrations.
Bartholomeu Sporer,	23 paintings.
Winfield L. Scott,	32 paintings.
Wm. B. Conely,	22 paintings.
Detroit Society of Women	
Painters,	106 paintings.
Frederic Remington,	32 illustrations.

 Making a total of.....617 pieces.

Lectures

1902-3

During the year the following noteworthy lectures have taken place at the museum:

October 3—"Mushrooms," Dr. Roland Stevens.

October 30—"The 20th Century City," Hon. Charles Moore.

November 4—"Joan of Arc" (French), M. Martin for Alliance Francaise.

December 8—"Comparison of Voltaire and Victor Hugo," M. Paul R. DePont for Alliance Francaise (French).

December 11—"The Evolution of a Mural Painter," Mr. Will H. Low.

January 5—Lantern projections of Buffalo Camera Club, and Japan, Detroit Camera Club.

January 6—"Street Scenes and Outdoor Life in Ancient Rome," Prof. Frank H. Abbott, Ph. D., for Archæological Society.

January 12—Lantern projections of home scenes, Oregon Club and Los Angeles Club, Detroit Camera Club.

January 20—"French Literature" (French), Hon. D. B. Willemin for Alliance Francaise.

January 27—"Roman Triumphal Arches: Especially the Arch of Beneventum," Prof. Arthur L. Frothingham, Jr., for Archæological Society.

February 3—"Russian Art," A. H. Griffith for Sorosis Club.

- February 9—"Michelangelo," A. H. Griffith for Detroit Women's Clubs."
- February 9—"Japanese Scenery and Life as the Natural Background of Japanese Art," Prof. Ernest F. Fenallosa.
- March 10—"Realism and Idealism in Art and Literature of Greece," Prof. Paul Shorey for Archæological Society.
- March 9—Lantern projections, Detroit Camera Club.
- March 16—"The Great Cathedrals as the Interpreters of Human Life," Rev. Lee McCollister for Architectural Club.
- March 17—"Pilgrim's Progress," Miss Farquer.
- March 23—Lantern projections, Detroit Camera Club.
- April 1—"Reforms in the Consular Service," President Angell, of U. of M.
- April 2—"Research Work in Asia Minor," Prof. John R. S. Sterrett, Ph. D., for Archæological Society.
- May 13—"Relation of the Weather Map to Bird Migrations," Messrs. Grant and Transeau for Michigan Ornothological Club.
- May 15—"Japanese Art," A. H. Griffith for Women's Clubs.
- June 5—"Ornothology," Michigan Ornothological Club.

Special Meetings and Lectures

1903-4

During the year the following noteworthy events have taken place in the museum:

- September 4—Michigan Ornithological Club.
October 2—Michigan Ornithological Club.
October 4—"Fungi," Dr. O. E. Fischer.
November 6—Michigan Ornithological Club.
November 13—Banjo and mandolin recital, S. N. Lagatree.
January 25—"French Art," A. H. Griffith for Parmenas Club.
February 3—"The Church in America," Rev. Charles Scadding.
February 4—"Recent Excavations in the East," Prof. Geo. F. Moore, D. D., for Archæological Society.
February 5—Michigan Ornithological Club.
February 10—"The Fjords and Fjelds of Norway," Frank Edward Johnson.
March 12—"Africa," A. H. Griffith for Cass School.
March 31—"Archæological Explorations and Excavations in Greek Lands," Prof. Thomas Day Seymour, for Archæological Society.
March 3—"The Empire of Colorado," Gilbert McClurg.
April 14—"Dante, the Man and His Work," Theodore Wesley Koch.

Sunday Talks

1902-3

The following are a list of topics for Sunday talks by the Director:

Oct. 3—"Mushrooms," Dr. R. Stevens.

Oct. 12—"The Mystery of Fire."

Oct. 19—"Sculpture."

Oct. 26—"Life and Times of Michelangelo."

Nov. 2—"The Serpent of the Nile."

Nov. 9—"Great Minds of the Christian Era—Lincoln the Emancipator."

Nov. 16—"Great Minds of the Christian Era—Shakespeare the Romancer."

Nov. 23—"Great Minds of the Christian Era—Lincoln" (by request).

Nov. 30—"Great Minds of the Christian Era—Michelangelo the Embodiment of Art."

Dec. 7—"Great Minds of the Christian Era—Early Reformers."

Dec. 14—"Great Minds of the Christian Era—The Great Soldier."

Dec. 21—"Great Minds of the Christian Era—Raphael and Millet."

Dec. 28—"Great Minds of the Christian Era—Christ the Great Man."

Jan. 4—"Cartoonists."

Jan. 11—"The Five Senses."

Jan. 18—"A Day in Rome."

Jan. 25—"Mesdag Paintings."

Feb. 1—"Work, Another Name for Genius."

Feb. 8—"Meissonier."

Feb. 15—"Gustave Dore, the Great French Illustrator."

Feb. 22—"Some Old Pots and Potters."

Mar. 1—"Some Curious Things in Art."

Mar. 8—"Architecture."

Mar. 15—"Taj Mahal."

Mar. 22—"Some Ways of Reproducing."

Mar. 29—"Some Barbizon Painters and Pictures."

Sunday Talks

1903-4

The following is a list of topics used for Sunday talks by the Director:

- Nov. 1—"The Old World's Story, a New World's Glory."
Nov. 8—"How to Spend the People's Money so as to Develop the Better Side of Life."
Nov. 15—"Art in Post Cards."
Nov. 22—"Wiertz, the Mad Painter of Brussels."
Nov. 29—"Madam Ronner, the Great Cat Painter."
Dec. 6—"Museums and Galleries of the World; What They Are and What They Are Used For."
Dec. 13—"Conway."
Dec. 20—"Christmas and Its History."
Dec. 27—"Paris."
Jan. 3—"Development of Art; Egyptian Art."
Jan. 10—"Development of Art; Greek Painting and Sculpture in Its Relation to the People," C. H. Burroughs.
Jan. 17—"Development of Art; Greek Sculpture."
Jan. 24—"Development of Art; Greek Sculpture and Sculptors."
Jan. 31—"Development of Art; Roman Art as Shown in the Remains of Pompeii."
Feb. 7—"Development of Art; Early Christian Art as Shown in the Catacombs."
Feb. 14—"Development of Art; The New Life, Florence Awakens and Stirs the World."
Feb. 21—"Development of Art; Leonardo Da Vinci, the Great Master of Milan."
Feb. 28—"Development of Art; The Stone Cutter of Florence."
Mar. 6—Two hundred and fiftieth Sunday talk; "Civic Pride and Civic Art."
Mar. 13—"Development of Art; Raphael and His Times."

Mar. 20—"Development of Art; Master Colorists of the Water Republic."

Mar. 27—"Development of Art; Fight of the Later Italian Schools; The Eclectics vs. the Naturalists."

Apr. 3—"Development of Flemish Art."

Apr. 10—"Development of Art; German Art, Ancient and Modern."

Apr. 17—"Development of Art; The Dutch School; Rembrandt and His Contemporaries."

Apr. 24—"A General Survey of the Art World."

Gifts

1902-3

The following gifts have been received by the museum during the year:

DEPARTMENT OF FINE ARTS.

FRIENDS OF THE MUSEUM.

Oil painting, "Wendune," by Clemence Vanden Broeck.

MR. H. C. PENNY.

Two reduced copies in Plaster of the Winged Assyrian Lion.

MR. JOHN MCKIBBEN.

Bronze bas-relief of George Peabody.

MR. GLEN NEWELL.

Oil painting, "Twilight."

OTTO KERSCHT.

Plaster bust and panel.

MR. CHAS. MARRIAT.

Engraving of Landseer's horseshoer; a specimen of iron ore from northern Michigan.

MRS. (PROF.) HAHN.

Seventeen photos of famous musicians with signatures of the same.

MR. WILLIAM JONES.

Four old engravings of London Bridge.

MISS CLARA DYAR.

Oil painting, "Coast Scene," by F. P. Paulus.

DEPARTMENT OF ETHNOLOGY.

MRS. FITZ HUGH EDWARDS.

Piece of verde antique from Nero's golden palace; four pieces of marble from historic Roman remains; piece of coral; four marine shells; candle from the Church of the Coronation, Moscow; Chinese fan; girdle from Sandwich Islands; Japanese bronze knife; two cut glass rosewater bottles from Turkey; piece of Turkish embroidery; Egyptian flag; tarantula and his house.

MR. HENRY W. SKINNER.

A Navajo Indian blanket.

MR. WINFIELD L. SCOTT.

A bird's feather used as money in Japan.

MRS. W. M. PARRISH.

A steatite carving.

DEPARTMENT OF ARCHÆOLOGY.

MR. GEORGE N. BRADY.

Four bottles of ash dust from Mt. Pelee.

HISTORICAL DEPARTMENT.

MRS. E. W. CRAFTS.

Two pieces of embroidery.

MRS. WATKINS.

An engraving of the first passenger train in America.

MR. ROMAN A. BISSELL.

White shoulder knots captured at Alexandria; piece of the first Atlantic cable; two tax receipts dated 1827; advertisement of a lost boat dated 1827; printed act of incorporation of the town of Freeport, O.; hand bill of public meeting, dated 1828.

DEPARTMENT OF SCIENCE AND NATURAL
HISTORY.

STANLEY B. SMITH.

A bird's nest.

REV. FR. JOHN PETERS.

Book on fossils and box containing specimens.

THOMAS DONNELLY.

A nest of bats.

A. H. BORES.

Four pieces of mineral from Detroit River bed.

COIN COLLECTION.

MR. GEORGE RICE.

Twenty pieces of Confederate currency.

JULIUS SOLOMON.

Three copper coins.

MR. A. P. CAPPON.

A Roman coin.

RARE BOOK COLLECTION.

MR. A. C. CHURCH.

Book-plate of George Church.

