

Burton Historical Collection Gift and Endowment

This 1914 gift agreement, in combination with the 1921 endowment agreement, makes it clear that the Burton Historical Collection was to be kept open to the public, that it would be catalogued (indexed), that the Detroit Public Library would keep it separate and distinct from the rest of the library, that the Detroit Public Library would add to the collection, and that the endowment can only be used to pay for historical materials, not supplies, equipment, staff, travel, etc. The historical materials must be books, periodicals, newspaper, pamphlets, and manuscripts relating to American and Canadian history.

Burton Historical Collection Gift

Please note that the text in which the Detroit Library Commission accepts this gift is just as important and legally binding as the gift and is part of the whole agreement.

Here is the contents Gift Agreement:

MISCELLANEOUS BUSINESS.

Commissioner Gray moved that the Library Commission accept, and authorize the proper officers to affix their signatures to, the formal agreement drawn up by Mr. Clarence M. Burton for the conveyance of his library and property to the Detroit Library Commission.

The motion was seconded by Commissioner Robertson and unanimously agree to.

The agreement reads as follows:

I hereby convey to the Board of the Library Commissioners of the City of Detroit my library of Americana and the collection therewith, and the two lots occupied by my dwelling and the buildings thereon. This is a gift to the Commission in the name of my wife, Anna Monroe Burton, and of myself for the use of the citizens of Detroit.

Real Estate.

The real estate intended to be conveyed is described as lots 12 and 13, in block 89, Cass Farm.

The grant does not include the little part of lot 14 that I own, or the building on it.

The title to the real estate is to be vested unconditionally in the Commission, except that whenever the Commission disposes of the real estate it shall use the avails for the erection of suitable buildings to hold the Burton Library, or shall use the avails in the purchase of new material for the library. The Commission shall not divert the avails for

other uses of the Commission, nor shall it use them for paying the running expenses of the Burton Library.

Buildings Conveyed.

It is intended to convey all the buildings located on lots 12 and 13 above mentioned.

Contents of the Dwelling on Lots 12 and 13.

I will remove everything that does not pertain to the structure, in the way of fixtures, such as stoves, water heaters, etc., leaving what may be of use to the Commission, and not destroying or mutilating the structure.

All property of a personal nature not forming a part of the library will be removed.

Contents of the Library.

I will leave, as the principal part of the donation, the historical library books, pamphlets, photographs and documents.

Reserved.

Books not of a historical nature, such as novels, books of general literature, dictionaries, etc., that would be found useful in ordinary home life, are to be retained by me.

There are a few books and papers in the library that do not belong to me. Whenever these are called for I will decide as to ownership and if I think proper they shall be given up as I may direct. I am to have the privilege of withdrawing temporarily for my own use such books, pictures and documents as I may desire. The articles so withdrawn are to be returned in a reasonable time and without mutilation.

Duplicates.

There are some duplicates in the library that ought to be retained and not disposed of. These will go with the library. There are a lot of duplicates of which I will retain the ownership for the purpose of sale, exchange or gift to persons or libraries.

Books in the Building on Lot 14.

A portion of the library, consisting of the manuscripts and newspaper files, is now in the building on lot 14 above mentioned.

The collection can remain in that building awaiting the convenience of the Commission for a reasonable time.

Sending Books to Lansing.

The Michigan Historical Commission has, at my request consented to make a calendar of the manuscripts in the library. For this purpose it was deemed best to send to the office of the Historical Commission at Lansing the volumes of manuscripts, a few at a time, so that the work could be done there, and the books will be returned as soon as abstracted.

This work is not to interfere with the work of the library.

The Library Commission will see that the work of the Historical Commission is accelerated.

Possession.

Inasmuch as the idea of giving this building to the Library Commission is of recent origin, I am not at present prepared to leave the dwelling. I will however, remove as soon as possible, and as early as July 1st, 1915, at all events. If I can obtain a suitable house, or build one before that date, I will remove earlier. I will see that the library is properly protected when I leave.

Use and Improvement of the Library.

The library is to be retained as an entirety to perpetually bear the name of Burton in some way connected with its title. The public shall have access to the library in general for consultation and study. No books, documents or photographs shall be loaned from the library, except under such rules as the Commission may adopt that will provide for an immediate return and constant supervision.

The Commission may refuse the privilege of copying or even of seeing any documents that it may deem improper to be made public. No person shall be permitted to examine or use any of the documents, or books contain them, except under constant supervision, to prevent documents from being mutilated or taken away.

March 1st, 1914

(Signed) CLARENCE M. BURTON

In consideration of the above gift the Board of the Library of Commissioners of the City of Detroit agree with said Clarence M. Burton as follows: We will accept the donation and will keep the library as an entity. Whenever it is deemed desirable to remove the collection from the present quarters we will provide other suitable fire-proof rooms or building, and will not mingle the books with other books in the General Library.

We agree to take proper care of the collection in the way of keeping the books clean and in proper form, and the library open at proper hours for the use of persons who desire to visit it, making necessary indexes, etc., as in the General Library.

We agree to extend and increase the collection by adding books on American history, genealogy and kindred subjects, and especially by obtaining and preserving manuscript collections that relate to a American and Canadian history and to the history of Detroit. We agree to expend not less than five hundred dollars each year in the purchase of books and other objects of American and Canadian history to be added to the Burton Library and to form a part of it.

March 1st, 1914

(Signed) BERNARD GINSBURG,
President.