REV. H. C. F. OTTE.

"Kirchen Postilla" of the doctrine of Martin Luther, published
1598.

LIBRARY.

MISS ELLEN M. WHITNEY.

Two portfolios of character sketches from Dickens, by F. C.
Darley.

SMITHSONIAN INSTITUTION.

Reports, 1890 to 1902.

Gifts

1903-4

The following gifts have been received at the museum during the year:

DEPARTMENT OF FINE ARTS.

MR. WM. C. WEBER.

Oil painting, "Lighting the Range Lights," by Robert Hopkin.

MR. C. L. ANDREWS.

Oil painting "Paradise and the Pere."—Duncanson.

DEPARTMENT OF ETHNOLOGY.

MR. J. S. SEFRED.

Powder horn and Indian riding whip.

DR. ROLAND STEVENS.

Three Indian skulls—specimens of the Ohlone tribe.

MR. H. NAKAGAWA.

Two Japanese war bows, a quiver of arrows and a war-mit.

MR. WM. CASSADA.

Curious pistol; Italian dagger; iron ox shoes; seven pieces of ore; three Indian stone scrappers; eleven petrifactions, shells and branches; Indian drill; fifty-four arrows and eight arrow points; piece of felspar.

MR. E. S. WHEELER.

Two Indian pipes; stone hatchet and chisel; bullet mold; lynch pin; scrapper; four pieces of flint arrows; fragment of a stone hatchet; brass button; two silver rings; six awls.

HISTORICAL DEPARTMENT.

MRS. JAMES R. HAYES.

Plate made in Gustafsberg, Sweden.

MR. WINFIELD L. SCOTT.

An old dress coat dating from the beginning of the XIX. century.

DEPARTMENT OF SCIENCE AND NATURAL
HISTORY.

MR. E. H. RIDGLEY.

Specimen of carborundum.

COIN COLLECTION.

MR. H. R. NEWCOMB.

Set of U. S. coins for the Philippine Islands.

LIBRARY.

SENATOR R. A. ALGER.

Bound copy of James McMillan Memorial Address.

ELKINGTON & Co., London, England.

Copy of L'Oeuvre de Morel Laudeul.

PHOTOGRAPH COLLECTION.

MR. H. C. PENNY.

Four photos of Mycenae.

Loans

1902-3

During the year many loans have been received, among the more important ones being:

FINE ARTS DEPARTMENT.

MRS. (COL.) G. J. LYDECKER.

One oil painting.

MRS. (JUDGE) FIELD.

Two oil portraits; oil painting by J. M. Stanley; steel engraving.

MISS CATHERINE CROWLEY.

Two old master paintings.

DEPARTMENT OF ETHNOLOGY.

ROBERT S. LINN.

A collection of fifty-three pieces of Chinese material, comprising embroideries, porcelain, books, pipes, and images.

RARE BOOK COLLECTION.

HON. DAVID E. HEINEMAN.

Four interesting rare books.

COIN COLLECTION.

E. J. BERTHLET.

120 coins.

Loans

1903-4

During the year many loans have been received, among the more important ones being:

DEPARTMENT OF FINE ARTS.

MRS. THEO. H. HINCHMAN.

Two oil paintings.

MR. PERCY IVES.

Oil painting, "Brittany Fishermen," by himself.

MRS. J. LATHROP.

Marble statue, "Ariadne on Panther."

HON. DAVID E. HEINEMAN.

Ivory crucifix on tortoise shell veneered cross.

WM J. KRONNAGE.

Small pilaster and capital of black walnut.

MRS. KATHERINE POWER.

Oil painting, portrait.

DEPARTMENT OF ETHNOLOGY.

MR. MENTOR WETZSTEIN.

A collection of sixty-six specimens of Indian material—articles of dress, ornament, weapons, etc.

MR. R. D. ROSS.

Twenty-two specimens of Indian work—pottery, pipes, weapons, and articles of dress and ornament.

MR. ORIN J. NICKERSON.

Collection of eighteen pieces of Filipino material, consisting of articles of dress and ornament and weapons and utensils.

MR. O. R. LEONARD.

Indian war bonnet of Red Cloud.

HISTORICAL DEPARTMENT.

CAPT. R. M. BERRY, U. S. N.

Old alarm clock found at St. Pierre.

GEMS AND JEWELS.

MRS. H. L. O'BRIEN.

Gold bull's-eye watch.

THE
Detroit Museum of Art



A History of the
Municipal and Legislative
Acts

relating to the Museum since its establishment.

DETROIT, MICH.

1904

Members of the Corporation

RUSSELL A. ALGER	PERCY IVES
GEORGE W. BALCH	JAMES McMILLAN
GEORGE N. BRADY	GEORGE F. MOORE
WILLIAM H. BREARLEY	WILLIAM A. MOORE
CLARENCE A. BLACK	SIMON J. MURPHY
MRS. WILLIAM H. BREARLEY	CYRENIUS A. NEWCOMB
THEODORE D. BUHL	THOMAS W. PALMER
GEORGE G. BOOTH	EDWARD W. PENDLETON
DON M. DICKINSON	WILLIAM E. QUINBY
GEORGE S. DAVIS	JAMES E. SCRIPPS
JOHN M. DONALDSON	ALLAN SHELDEN
MRS. GRACE WHITNEY EVANS	MRS. E. C. SKINNER
FRED. E. FARNSWORTH	MRS. H. H. H. CRAPO SMITH
DEXTER M. FERRY	FREDERICK STEARNS
CHARLES L. FREER	MRS. J. T. STERLING
ARMOND H. GRIFFITH	EDWARD W. VOIGT
JOHN L. HARPER	E. CHANDLER WALKER
FRANK J. HECKER	BRYANT WALKER
MRS. E. G. HOLDEN	MRS. R. STORRS WILLIS
COLLINS B. HUBBARD	H. KIRKE WHITE

Annual Meeting of Incorporators, first Monday in July.

Roll of Deceased Members

CHRISTOPHER R. MABLEY	Died June 30, 1885
WILLIS E. WALKER	“ May —, 1886
FRANCIS PALMS	“ Nov. 24, 1886
GEORGE H. HAMMOND	“ Dec. 29, 1886
MRS. MORSE STEWART	“ May 27, 1888
MRS. ROBERT P. TOMS	“ June 17, 1888
JOSEPH BLACK	“ July 26, 1891
HENRY P. BALDWIN	“ Dec. 31, 1892
CHRISTIAN H. BUHL	“ Jan. 23, 1894
SAMUEL R. MUMFORD	“ May 23, 1894
LEWIS T. IVES	“ Dec. 13, 1894
JAMES L. EDSON	“ Aug. 25, 1895
CHARLES ENDICOTT	“ Jan. 17, 1896
BELA HUBBARD	“ June 13, 1896
JOSEPH PERRIEN	“ Mar. 3, 1896
JOHN L. WARREN	“ Aug. 10, 1896
GEORGE V. N. LOTHROP	“ July 12, 1897
HIRAM WALKER	“ Jan. 12, 1899
MARTIN S. SMITH	“ Oct. 28, 1899
GEORGE H. SCRIPPS	“ April 13, 1900
SULLIVAN M. CUTCHEON	“ April 18, 1900
DAVID WHITNEY, JR.	“ Nov. 28, 1900

Legislation



MUCH city and state legislation has been enacted relating to the museum of art, covering its incorporation by generous public-spirited men, its first support from the city of Detroit, the legislative act making it one of Detroit's free educational institutions deriving its support from the city treasury, and the final acts which make it obligatory for the city of Detroit to house its collections. This legislation covers a period of twenty years and marks a gradual transition in the basis of this institution from a private corporation to a free adjunct to the educational system of Detroit.

The various acts in the progress of this institution by being thus brought together will give a comprehensive history that will be valuable for reference to all interested in such work.

Steps Towards the Formation of a Permanent Institution

While the subject of the feasibility of holding the Art Loan of 1883 was still a matter of discussion, in April of that year, the following letter was received by Mr. Brearley from Hon. Thomas W. Palmer, then United States Senator from Michigan:

DETROIT, April 5, 1883.

W. H. Brearley, Detroit:

DEAR SIR—Believing that the city of Detroit has taste and wealth enough to found and maintain an art gallery which will be creditable to the culture and public spirit of her citizens, and desiring

to contribute thereto, I have this day put into the hands of Honorable Wm. A. Moore securities to the amount of \$10,000, with interest from January 1, 1883, for the purpose of aiding in the purchase of a lot and the erection of an art gallery thereon.

Said securities will be turned over by Mr. Moore for that purpose when \$40,000 shall have been secured from other sources, and a corporation shall have been formed, or some practical plan shall have been adopted to accomplish the end in view, provided said conditions shall be met by July 1, 1884.

I regret very much that my business prevents my being present at the exercises to-night, and wish you and the gentlemen associated the largest success in inaugurating this movement to call forth, develop and unite for practical ends the artistic feeling in our city. I am aware the result cannot be anything but gratifying.

Respectfully yours,
THOMAS W. PALMER.

Encouraged by the success of the Art Loan Exhibition, Mr. Brearley at once took in hand the raising of the fund of \$40,000 suggested by Senator Palmer for the founding of a permanent art institute, and by January 26, 1884, the following list of citizens was completed, each of whom had agreed to contribute \$1,000 to the fund. Later on the same persons became the original incorporators of the Detroit Museum of Art:

R. A. Alger.	*Mrs. E. G. Holden.
H. P. Baldwin.	Bela Hubbard.
Joseph Black.	Collins B. Hubbard.
W. H. Brearley.	*L. T. Ives.
C. H. Buhl.	Geo. V. N. Lothrop.
James L. Edson.	C. R. Mabley.
Charles Endicott.	James McMillan.
Fred E. Farnsworth.	George F. Moore.
D. M. Ferry.	Wm. A. Moore.
George H. Hammond.	Samuel R. Mumford.
*John L. Harper.	C. A. Newcomb.

(Those marked * were named by Hon. Thos. W. Palmer under his \$10,000 contribution.)

- | | |
|----------------------------|-------------------------|
| *Thomas W. Palmer. | *Mrs. J. T. Sterling. |
| Francis Palms. | *Mrs. Morse Stewart. |
| James E. Scripps. | Mrs. Robt. P. Toms. |
| George H. Scripps. | E. W. Voigt. |
| Allan Shelden. | Hiram Walker. |
| *Mrs. E. C. Skinner. | E. Chandler Walker. |
| *Mrs. H. H. H. Crapo Smith | Willis E. Walker. |
| M. S. Smith. | *John L. Warren. |
| Frederick Stearns. | *Mrs. R. Storrs Willis. |

The first meeting of the above incorporators was held on February 27, 1884, at Room No. 46, Moffat Block, Detroit. There were 22 members present. Hon. H. P. Baldwin presided, and Mr. Frederick E. Farnsworth acted as secretary. A committee on organization was appointed, consisting of Messrs. Wm. A. Moore, Chas. Endicott, W. H. Brearley, Geo. V. N. Lothrop and L. T. Ives.

On May 5 this committee reported that there was no law on the statute books authorizing incorporations for the purpose in view, and on June 28 a committee, consisting of Messrs. Geo. V. N. Lothrop, James E. Scripps and Wm. A. Moore, was appointed to draft a suitable law and procure its introduction in the Legislature.

On December 17th, at a meeting at Mr. Lothrop's residence, this committee reported the draft of a bill, which was carefully considered and adopted.

This bill was duly enacted into a law at the ensuing session of the Legislature, and received the Governor's signature on February 16, 1885. It reads as follows:

AN ACT for the formation of corporations for the cultivation of art.

SECTION I. *The People of the State of Michigan enact*, That any number of persons, not less than five, residents of this State, who may contribute sums of not less than one thousand dollars each for

the purpose of founding a public art institute, may become a body corporate in the manner and for the purposes herein set forth.

SEC. 2. Such persons shall make and sign in duplicate articles of association, which shall state: (1) The name of the corporation; (2) that the corporation is formed for the objects and purposes contemplated by this act; (3) the names and residences of the persons signing said articles, and the amount contributed by each; (4) the place where such corporation is situated; (5) the term of its existence, not to exceed thirty years. Such articles shall be duly acknowledged before some officer authorized to take acknowledgments of deeds in this State, and when so acknowledged shall be filed in the office of the secretary of state, and in the office of the clerk of the county in which such corporation is situated.

SEC. 3. Such corporation shall have power to acquire and hold such real estate as is suitable for the site of such art buildings as it may erect or maintain thereon, to receive and use such gifts, contributions, devises, and bequests as may be made to it for art purposes; to receive, acquire, collect, and own paintings, sculpture, engravings, drawings, pictures, coins and other works of art, and to institute, maintain, or assist schools for the teaching of art.

SEC. 4. The public exhibition of its collections of works of art shall be the duty of every such corporation, and as soon as it shall be prepared to do so, it shall, under reasonable regulations, and without any improper discriminations, open its buildings and art collections to the general public.

SEC. 5. Any person who shall contribute to any such corporation, in money or property, one thousand dollars, or more, shall be a member thereof. If the total number of members, other than honorary, shall at any time fall below the number subscribing the original articles of corporation, it shall be the duty of the surviving members to elect as many new members as shall be necessary to restore such original number. It shall also be competent for the members of said corporation to elect persons meritorious for the cultivation of art, as honorary members, who shall have all the rights and privileges of regular members, but such honorary members shall not at any time exceed ten in number.

SEC. 6. The affairs of said corporation shall be managed by a board of trustees, the number of which shall be regulated by by-law, but in no case shall the number be less than four, nor more than sixteen. Three-fourths of said trustees shall be elected by the members of the corporation, from their own number. The other one-fourth of such trustees shall be appointed from resident free-holders, by the board of aldermen of the city where such corporation is situated.

upon the nomination of the mayor of such city. Said trustees shall hold their offices for the period of four years, and until their successors shall be elected or appointed; Provided, that the first board shall, at its first meeting, cause itself to be classified as follows: one-fourth shall hold for one year; one-fourth for two years; one-fourth for three years, and one-fourth for four years. And such classification shall be entered on the records of such corporation.

SEC. 7. The time of the annual meeting of the corporation shall be fixed by by-law, and the trustees shall be elected or appointed at the time of such annual meeting, and their term shall date from that time; but in case of a failure to elect or appoint trustees, such election or appointment may be made afterwards.

SEC. 8. Special meetings of the members may be called at any time by the trustees; and shall be called by the trustees whenever not less than five members shall so request in writing. Not less than six days' notice shall be given of a special meeting.

SEC. 9. The trustees shall choose one of their number to be president for such term as may be prescribed by the by-laws. They may appoint or employ a secretary, treasurer and such other officers, or servants, as they shall find necessary, and may prescribe their duties and fix their compensation. The president and trustees shall serve without compensation.

SEC. 10. In case of a vacancy in the board of trustees, if the vacancy shall be of a trustee elected by the members, the board may fill the place until the next annual meeting, when the vacancy shall be filled for the residue of the term by the members. If the vacancy shall be of a municipal trustee, the vacancy shall be filled by the board of aldermen on the nomination of the mayor.

SEC. 11. Said corporation may adopt a corporate seal, and may make suitable by-laws, and revise or alter the same.

SEC. 12. The trustees shall cause to be kept, faithful records of their doings, and also true books of accounts, which shall at all reasonable times be open to the inspection of any member, and also to the mayor of the city where such corporation is situated.

SEC. 13. The board of trustees shall at each annual meeting make, in writing, a report of their doings for the preceding year, including a complete schedule of the art collections, and a full report of the financial condition of the corporation, and shall cause such financial report to be published in some daily newspaper of the place where such corporation is situated.

SEC. 14. Each member of the corporation shall be entitled to one vote, and no more, at the meetings of the corporation. A certificate of membership, under the seal of the corporation and the

hand of its president, shall be issued to each member, and such certificate shall not be transferable.

SEC. 15. All gifts, devises or bequests made to any such corporation, and all its income, shall be faithfully used for the purposes for which such corporation was organized; and no dividend in money or property shall ever be made by such corporation among its members.

SEC. 16. The character and purposes of such corporation shall not be changed, nor its general art collection be sold, incumbered or disposed of, unless authorized by the Legislature of this State upon the concurrent request of said corporation, and of the mayor and board of aldermen of the city in which it is situated. But if any such corporation should ever cease, be diverted from the lawful purposes of its organization, or become unable usefully to serve such purposes, the Legislature may by law provide for the winding up of its affairs and for the conservation and disposition of its property in such way as may best promote and perpetuate, in the city where it is situated, the purposes for which such corporation was originally organized.

SEC. 17. The first meeting of any such corporation may be called by any two of its corporators by giving not less than six days' notice, printed in some newspaper of the city where such corporation is situated.

SEC. 18. The property of such corporation shall be exempt from taxation.

This act is ordered to take immediate effect.

Approved February 16, 1885.

The Formal Organization

On March 25, 1885, the incorporators again met, when Mr. Moore, from the committee on organization, reported the following articles of incorporation, which were approved and formally executed:

I.

The undersigned, who are all residents of the city of Detroit, in the State of Michigan, and who have severally contributed the sum of one thousand dollars for the purpose of founding a public art institute in said Detroit, do hereby associate themselves together as a body corporate, by these articles of association, under the provisions of an act passed by the Legislature of Michigan, entitled: "An Act for the formation of Corporations for the cultivation of Art," approved February 16th, 1885.

II.

The name of said corporation shall be the *Détroit Museum of Art*.

III.

Said corporation is formed for the objects and purposes contemplated by the Act above mentioned, to wit, for the founding of a public art institute in the city of *Detroit*, which may acquire and hold such real estate as may be suitable for the site of such art buildings as it may erect or maintain thereon; receive and use such gifts, contributions, devises and bequests as may be made for art purposes; receive, acquire, collect and own, paintings, sculpture, engravings, drawings, pictures, coins, and other works of art, and may do all other things authorized by said Act, and have and enjoy all the privileges and franchises given thereby.

IV.

The names and several residences of the persons signing these articles, and the amount of money contributed by each, are as follows: (See list on page 64.)

V.

Said corporation is situated in the city of *Detroit*, *Wayne county*, *Michigan*.

VI.

The said corporation shall exist for the period of thirty years from the date of the filing of these articles.

In witness whereof we have made and signed, in duplicate, these articles of association on this 25th day of *March*, in the year of our Lord 1885.

These articles were signed by the forty incorporators named on page 7, and filed April 16, 1885.

On April 25, the first regular meeting under the incorporation was held, *Hon. H. P. Baldwin* presiding, and a code of by-laws was adopted.

The first application to the *Common Council* of the city of *Detroit* was made in 1893, for five thousand dollars toward the maintenance of the museum. After its consideration by the ways and means committee the following resolution

tion was offered and passed unanimously, provided the museum was made free to the public: "Resolved, That the city controller be and he is hereby authorized to draw his warrant on the contingent fund for the sum of five thousand dollars and place the same to the credit of the Art Museum fund and subject to draft from time to time by the board of trustees of said museum."

A resolution the purport of which was the same as the above was passed each year from 1893 to 1897, at which time the sum was increased to eight thousand dollars per annum.

In 1899, Hon. David E. Heineman introduced a bill into the State Legislature looking to the official recognition of the annual appropriation of the museum, the same as that of other city institutions. The bill was as follows:

Legislative Act

An act to amend an act entitled "An act to provide a charter for the City of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June 7th, 1883, and being Act No. 326 of the Local Acts of 1883, and Acts amendatory thereof, by adding a new section to Chapter VII. to stand as Section 66.