E. S. PIGGINS,
Secretary.

Commissioner Gray submitted the following resolution, which was unanimously adopted:

At the regular meeting of the Detroit Library Commission, held this 16th day of March, 1914, the following preamble and resolution was presented and unanimously adopted:

WHEREAS, Mr. Clarence M. Burton has conveyed to the Board of the Library Commissioners of the City of Detroit his library of Americana and the two lots and building in which his library is housed, and

WHEREAS, the Detroit Library Commissioners have accepted this gift from Mr. Burton according to the formal agreement entered upon, and

WHEREAS, This donation from Mr. Clarence M. Burton marks a rare instance of patriotism, unselfish devotion to scholarship, and unprecedented private generosity to the Public Library of Detroit,

BE IT RESOLVED, That the Board of Library Commissioners record their grateful sense of the faith reposed in them in the conferring of this gift, valuable in substance and liberal in its spirit, and

BE IT FURTHER RESOLVED, That this note appreciation be spread in the minutes of this meeting; and that a copy of this resolution, suitably engrossed, be forwarded to Mr. and Mrs. Clarence M. Burton.

The meeting then adjourned.

BERNARD GINSBURG,
President.

E. S. PIGGINS,
Secretary.

Burton Endowment Fund Agreement

This 1921 agreement is based on the original 1914 gift of Clarence M. Burton's collection to the Detroit Public Library. The interest from the fund is only to be used to add historical items to the Burton Historical Collection. The Detroit Public Library is also further committed to foster the growth of the collection.

The court has modified this agreement twice. The first time was in 1937 during the Great Depression when it was impossible to achieve a five-percent return on an investment. This requirement was dropped. The second time was around 1986 when the auditing was switched from being done by the Controller of the City of Detroit to an outside auditor.

The point to keep in mind is that the court has allowed changes to be made to this agreement. That means that it is possible that the Detroit Library Commission, or the Detroit Public Library administration, could petition the court for a change to the agreement to place the interest in the general library fund. Consequently, we must be vigilant about the endowment's future.

Here is the contents of the Endowment Agreement:

Detroit Public Library

BURTON ENDOWMENT FUND AGREEMENT

This Agreement made this 17th day of October, A.D., 1921, between CLARENCE M. BURTON, hereinafter called the Donor, and the Detroit Library Commission, a public corporation under the laws of the State of Michigan, hereinafter called the Commission.

WITNESSES: In consideration of the fact that the Donor has given, for the benefit of the People of the City of Detroit, valuable historical data, known as the Burton Historical Collection, which the Commission has agreed to, and does house in the Main Library building until a suitable structure can be built especially for it, and to administer and to add to from time to time, and in further consideration of his high regard for the Commission and its ability to maintain and make useful the Collection, the Donor does by these presents agree to give, grant, set and deliver over to said Commission, their successors and assigns forever, securities of the par value of Fifty Thousand (\$50,000) Dollars, as follows: Ten (10) bonds of the United Kingdom of Great Britain and Ireland in denominations of One Thousand (\$1,000) Dollars each, numbered M-1070 to M-1079 inclusive, dated February 1, 1917, and bearing 5 ½ interest per annum (the receipt of which ten bonds is hereby acknowledged by said Commission) and, to deliver to said Commission from time to time additional securities until he had given in all securities whose par value shall equal Fifty Thousand (\$50,000) Dollars.

Said Commission shall use the income from said bonds exclusively (except as hereinafter provided) for the purchase from time to time of books, papers, pamphlets and any other form of historical data, which, in its judgement are suitable for said Collection, the same to become part of, and be subject to all the rules and regulations governing the use and preservation of, said Collection.

The said Commission is hereby granted exclusive control of the securities and the income therefrom, with the right to sell and re-invest the principal or income from time to time as its sole judgment dictates, provided however, that the right to make such investments shall be limited to sound investments which shall bear interest at a rate not less than five per centum per annum, and provided further that said Commission shall itself retain possession of the securities and will bank and disburse the income therefrom in its own name and separate and distinct from the funds appropriated by the duly constituted public authorities for the maintenance of the Detroit Public Library, but the duty is hereby imposed upon the Commission as a condition of the gift that the funds shall be audited yearly by the Controller of the City of Detroit, and a copy of said audit filed in the office of said Controller.

It is the distinct understanding of the parties hereto that the income so used for the purchase of historical data shall be in addition to any appropriation made by the duly constituted authorities of the City of Detroit for the purchase of data for the Collection, the Commission to use its best efforts to secure from said authorities an annual appropriation for such purpose of not less than \$2,5000.00. If the City authorities should fail in any fiscal year to make such appropriation, the said Commission shall then have the authority for each such failure to divert the equivalent of a year's income from the purchase of historical data to the purchase of additional securities, provided, however, that when the principal of said gift shall be the equivalent of \$150,000.00 par value, then the income shall no longer be so diverted but shall be exclusively appropriated to the purchase of historical data.

It is understood that the fiscal year of the audit called for by this gift shall coincide with the fiscal year of the Commission, as it may be fixed, from time to time, by law.

In witness whereof, Clarence M. Burton, has affixed his hand and seal the day and year first above mentioned, and the Commission has caused its signature and seal to be affixed hereto as evidence of its acceptance of the gift with the conditions thereto attached.

(Signed) CLARENCE M. BURTON L. S.
DETROIT LIBRARY COMMISSION

Witnesses:
Paul R. Gray
C. A. Lightner

By-Divie B. Duffield,
President
J. B. Kennedy,
Secretary