SECTION 1. The People of the State of Michigan enact: That Act No. 326 of the Local Acts of 1883, entitled "An Act to provide a Charter for the City of Detroit, and to repeal all Acts and parts of Acts in conflict therewith, and Acts amendatory thereof, be and the same hereby is amended by adding a new section to Chapter VII. to stand as Section 66 and to read as follows:

SECTION 66. The Common Council shall also have power to appropriate each year for the support of the Detroit Museum of Art such sum, not exceeding twenty thousand (\$20,000) dollars, in any one year, as it may deem necessary, which sum shall be paid from the general fund, provided, however, such appropriation shall be made upon the express condition that admittance to said Museum shall be free to the public at all times, subject to such reasonable regulations as to hours as the Board of Trustees of said Detroit Museum of Art may establish.

Passed the House May 23, 1899.

Passed the Senate May 25, 1899.

Signed by the Governor June 2, 1899.

Under the provision of this bill the annual appropriation made by the city council was by the consent of the board of estimates increased to twelve thousand dollars.

In April, 1903, Hon. D. M. Ferry, Jr., introduced a bill into the State Legislature, which reads as follows:

AN ACT to amend Section Sixty-six of Chapter Seven of an Act, entitled "An act to provide a charter for the City of Detroit," and to repeal all acts and parts of acts in conflict therewith, approved June seventh, eighteen hundred eighty-three, being Act Number Three Hundred Twenty-six of the Local Acts of eighteen hundred eighty-three, as amended by the several acts amendatory thereof.

The People of the State of Michigan enact:

SECTION 1. Section Sixty-six of Chapter Seven of Act Three Hundred Twenty-six of the Local Acts of eighteen hundred eighty-three, entitled "An Act to provide a charter for the City of Detroit," and to repeal all acts and parts of acts in conflict therewith, as amended by the several acts amendatory thereof, is hereby amended to read as follows:

SECTION 66. The Common Council shall also have power to appropriate each year for the support of the Detroit Museum of Art such sum not exceeding twenty thousand dollars in any one year as it may deem necessary, which fund shall be paid from the general fund: Provided, however, such appropriation shall be made upon the express condition that admittance to said Museum shall be to the public free at all times, subject to such reasonable regulations as to the hours as the Board of Trustees of the Detroit Museum of Art may establish. The Common Council shall also have power to appropriate from time to time such sums as is necessary for the purpose of erecting an additional building or buildings for the Detroit Museum of Art, which sums shall be paid from the general fund. The Common Council shall also have power, with the approval of the Board of Estimates, for the purpose of erecting such additional building or buildings for said Museum of Art to borrow upon the best terms it can make, and for such time as it shall deem expedient, such sums of money as it shall deem necessary, not exceeding the sum of fifty thousand dollars, and shall have authority to issue bonds

pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Detroit Museum of Art Bonds," of the City of Detroit, and shall bear interest not exceeding four per cent per annum. The controller shall keep an accurate register of all such bonds issued, showing the number, date and amount of each bond and to whom the same was issued. The money received from such bonds shall be placed in the city treasury, and shall be expended solely for the purposes therein specified under the supervision and on the warrant of the Board of Trustees of said Detroit Museum of Art. The Common Council shall have full authority to provide by resolution for the advertising and sale of said bonds, the manner thereof to conform as nearly as practicable to the regulations heretofore prescribed by law for the issuance of sewer bonds. The bonds herein provided for shall run for a period of not less than ten years nor more than twenty-five years.

There having arisen in the house a question as to the indorsement of this bill by the Common Council of the city of Detroit, it was laid on the table pending their action.

On May 5th they passed the following resolution:

To the Honorable The Common Council:

GENTLEMEN:—Your Committee on Charter and City Legislation, to whom was referred the petition of the Art Museum, requesting an indorsement of the bill pending in the Legislature providing for the submission to the Common Council and Board of Estimates of a bond issue for an auditorium in connection with the Museum, beg leave to report that we have examined the same, and believing the intended measure to be an altogether meritorious one, hereby recommend that the passage of said act by the Legislature be approved.

Respectfully submitted,

DAVID E. HEINEMAN,
FRED W. SMITH,
GEORGE P. CODD,
PATRICK O'BRIEN.

The bill was then passed by both houses and received the approval of the Governor, May 26th, 1903.

On the same date the following communication was sent by the museum to the City Council:

To the Honorable the Common Council:

GENTLEMEN:—We are informed that the bill which passed both houses of the Legislature, authorizing the Common Council of the City of Detroit, together with the Board of Estimates, to issue bonds not to exceed the sum of fifty thousand dollars for the purpose of building an addition to the Art Museum, has been signed by the Governor.

As it is desirable to commence the work at the earliest moment, so that if possible it may be under roof before winter, we most respectfully ask your honorable body to take such action in the matter as may seem necessary and best.

DETROIT MUSEUM OF ART,
A. H. GRIFFITH, *Director.*

Accepted and referred to the Committee on Ways and Means.

At the next meeting of the City Council the Committee on Ways and Means made the following report:

To the Honorable The Common Council:

GENTLEMEN:—Your Committee on Ways and Means, to whom was referred the communication from the Museum of Art, requesting that some action be taken on the act recently passed by the Legislature, authorizing the issuance of bonds to the amount of fifty thousand dollars for the purpose of building an addition to the Art Museum, respectfully report that we have given the same our careful consideration and after investigating feel satisfied that the entire amount authorized in said act is necessary for the purpose of building the proposed addition to the present Museum.

We therefore recommend the adoption of the following resolution:

Respectfully submitted,

HUGH R. BURNS,
WM. W. MAGEE,
WM NAGEL.

Accepted, and on leave the following resolution was offered:

By Alderman Burns: *Resolved*, That by and with the consent of the Board of Estimates, bonds of the City of Detroit to the amount of fifty thousand dollars, to be denominated "Detroit Museum of Art Bonds" be issued, each of said bonds to be for the sum of one thousand dollars, payable in thirty years from the date of issuance, and to bear interest at the rate of three and one-half per cent per

annum, and payable at the official bank of the City of Detroit, in New York, or at the office of the City Treasurer in the City of Detroit, at the option of the holder of said bond; the principal and interest to be paid in lawful money of the United States of America; the principal proceeds of said bonds to be placed to the credit of the Museum of Art fund to be used for the purpose of building an addition to the Art Museum as provided for under an act entitled "An Act to amend Section Sixty-six of Chapter Seven of an act entitled 'An Act to provide a charter of the City of Detroit' and to repeal all acts and parts of acts in conflict herewith, approved June 7th, 1883; being Act No. 326 of the Local Acts of 1883, as amended by the several acts amendatory thereof," approved May 26th, 1903, and the premium and accrued interest received, if any, to the credit of the Detroit City Sinking Fund.

Adopted unanimously.

The following was offered out of order by Ald. Burns:

Resolved, That a meeting of the Board of Estimates be held Wednesday, the 8th day of July, 1903, at 7:30 o'clock P. M. * * * For the purpose of considering the proposition to authorize and approve the issue of "Detroit Museum of Art Bonds" to the amount of fifty thousand dollars as approved in Section 66 of the act of the Legislature entitled "An act to amend Section 66 of Chapter 7 of an act entitled 'An act to provide a charter for the City of Detroit' and to repeal all acts and parts of acts in conflict herewith, approved June 7th, 1883, being Act No. 326 of the Local Acts of 1883 as amended by the several acts amendatory thereof," approved May 26th, 1903, for the purpose of building an addition to the Detroit Museum of Art. * * *

Resolved, That the City Clerk be and he is hereby requested to give notice of said meeting to the members of the Board of Estimates as herein approved.

At the meeting of the Board of Estimates held July 8th action was deferred until their fall meeting.

On November 17th, the Board of Estimates sent the following communication to the Common Council of the City of Detroit:

To the Honorable The Common Council:

GENTLEMEN:—The following is a copy of the resolution adopted by the Board of Estimates at a session held on the 11th inst.: By Estimator F. A. Robinson: *Whereas*, the Common Council of the City of Detroit has authorized the issuance of bonds to the amount of fifty thousand dollars to be denominated "Detroit Museum of Art Bonds," and in accordance with the Charter of the City of Detroit, has submitted the matter of issuing said bonds to the Board of Estimates for their consideration and consent: Therefore be it *Resolved*, That when the Trustees of the Art Museum by proper deed convey the title of real estate and buildings (contents excepted), to the City of Detroit, free and clear from all incumbrances whatsoever, the Board of Estimates do hereby consent to the issuance of bonds to be denominated "Detroit Museum of Art Bonds," to the amount of fifty thousand dollars.

WILLIAM W. HANNAN, *President*.

GEORGE T. GASTON, *Secretary*.

The following communication from the Art Museum was read at a meeting of the Common Council:

To the Honorable the Common Council:

GENTLEMEN:—At a meeting of the Board of Trustees of the Detroit Museum of Art held yesterday, Dec. 14th, 1903, the enclosed proposition regarding the transfer to the City of Detroit of real estate belonging to the Detroit Museum of Art was unanimously approved, and a resolution passed authorizing the secretary to submit the same to your honorable body for consideration. Deed enclosed also.

Most respectfully yours,

FRED. E. FARNSWORTH, *Secretary*.

Accepted and referred to Ways and Means Committee, who reported as follows, January 5th, 1904:

To the Honorable the Common Council:

GENTLEMEN:—Your Committee on Ways and Means, to whom was referred the communication from the Detroit Museum of Art submitting proposition regarding the transfer to the city of the real estate belonging to the Detroit Museum of Art, beg leave to report that we have had the same under consideration and after consultation with the Corporation Counsel are by him informed as follows: Gentlemen:—A draft of a deed from the Detroit Museum of Art

to the City of Detroit and a draft of an agreement between the City of Detroit and the Detroit Museum of Art has been submitted to this department for consideration. Two questions of far reaching import are involved in their consideration. First, the authority of the Detroit Museum of Art to convey the property described therein to the city; and, second, the power of the city to take such property and enter into the contemplated agreement.

The law under which the Detroit Museum of Art is incorporated confers upon the corporation the power to acquire and hold such real estate as is suitable for the site of art buildings. It contemplates that the affairs of such corporation shall be managed by a board of trustees, not less than four, nor more than sixteen, three-fourths of whom shall be elected by the members of the corporation from their own number; the other one-fourth of such trustees shall be appointed from resident free holders by the Common Council upon the nomination of the Mayor.

Section Sixteen of the act declares that the character and purpose of such corporation shall not be changed nor its general art collections be incumbered or disposed of unless authorized by the Legislature of this state, and upon the concurrent request of such corporation, and of the Mayor and Board of Aldermen in which it is situated. But if any such corporation should ever cease or be diverted from the lawful purpose of its organization, or become unable to usefully serve such purpose, the Legislature may by law provide for the winding up of its affairs and for the conservation or disposition of its property in such a way as may promote and perpetuate the purpose for which such corporation was originally organized.

If it were the purpose of the Detroit Museum of Art to transfer all of its holdings to the City, and for the City to conduct the Museum of Art, I would unhesitatingly say that it could not lawfully be done, but I understand the purpose of this transaction to be merely the transfer of the title of the real estate of the Detroit Museum of Art to the City, taking back from the city a lease of the same property and the business of the corporation is to be conducted as heretofore, by trustees chosen partly from the corporation and partly by city authority. It does not contemplate a sale or disposition of the general art collection and therefore does not come within the inhibition of Section Sixteen above quoted.

The authority of the corporation to do any act or make any contract in the conduct of its affairs which is within the limits of the power conferred by law, which is necessary or proper to enable the corporation to accomplish the purpose of its creation, it has without question. I think, therefore, that if the Detroit Museum of Art itself,

deems it wise to make a partial disposition of its property not including its art collection, for the furtherance of the purpose for which it was created, it may lawfully do so, but a more serious question is presented. Has the City of Detroit the authority to enter into the arrangement contemplated?

The City of Detroit is a municipal corporation. It is an agency of the state created for the purpose of regulating the governmental affairs within its limits, having authority to exercise such powers only as are delegated to it by the state in express terms and such implied or incidental power as may be necessary to exercise and develop the express power thus granted. It is not at all clear to my mind that the taking and leasing of such property for art purpose or the participation of the conduct of the affairs of an art museum is any part of the municipal functions of a city. It would seem to me to more nearly partake of a part of the educational system of the state than that of civil government.

I had occasion to express my views upon this subject to the Board of Estimates at their recent session when the question of the authorization of bonds under the act of 1903, in aid of the Detroit Museum of Art, was under consideration before that body. I expressed grave doubts and apprehension as to the legality of the proceeding and suggested that if that body thought it wise, it might issue the bonds but before such bonds were issued the question of the power of the city in the premises should be submitted to the court for advice and direction.

I respectfully recommend that this course be pursued by the Common Council.

Understanding as I do, that the acceptance of the deed and the making of the contemplated agreement is only a step toward the ultimate purpose, viz.: the issue of bonds in the aid of the Museum of Art.

I recommend that the Common Council accept this deed, if they deem it wise to do so, but before the transaction is finally consummated, that this department be instructed to institute proceedings to obtain the advice and direction of the Supreme Court upon the question.

Respectfully submitted,

TIMOTHY E. TARSNEY,
Corporation Counsel.

In view of the above opinion, your committee recommend that the Controller be authorized and directed to enter into an agreement on behalf of the City of Detroit with said Museum of Art, incorporating therein the several conditions set forth in the blank agree-

ment appended hereto; and further, that when the deed of their property and agreement have been accepted and approved and the issuance of the bonds authorized by this body, the Corporation Counsel be instructed to institute such legal proceedings as he may deem necessary to determine the power of the city in the premises.

Respectfully submitted.

GEORGE P. CODD,
HUGH R. BURNS,
WILLIAM W. MAGEE,
WILLIAM HILLGER,
WILLIAM NAGEL.

Accepted, and adopted unanimously.

The following is the agreement:

This agreement made this 19th day of January, A. D., 1904, between the City of Detroit, party of the first part, and the Detroit Museum of Art, party of the second part, Witnesseth:

Whereas, said party of the second part has this day, in compliance with the requirements of the Board of Estimates of the City of Detroit, conveyed to the party of the first part, its museum building, situated on the southwest corner of Jefferson Ave. and Hastings St., and known and described as follows, to wit.: Lot No. one (1) on the S. side of Jefferson Ave., of the sub-division of the C. Moran farm, so called, and

Whereas, said conveyance was made upon the mutual understanding and agreement that said second party should have the use and enjoyment of said land and buildings so long as it continued to carry out the objects and purposes defined in its articles of incorporation,

Now, *therefore*, in consideration of the premises, it is agreed by and between the parties hereto, as follows: viz.:

I.

That the said party of the first part has granted and demised and let and doth by these presents grant, demise and let, unto the party of the second part, the land and the buildings now thereon, and those which may at any time be erected thereon, and the appurtenances thereunto belonging, to have and to hold the same as long as the said party of the second part shall continue to carry out the objects and purposes defined in its articles of incorporation, or such other objects and purposes as by any future amendment of said articles of incorporation may be authorized, and shall faithfully keep, perform and observe the covenants and conditions on its part to be kept, performed and observed.

II.

That the party of the first part, its successor or successors, shall not be in any manner chargeable or liable for the preservation of the building or buildings, or the property of the party of the second part, which may be placed therein, against fire or for any damage or injury that may be caused by fire to said property.

III.

That said party of the second part shall have and enjoy the exclusive use of the whole of said building or buildings, for its museum, library and collections, subject to the provisions herein contained, and the rules and regulations herein prescribed during the term hereby granted.

IV.

That the museum, library and collections, and all other property of the said party of the second part, which shall or may be placed in said building, shall continue to be and remain absolutely the property of the said party of the second part, and said party of the first part shall not by reason of said property being placed in said building or continuing therein have any right, title, property or interests therein: Provided, however, that nothing herein contained shall be construed to abrogate or diminish in any way the rights of the said first party in or over the property now or hereafter belonging to said second party under the provisions of Act No. 3 of the Public Acts of 1885, being Sections 8226 to 8243 inclusive, of the Compiled Laws of 1897, the same being the act under which said second party is incorporated; nor shall said second party, by reason of its occupation and use of said building or buildings under this agreement, acquire or be deemed to have any right, title, property or interest in said building or buildings except so far as is expressly granted by this agreement.

V.

That said party of the first part shall at all reasonable times have access to every part of said building or buildings for general visitation and supervision, and also for the purpose of the performance of the duties devolved upon it by the laws of the State of Michigan, or of the City of Detroit. That the police powers and supervision of the said party of the first part shall extend in, through and about said building or buildings. That the said party of the second part shall appoint, direct and control, and remove all persons

employed within said building, and in and about the care of said building or buildings, and the museum, library and collections therein contained.

VI.

And it is expressly understood and agreed by and between the parties hereto that this agreement may be wholly cancelled and annulled or from time to time altered or modified as it may be agreed in writing between the parties hereto, or their successors, anything herein contained to the contrary in any wise notwithstanding.

In witness whereof the party of the first part hath caused this agreement to be executed and its seal hereto affixed by the Controller duly authorized thereto by resolution of the Common Council of the City of Detroit. Adopted this 19th day of January, A. D. 1904, and the party of the second part hath caused the same to be executed by its president and its corporate seal affixed hereto pursuant to a resolution of its Board of Trustees adopted at a meeting held on January 15th, A. D. 1904.

At a special meeting of the incorporators of the Detroit Museum of Art held January 15th, 1904, the following resolution was passed by a vote of thirty-six to three:

Whereas, the Board of Estimates of the City of Detroit has authorized the issue of fifty thousand dollars (\$50,000) for the purpose of erecting an addition to the building occupied by the museum, on condition that the title pass to the City of Detroit; and,

Whereas, it is deemed for the best interests of the institution, that the title of the real estate owned by the museum should be transferred to the City of Detroit.

Resolved, That the Board of Trustees be and are hereby authorized to transfer and convey the real estate owned by the museum, situated on the S. W. corner of Jefferson Ave. and Hastings St., known as lot No. one (1) on the s. side of Jefferson Ave. of the Charles Moran Farm, so called, according to the recorded plat thereof, to the City of Detroit upon such terms and conditions as the Board of Trustees may deem best.

In pursuance of the above resolution the trustees made the transfer of the real estate to the City of Detroit by deed.

Jan. 26, 1904.

The Controller sent the following communication to the Common Council:

To the Honorable the Common Council:

GENTLEMEN:—I herewith transmit a warranty deed from the Detroit Museum of Art to the City of Detroit of lot No. 1 on the south side of Jefferson avenue, of subdivision of C. Moran farm, so-called, according to recorded plat thereof, the said lot being occupied by the Detroit Museum of Art; also an agreement executed by the Detroit Museum of Art and by the City Controller as per your directions by report of the Committee on Ways and Means, adopted Jan. 5th, 1904, page 1331-32, Common Council Proceedings, and herewith transmit and herewith submit the same to your honorable body for acceptance and approval. I respectfully recommend the reference of this communication to the Committee on Ways and Means.

Respectfully yours,

F. A. BLADES, *Controller.*

Accepted, and recommendation concurred in.

The Ways and Means Committee took the following action upon it March 29, 1904:

To the Honorable The Common Council:

GENTLEMEN:—Your Committee on Ways and Means, to whom was referred the communication from the City Controller transmitting warranty deed from the Detroit Museum of Art to the City of Detroit of certain property owned by it on the south side of Jefferson avenue, corner of Hastings street; also an agreement executed by said institution and by the Controller, in accordance with a report submitted by this committee at a session held on Jan. 5 last (J. C. C. p. 1331-2), respectfully report that we have had the matter under consideration and beg leave to state that said deed is certified to by the City Engineer as being correct in description, and by the Corporation Counsel as being correct in form and execution, and title satisfactory.

We therefore recommend that said deed be accepted and approved and the Controller be instructed to cause the same to be

recorded, and that the agreement be filed with the City Controller, and therefore offer the following resolution.

Respectfully submitted,

GEORGE P. CODD,
WM. H. MAHS,
HUGH R. BURNS,
WM. HILLGER,
WM. NAGEL.

Accepted and on leave the following resolution was offered:

By Ald. Codd:

Resolved, That the warranty deed from the Detroit Museum of Art to the City of Detroit of all that certain piece or parcel of land, situate and being in the city of Detroit, known and described as follows, to-wit: A portion of lots numbered 1 and 2 of the C. Moran farm, on the south side of Jefferson avenue, in said city, and more particularly described as follows: Beginning at the southwesterly corner of Jefferson avenue and Hastings street; thence running southerly along the westerly line of Hastings street 200 feet, more or less, to the northerly line of Woodbridge street; thence westerly along the northly line of Woodbridge street 93 feet; thence northerly in a straight line 200 feet, more or less, to a point in the southerly line of Jefferson avenue, which point is 107 feet westerly along said southerly line of Jefferson avenue from said place of beginning; thence easterly along said southerly line of Jefferson avenue 107 feet to the place of beginning, be and the same is hereby accepted and approved and the City Controller be and he is hereby authorized and directed to cause the same to be recorded in the office of the Register of Deeds for the county of Wayne, Mich.; and, be it further

Resolved, That that agreement referred to in the foregoing report be accepted and approved and placed on file in the office of the Controller.

Adopted unanimously.

At a meeting of the Common Council April 5th, 1904, Alderman George P. Codd offered the following resolution:

Resolved, That the City Controller be and he is hereby directed to advertise ten days in the official papers of the City of Detroit, and twice in two financial papers in the City of New York, inviting proposals for the purchase of fifty thousand dollars "Detroit Museum of

Art Bonds," said bonds having been authorized to be issued by resolution of the Common Council adopted June 30th, 1903, and by resolution of the Board of Estimates adopted Nov. 11th, 1903, said bonds to be of the denomination of one thousand dollars each, to bear interest at the rate of three and one half per cent per annum, and to mature thirty years from date of issue.

Adopted unánimously.

At a meeting of the Common Council held April 12, 1904, the controller submitted the following communication:

To the Honorable The Common Council:

GENTLEMEN:—Referring to the action of your honorable body at the last session, directing me to advertise for proposals for the purchase of fifty thousand dollars "Detroit Museum of Art Bonds," (J. C. C. pp. 240) permit me to say that the papers relating to the transfer of the property to the city have been filed in this office after having been approved by the Common Council.

I find that Corporation Counsel Tarsney, in an opinion rendered to the Common Council January 5th, 1904 (J. C. C. pp. 1330), raised the question of the authority of the Legislature to authorize the city to issue the bonds for the purpose named. From the views then expressed by counsel, there might be a doubt raised as to the validity of the issue.

It seems to me that this question should be determined and the validity of the bonds placed beyond doubt before being offered for sale, for their sale would be greatly affected if not stopped by any such doubt. For the purpose therefore of laying the foundation for the proper legal proceedings to settle the legality of the bonds, I must decline to advertise them for sale as directed by your honorable body.

Respectfully, -

F. A. BLADES, *Controller.*

Accepted, and leave being granted, the following resolution was offered by Alderman Codd:

Resolved, That the Corporation Counsel be and he is hereby instructed to institute mandamus proceedings against the Controller to compel him to advertise for proposals for the purchase of fifty thousand dollars Detroit Museum of Art Bonds, as heretofore directed by this body.

Adopted unánimously.

May 19, 1904.

The Corporation Counsel, Timothy E. Tarsney, notified the Common Council that on April 23, 1904, he had, on behalf of the City of Detroit, applied for a mandamus against Francis A. Blades, controller, to compel him to advertise for proposals for the purchase of \$50,000 Museum of Art Bonds.

The case was called for a hearing before Judge Henry A. Mandell on April 28, 1904, Hon. T. E. Tarsney appearing for the city controller and Mr. Bryant Walker appearing for the city and the museum, which had been made a party to the suit.

Judge Mandell rendered the following decision on May 31, 1904:

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
—IN CHANCERY.

The City of Detroit vs. Francis A. Blades—No. 44112.

This is an application for a writ of mandamus to compel the Controller of the City of Detroit to advertise for bids for bonds of the City of Detroit, to be denominated "Detroit Museum of Art Bonds." The issuance of such bonds was authorized by Local Acts of 1903, at page 583, amending Section 66 of Chapter 7 of the City Charter. In said Act of 1903 it was provided, among other things, that the Common Council of the City of Detroit should have power, with the approval of the Board of Estimates, for the purpose of erecting such additional building, or buildings, for the said Museum of Art, to borrow upon the best terms it could make, and for such time as it shall deem expedient, such sums of money as it shall deem necessary, not exceeding the sum of fifty thousand dollars (\$50,000) and shall have authority to issue bonds pledging the faith and credit of the City of Detroit for the payment of the principal and interest of said bonds.

The money received from such bonds shall be placed in the city treasury and shall be expended solely for the purposes specified in said Act, under the supervision and on the warrant of the Board of

Trustees of the said Museum of Art. The Common Council of the City, on June 30th, 1903, subject to the approval of the Board of Estimates, authorized the issue of Fifty Thousand Dollars (\$50,000) of bonds contemplated by said Act. (Council Proceedings 1903, Page 608). The Board of Estimates, on November 17th, 1903, consented to the issuance of said bonds on condition that the Trustees of the said Museum of Art convey to the City of Detroit clear title to the real estate and buildings. (Council Proceedings, Page 1149). On January 5th, 1904, the Common Council authorized the acceptance of a deed executed to the City, to carry out the provisions of the resolution of the Board of Estimates. (Council Proceedings, Pages 1331-2). April 5th, 1904, the Common Council directed the Controller to advertise for proposals for the purchase of such bonds and on April 12th, acting under the advice of the Corporation Counsel, the Controller of the City refused to advertise as directed by the resolution of the Common Council. Such refusal was made for the sole purpose of securing a judicial determination of certain objections that might be raised to the power to raise funds for the support and maintenance of the Detroit Museum of Art by taxation.

The objections raised at the hearing were, first, that the moneys sought to be raised are for a private and not for a public purpose, and second, it is not provided that the expenditure of the moneys so to be raised is to be under the control of public authorities. It is urged that because of these objections the Act of 1903, authorizing the issuance of bonds, is void.

In order to properly determine the force of these objections it is necessary to examine the act under which the Museum of Art is incorporated. This act is found in the act approved February 16th, 1885, entitled "An Act to Provide for the formation of Corporations for the Cultivation of Art," and is found in Sections 8226-8243 of the Compiled Laws of 1887. This act authorizes corporations formed under it to acquire real estate, to receive gifts, contributions, devises and bequests; collect and own works of art generally, and to maintain or assist schools for the teaching of art. The act imposes upon such corporation the duty of opening its building and art collections under reasonable regulations, to the general public. The management of such corporations is placed in the hands of a Board of Trustees, three-quarters of whom are selected from the members of the corporation and the remaining one-quarter appointed by the Board of Aldermen of the City upon nomination of the Mayor.

The character and purpose of the corporation can best be determined by reading Sections 15 and 16 of said act. I quote these sections in full.

Section 15. "All gifts, devises or bequests made to any such corporation, and all its income, shall be faithfully used for the purposes for which such corporation was organized and no dividend in money or property shall ever be made by such corporation among its members."

Section 16. "The character and purposes of such corporation shall not be changed, nor its general art collection be sold, incumbered or disposed of unless authorized by the Legislature of this State upon the concurrent request of said corporation, and of the Mayor and Board of Aldermen of the city in which it is situated. But if any such corporation should ever cease, be diverted from the lawful purposes of its organization, or become unable usefully to serve such purposes, the Legislature may by law provide for the winding up of its affairs and for the conservation and disposition of its property in such way as may best promote and perpetuate, in the city where it is situated, the purposes for which such corporation was originally organized."

It will be seen from a reading of these sections that the Detroit Museum of Art, which was organized under this act, was organized for the public welfare in the matter of public education, and not for the purposes of mere private gain. I do not propose entering into a discussion of the propriety of expending public moneys in educational matters of a purely technical character. The legislative decisions are conclusive upon such questions.

In *Sears vs. Cottrell*, 5 Mich., 251, in speaking of objections to the propriety of legislation, the Court held, "such considerations may very properly be addressed to the Legislature and not to the judiciary; they go to the expediency of the law and not to its constitutionality."

The question to be determined by the Court is whether the object to be obtained by the taxation is a public or a private one, and this question can be determined by a proper understanding of the purposes of the corporation. It is the settled rule of law in this state, that taxation for private purposes is unlawful. (*People vs. Salem*, 20 Mich., 452; *People vs. State Treasurer*, 4 Mich., 499; *Clee vs. Saunders*, 74 Mich., 692.) But, in each one of these cases and in many others that might be cited as bearing upon the subject the moneys sought to be raised by taxation were to be expended in some work that was organized and operated for private pecuniary benefit primarily, while bringing great benefit to the public. In the first two cases cited the moneys to be raised by taxation were to be raised in aid of the construction of railroads owned and to be operated by private corporations. In "*People vs. Salem*," at page 477.

Judge Cooley said: "Primarily, therefore, the money when raised is to benefit a private corporation; to add to its funds and improve its property; and the benefit to the public is to be secondary and incidental, like that which springs from the building of a grist mill, the establishment of a factory, the opening of a public inn, or from any other private enterprise which accommodates a local want and tends to increase local values."

In speaking of the tests that are to be applied to determine whether a purpose is public or private Judge Cooley, at page 475, says: "Necessity alone is not the test by which the limits of State authority in this direction are to be defined, but a wise statesmanship must look beyond the expenditures which are absolutely needful to the continued existence of organized government, and embrace others which may tend to make that government subserve the general well-being of society, and advance the present and prospective happiness and prosperity of the people. To erect the public buildings, to compensate the public officers and to discharge the public debts, are not the sole purposes to which the public revenues may be applied, but, on the contrary, considerations of natural equity, gratitude and charity are never out of place when the general good of the whole people is in question, and may be kept in view in the imposition of the public burdens. *The sovereign legislative authority must judge of the force of such considerations*, on a general view of the just and proper demands upon the public treasury, and of the ability of the people to provide for all."

On page 485, we find the following: "We perceive, therefore, that the term 'public purpose,' as employed to denote the objects for which taxes may be levied, has no relation to the urgency of the public need, or to the extent of the public benefit which is to follow. It is, on the other hand, merely a term of classification, to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private inclination, interest or liberality. It creates a broad and manifest distinction, one in regard to which there need be neither doubt or difficulty, between public works and private enterprises; between the public conveniences which it is the business of government to provide and those which private interest and competition will supply whenever the demand is sufficient."

Applying these principles to the case at bar it remains only to determine whether the objects sought to be obtained by the act in question will tend, not only to subserve the public good; but is, in fact, of such a character as could be properly denominated "a public purpose." Personally, I have no doubt of the good to be attained

to the general public by the maintenance of a public art gallery and school. The corporation performs a public purpose, is subject to public control and supervision, and the building to be erected will be situated upon a part of the real estate which is held and controlled by the City of Detroit. These facts sufficiently distinguish the case from the cases cited. It becomes my duty to sustain the law if the law is not clear from reasonable doubt. In *Twitchel vs. Blodget*, 13 Mich., 127, the Court, speaking of the duty of courts in construing the Statutes, held, "and they must sustain the law if they have reasonable doubts of the conflict, even though the doubts spring from the construction of the constitution itself."

The second objection raised is, that the whole scheme of the law is contrary to the principle that the tax must inure to the benefit of the district or locality taxed, and the expenditure must be under the control of public authorities. The act under consideration declares: "The money received for such bonds shall be placed in the City Treasury, and shall be expended solely for the purposes therein specified, under the supervision and on the warrant of the Board of Trustees of said Detroit Museum of Art." By this section of Local Acts of 1903, page 584, it is provided that "the moneys shall be expended solely for the purposes specified in the act under which the corporation is organized, and under the supervision and on the warrant of the Board of Trustees."

The Common Council of the City of Detroit and the Board of Estimates have both authorized the raising of the funds in the manner permitted by legislative authority, and the moneys raised by this taxation will be paid out of the City Treasury under the supervision of the Controller in exact compliance with this legislative arrangement, and in the usual manner of paying out city funds.

Having arrived at the conclusion that the acts in question are not in contravention to the Constitution, a mandamus will issue as prayed.

HENRY A. MANDELL, *Circuit Judge*.

It was discovered then that while the legislative act had set the duration of the bonds at not less than ten nor more than twenty-five years, the City Council in their resolution of May 30, 1903, had made the term thirty years. To correct this error on June 7, 1904, the controller, acting on the advice of the Corporation Counsel, addressed the following communication to the Common Council:

To the Honorable The Common Council:

GENTLEMEN:—In the resolution of your honorable body adopted June 30th, 1903, authorizing the issue of \$50,000 Detroit Museum of Art bonds, the term of said bonds was specified at 30 years, whereas, the act of the Legislature under authority of which said bonds are to be issued provides that the term of the bonds shall be not less than 10 or more than 25 years. I have received an opinion from the Corporation Counsel that the resolution of June 30th, 1903, should be rescinded, and a new resolution passed fixing the time and payment of the bonds at a date not to exceed 25 years, but that it will not be necessary to secure any further action by the Board of Estimates inasmuch as the resolution of that board, adopted in November, 1903, simply concurred in the issuance of the bonds, but was silent as to the term for which they should be issued.

Respectfully,

F. A. BLADES, *Controller*.

Accepted and leave being granted, the following resolutions were offered:

By Ald. Codd:

Resolved, That the resolution of June 30th, 1903, authorizing the issuing of \$50,000 Detroit Museum of Art bonds, in which the term of the bonds is fixed at 30 years, be and the same is hereby rescinded on account of an error, and also the resolution adopted April 5th, 1904, directing the Controller to advertise said bonds.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Black, Burns, Codd, Dederich, Deimer, Harpfer, Heineman, Hillger, Jerome, Keating, Koch, Lemke, McClellan, Mahs, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—28.

Nays—None.

Accepted and referred to the Committee on Claims and Accounts.
Ald. Gutman entered and took his seat.

By Ald. Codd:

Whereas, The Board of Estimates of the City of Detroit did on November 11, 1903, consent to the issuing of \$50,000 bonds to be denominated "Detroit Museum of Art Bonds," when the trustees of the Art Museum by proper deed shall convey the title of real estate and building (contents excepted) to the City of Detroit, free and clear from all incumbrances whatsoever; and

Whereas, The Trustees of the Art Museum have conveyed by deed to the City of Detroit said land and building, which deed has been accepted by the Common Council; therefore be it

Resolved, That there be issued bonds of the city to the amount of \$50,000 to be denominated "Detroit Museum of Art Bonds," each of said bonds to be of the sum of \$1,000, payable in 25 years from date of issue, and to bear interest at the rate of 3½ per cent per annum, and to be payable at the official bank of the City of Detroit in New York, or at the office of the City Treasurer in the City of Detroit, at the option of the holder of said bonds, the principal and interest to be payable in lawful money of the United States of America, and the principal of \$50,000 of said bonds to be placed to the credit of the Museum of Art Fund to be used for the purpose of building an addition to the Art Museum as provided for under an act entitled "An Act to Amend Section 66 of Chapter 7 of an act entitled 'An Act to provide a charter for the City of Detroit,' and to repeal all such acts and parts of acts in conflict herewith, approved June 7th, 1883; being Act No. 326 of the Local Acts of 1883, as amended by the several acts amendatory thereof," approved May 26th, 1903, and the premium and accrued interest, if any, to be placed to the credit of the Detroit City Sinking Fund.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Black, Burns, Codd, Dederich, Deimel, Gutman, Harpfer, Heineman, Hillger, Jerome, Keating, Koch, Lemke, McClellan, Mahs, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—29.

Nays—None.

By Ald. Codd:

Resolved, That the City Controller be and is hereby directed to advertise ten days in the official papers of the City of Detroit and twice in two financial papers in the City of New York, inviting proposals for the purchase of \$50,000 Detroit Museum of Art bonds, said bonds having been authorized to be issued by resolution of the Board of Estimates adopted November 11th, 1903, and by resolution of the Common Council adopted June 7th, 1904, said bonds to be of the denomination of \$1,000 each, to bear interest at the rate of 3½ per cent per annum and to mature in twenty-five years from date of issue.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Black, Burns, Codd, Dederich, Deimel, Gutman, Harpfer, Heineman, Hillger, Jerome, Keating, Koch, Lemke, McClellan, Mahs, Mohn, Nagel, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—29.

Nays—None.

City Clerk's Office

State of Michigan, City of Detroit, ss.

I, George T. Gaston, City Clerk of Detroit, do hereby certify that the foregoing and annexed papers are true copies of the proceedings of the Common Council and Board of Estimates of the City of Detroit, as had at several sessions as therein stated, as appears from the original records of said Boards now on file in the City Clerk's office, authorizing the issue of \$50,000 Detroit Museum of Art bonds.

In witness whereof I have hereunto set my hand and affixed the seal of said City of Detroit this twenty-first day of July, A. D. 1904.

(Seal.)

GEORGE T. GASTON, *City Clerk.*

The bonds bear date of issue September 1st, 1904, and are payable September 1st, 1929.

These various municipal and legislative acts have placed the museum on a firm foundation and assures to the generous donors, both past and future, that their gifts to this institution will be carefully cared for and made available to that very large number of our citizens and the teachers and pupils of the public schools at all times when the doors of the museum are open.

Form of Bond Proposed to be Issued

Three and one-half per cent

MUSEUM OF ART BOND OF THE CITY OF DETROIT.

No.

\$1000.00.

State of Michigan.

United States of America.

Know All Men by These Presents, That the City of Detroit acknowledges itself to be indebted and hereby held and firmly bound unto Bearer in the sum of One Thousand Dollars lawful money of the United States of America, which sum it promises to pay at the office of the Treasurer of the City of Detroit, or at its current official bank in the City of New York, at the option of the holder, on the first day of September, A. D. 1929, with interest thereon from the date hereof at the rate of three and one-half per cent per annum, payable semi-annually on the first day of March and September in each year on surrender of the annexed coupons as they severally become due.

This bond is authorized by section 66 of chapter 7 of the Charter of the City of Detroit as amended by an Act of the Legislature of the State of Michigan, approved May 26, 1903, by a resolution of the Common Council of the City of Detroit adopted June 7, 1904, and by consent of the Board of Estimates of the City of Detroit, at a session held Nov. 11, 1903. By authority of an Act of the Legislature approved June 6, 1901, this bond is exempt from city taxation.

This bond is one of a series of fifty bonds of like date and tenor, amounting in the aggregate to \$50,000, and it is hereby certified and recited that the total amount of this issue does not exceed the limit of debt prescribed by the Charter of the City of Detroit, and that all acts, conditions and things required to be done precedent to and in the issuing of said bonds have been properly done, performed and happened in regular and due form according to law.

The faith and credit of the City of Detroit are hereby pledged for the punctual payment of the principal and interest of this bond.

In Testimony Whereof, The Mayor and Controller of said city have signed this bond and have caused the seal of the corporation, duly attested by the City Clerk, to be hereunto affixed this first day of September, A. D. 1904.

(Seal.)

.....
Mayor.

.....
Controller.

Attest:

.....
City Clerk.

Form of Coupon

\$17.50.

THE CITY OF DETROIT hereby acknowledges that there will be due to the bearer seventeen and 50-100 dollars in lawful money of the United States of America, payable at the office of the Treasurer of the City of Detroit, or at its current official bank in the City of New York, at the option of the holder, on the first day of.....
....., being for six months' interest on Museum of Art Bond of the City of Detroit, dated Detroit, Sept. 1, 1904.

No.....

.....,
Mayor.

Endorsement on Back of Bond

\$1,000. 3½ PER CENT. MUSEUM OF ART BOND OF THE
CITY OF DETROIT.

Issued September 1, 1904.

Payable September 1, 1929.

Principal and interest payable at the office of the Treasurer of the City of Detroit, or at its current official bank in the City of New York, at the option of the holder.

This bond has been made and issued in compliance with law, has been duly registered in the books of this office, and the proceeds of the same, together with all premiums on sale and interest accruing before delivery, have been paid into this office.

Detroit,, 1904.

.....,
City Treasurer.

The Advertisement

City of Detroit,
Controller's Office, July 23, 1904.

\$50,000.00 MUSEUM OF ART BONDS OF THE
CITY OF DETROIT.

Sealed proposals will be received at this office until 11 o'clock a. m., central standard time, Friday, Aug. 5, 1904, at which time they will be opened, for the purchase of \$50,000 of Museum of Art Bonds.

Said bonds are of the denomination of one thousand dollars each, bear interest at the rate of three and one-half per cent. per annum, payable semi-annually, will be dated Sept. 1, 1904, and mature in twenty-five years. Principal and interest payable in lawful money of the United States at the current official bank of the City of Detroit in the City of New York, or at the office of the City Treasurer, at the option of the holder.

These bonds are authorized by the Charter of the City of Detroit, and by a resolution of the Common Council of the City of Detroit, adopted June 7, 1904, and by a resolution of the Board of Estimates of said city adopted Nov. 11, 1903. By authority of an Act of the Legislature, approved June 6, 1901, they are

EXEMPT FROM CITY TAXATION.

Said bonds will be issued in coupon form, but will be exchanged for registered bonds at any time upon application of the owner.

Bonds can only be delivered at the office of the City Treasurer in Detroit, and accrued interest, if any, will be charged on delivery.

Proposals must be accompanied with a deposit in money or certified check on any national bank in the United States or a state bank in the City of Detroit, payable to the order of the City of Detroit, for \$1,000, as an evidence of good faith.

A set of papers evidencing the legality of the proposed issue, also the form of bond and coupon and a statement of the financial condition of the City of Detroit, may be had on application at this office. The right to reject any or all bids is expressly reserved.

F. A. BLADES,
Controller.

Published in the Detroit Tribune, and Detroit Free Press, July 25, 26, 27, 28, 29, 30, Aug. 1, 2, 3 and 4, 1904, these being the official papers of the City of Detroit, and in the New York Financier, July 25 and Aug. 1, 1904, and in the Daily Financial News, New York, July 25 and Aug. 1, 1904.

The bids were opened Aug. 5, 1904.

Proceedings of the Common Council

August 9, 1904.

To the Honorable the Common Council:

Gentlemen—In response to an advertisement from this office inviting proposals for the purchase of \$50,000 Museum of Art Bonds, to be dated September 1st, 1904, maturing in twenty-five years from

date thereof, principal and interest at the rate of $3\frac{1}{2}$ per cent. per annum, the following proposals were received:

State Savings Bank, Detroit.....	\$52,650 00
Noble, Moss & Co., Detroit.....	52,626 00
Matthew Finn, Detroit	52,280 00
N. W. Harris & Co., Chicago.....	51,765 00
Union Trust Co., Detroit.....	51,600 00
Dudley S. Harde, New York.....	50,965 00
Parkinson & Burr, New York.....	50,889 00
Denison, Prior & Co., Cleveland.....	50,885 00
W. J. Hayes & Sons, Cleveland.....	50,602 00
Estabrook & Co., Boston.....	50,589 50
Kountze Bros., New York.....	50,433 50
Harriman & Co., New York.....	50,045 50

I recommend the reference of this communication and the accompanying proposals to the Committee on Ways and Means.

Respectfully,

F. A. BLADES,
Controller.

Accepted and recommendation concurred in.

To the Honorable the Common Council:

Gentlemen—Your Committee on Ways and Means to whom was referred the communication from the City Controller submitting proposals for the purchase of \$50,000 Museum of Art Bonds, to be dated September 1, 1904, maturing in twenty-five years from date thereof, and bearing interest at the rate of $3\frac{1}{2}$ per cent. per annum, respectfully report that we have had the same under consideration and find, according to said communication, that the State Savings Bank is the highest bidder, said bank having bid \$52,650. Your committee considers the price to be reasonable and therefore recommend that said bonds be awarded to said State Savings Bank at par and premium of \$2,650, and we therefore offer the following resolution.

Respectfully submitted,

GEO. P. CODD,
WM. H. MAHS,
HUGH R. BURNS,
WM. HILLGER.

Accepted and on leave the following resolution was offered:

By Ald. Codd:

Resolved, That the bid of the State Savings Bank for the Museum of Art Bonds, amounting to \$52,650 and accrued interest, being the highest bid, be and the same is hereby accepted, and be it further

Resolved, That the City Controller be and he is hereby authorized and instructed to sell 50 Museum of Art Bonds of the face value of \$1,000 each to the State Savings Bank for the sum of \$52,650 and accrued interest, and further

Resolved, That the City Controller be and he is hereby directed to prepare the bonds so ordered sold, in compliance with the provisions of the City Charter and to deliver the same to the City Treasurer as required by law, and further

Resolved, That upon the receipt of such bonds the City Treasurer be and is hereby directed to notify the proper parties that they are ready for delivery, and to deliver the same to the State Savings Bank upon receipt of the principal, \$50,000, and a premium of \$2,650 and accrued interest, and further

Resolved, That upon receipt of said principal and accrued interest, if any, the City Treasurer be and he is hereby directed to place the principal, \$50,000, to the credit of the Museum of Art fund and the premium, \$2,650 and accrued interest, to the credit of the Detroit Sinking Fund, as required by law.

Adopted as follows:

Yeas—Ald. Allan, Atkinson, Balsley, Brozo, Burns, Codd, Dederich, Deimel, Gutman, Harpfer, Heineman, Hillger, Jeffries, Jerome, Keating, Lemke, McClellan, Mahs, Mohn, Nevermann, O'Brien, Reinhardt, Rose, Smith, Tossy, Weibel, Wieber, Zink and the President—29.

Nays—None.

By-Laws

I.

The Board of Trustees shall consist of twelve members, who shall serve for four years, three members retiring each year. No retiring member shall be eligible for re-election until a year from the time of the expiration of his term of office.

II.

The Board of Trustees shall annually, at their first meeting after the annual meeting, elect a President, a Vice-President, a Secretary, and a Treasurer. The President and Vice-President shall be elected from the Board of Trustees, but the Secretary and Treasurer may be elected from the members of the corporation. The duties of all these officers shall be those usually performed by such officers.

III.

The Board of Trustees shall appoint quarterly, from its own number, an executive committee, to consist of not less than three members, which committee shall be vested with such powers as the Board of Trustees may prescribe. It may also appoint such other committees as may be deemed necessary, and prescribe their duties. At least one member of the executive committee shall retire and a successor be appointed each quarter.

IV.

The Board of Trustees shall hold regular quarterly meetings at such times and places as it may itself determine. Special meetings may be called by the President or the Executive Committee, or by any two Trustees. In case of no quorum at any of said meetings, any number not less than three may act, and, on the approval in writing of their action by a sufficient number of Trustees to constitute a quorum, the action of said meeting shall be binding and legal.

V.

At least once in each quarter the Board of Trustees shall formally inspect the galleries and schools.

VI.

Under the direction of the Executive Committee, a book shall be kept in which all receipts and expenditures of the institution shall be faithfully recorded, and from which quarterly reports shall be made up and presented to the Board of Trustees.

VII.

Under the direction of the Executive Committee, a full report of the progress of the institution, with a balance sheet of its finances, shall be printed in April of each year, copies of which shall be sup-

plied to the members of the Corporation, to the Mayor and Aldermen of the City of Detroit, to all corresponding institutions, and to such other persons as the Board of Trustees may direct.

VIII.

There shall be instituted a roll of sustaining members, who shall contribute each \$10 annually to the funds of the institution, and such sustaining members shall at all times have for themselves, their families and friends introduced by them, free entrance to the galleries, including all special exhibitions and one ticket to all lectures. The members of the corporation shall possess the same privileges.

IX.

The annual meetings of the corporation shall be held on the first Monday of May in each year, at such hour and place as shall be ordered by the Trustees; due notice thereof shall be given in writing to every member, or by publication in at least one daily newspaper published in the City of Detroit. All reports required of the trustees, or of any officers, shall be made at the annual meeting.

X.

The Secretary and Treasurer may at any time be removed by the Board of Trustees. The Treasurer shall give such bonds for the faithful discharge of his duties as may be required by the Board of Trustees. The books of the Secretary and of the Treasurer shall be at all times open to the inspection of any trustee.

XI.

No person shall be elected an honorary member of the corporation except by an affirmative vote of at least two-thirds of all the members of the corporation.

Form of Bequest

I Do Hereby Give, *devise and bequeath to the
DETROIT MUSEUM OF ART, a corporation organized
and existing under the laws of the State of Michigan, with
its home office in said State—*

Bequests may be made in Money, Books, Paintings, Sculpture,
and all Works of Art.