

*Ann Ely*

# THE NEW MUSEUM REGISTRATION METHODS

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## PERMANENT COLLECTION

### INTRODUCTION

The acquisitions section of a **collections management policy** carefully defines the types of collections that a museum holds: art, history, archival, science, anthropology, archaeology, etc. It should mention all permanent collections and should acknowledge special collections, such as those for educational use or special loan. The policy should also stipulate the means by which decisions are made for accepting objects to the permanent collections, who is responsible for the decisions, and the legal and ethical framework that is followed by the museum. The acquisitions policy should be augmented by a set of procedures that allow objects destined for the permanent collection to be accessioned, and objects for secondary collections, research, or sale to be accounted for.

All accessioned objects are acquired, but not all acquisitions are meant to be accessioned. An acquisition is made by a museum when title of an object is transferred and the museum becomes the owner. Acquisitions made for the museum's permanent collection are accessioned into that collection. **The word accession may be used to denote** (1) an object acquired by a museum for its permanent collection or (2) the act of recording/processing an addition to the permanent collection. It is the act of recording an addition to the permanent collection by means of assigning a unique number that allows the museum to connect an object to its documentation. (See chapter on Numbering.)

It is not necessary for a museum to accession every object that it acquires. However, the process of deciding what to accession must be very clear. If the object is a gift, the donor should be informed

of the museum's intended purpose for the gift before it comes to the museum. How the museum intends to use the object could affect the tax consequences of the gift for the donor. (See chapter on Tax Issues Related to Gifts of Collections.) Objects acquired by the museum may go, as noted above, to an educational project or hands-on loan collection, or they may be destined for the library or archives. They may be accepted for research (which may mean the eventual destruction of the object) or to be sold at a later date.

**Acquisitions may be made by:**

- **Gift** title passes during the life of the donor
- **Bequest** title passes under a will
- **Purchase** direct, auction, bargain sale, exchange
- **Field collection**
- **Conversion** the unauthorized assumption of ownership of property belonging to another. See chapter on Old Loans.

### GIFTS

Gifts can be outright, fractional, or promised. They may be unrestricted or made with some restrictions.

### UNRESTRICTED GIFTS AND GIFTS WITH RESTRICTIONS

An outright and unrestricted gift is always preferred, although there will be some circumstances in which the object is such an important addition to a collection that some restrictions are acceptable. Depending on the donor and the nature of the restrictions requested, it is often possible

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for appropriate museum personnel to discuss the potential restrictions with the donor, discover the reasoning behind the restrictions, and negotiate a more acceptable gift agreement.

Requests to exhibit permanently or to keep a collection together are the most common restrictions requested by donors. Neither is practical, and this type of request should be discouraged. A reasonable restriction might be one that keeps an important album of photographs together in their original binding rather than unbinding and matting each one separately; the museum must weigh its current desire to have the album with the possibility that future generations will be hampered by the restriction. All restrictions, if accepted, must be carefully considered and documented in the object records.

### FRACTIONAL GIFTS

Fractional gifts are generally made for tax reasons, because a taxpayer's deduction in any one year is limited. (See chapter on Tax Issues Related to Collections.) Upon advice from his or her tax advisor, the donor offers the museum a percentage interest in an object amounting to the allowable deduction. If the museum accepts the offer, a deed of gift detailing the arrangement is produced by the museum in consultation with its legal counsel or by the donor's lawyer. The deed may convey one portion only, or it may transfer title automatically to further portions of the work through several years. (See chapter on Creating Documentation.) The museum should not accept a fractional gift unless the donor agrees to give the remaining portion to the museum within a set time period or to leave the remaining portion of the object in a will. The museum does not want to find itself in a position where only a forced sale of the object can resolve who actually controls it.

A fractional gift should go through the same acquisition process as an outright gift. As a rule, a fractional gift must be in the museum's possession for the part of the year that reflects the percentage of ownership in the work. A fractional gift of 50%, for instance, must be in the possession of the donee

(museum) for six months of each calendar year. A donor can leave the object at the museum on "loan" for the donor's portion of the year but it should be recorded and insured as a loan for that time. (See chapter on Loans.)

### PROMISED GIFTS

Promised gifts may be made by a donor in the form of a letter expressing the donor's intent to give a specific object to the museum at some future time. Although many museums have a draft format for promised gifts to act as a guide for donors, it is preferable to have the donor initiate the promised gift letter on the donor's letterhead. The museum may wish to encourage the donor to include the gift to the museum in his or her will to ensure that the donor's promise is carried out if the donor is unable to make the gift during his or her lifetime.

A promised gift may be in the custody of the museum; if it is, it should be treated as a loan. (See chapter on Loans.)

### BEQUESTS

A bequest is the transfer of property to the museum under the terms of a deceased person's will. It is important to have on record, as evidence of the transfer of title, a copy of the provision of the will that concerns the bequest to the museum and a copy of the final receipt the museum signs accepting the bequest. A deed of gift is not appropriate documentation for a bequest. If objects come to the museum not under the terms of a will but as gifts by heirs of objects included in the estate—that is, if title passes first to the heirs and they, in turn, make a gift to the museum—the appropriate evidence of transfer is a deed of gift.

A museum may or may not know of a bequest in advance. Museums are usually notified of a bequest by the executor (legal representative) of the estate or the law firm representing the executor. It is important to deal with the official representative of an estate. The museum should ask for a copy of the will that concerns the bequest to the museum. The museum should then decide whether it



wishes to accept the bequest, accept only part of the bequest, or refuse the bequest. It should then communicate its wishes to the legal representative of the estate. If a museum accepts objects, it will be asked to sign a receipt for them. The museum should be aware that the transfer to the museum is not final until the administration of the estate is finally approved by the court.

### PURCHASES

Purchases for museum collections can be made in a variety of ways: at auction, from or through dealers, or directly from individuals. If an object is purchased, it is important that the museum have a bill of sale and proof of payment, and such documentation should be part of the acquisition file.

A hybrid form of purchase is a "bargain sale." In this instance the donor offers an object to a museum at substantially lower than fair market value with the intention of benefiting the museum by virtue of the reduced price. Properly done, there are tax benefits for the donor. The method of transfer of title is a bill of sale, but the museum acknowledges in correspondence to the donor that the price of the object has been reduced to favor the museum. It is up to the donor to establish his/her tax benefits with the IRS. The museum, for its part, wants to be secure in its opinion that the sale price is substantially reduced. An independent appraisal is advisable to document the discount. The bill of sale and all related correspondence should be part of the acquisition file.

Exchanges are in fact a form of purchase. In this case the payment is in kind, not in currency. The terms of an exchange should be set forth in writing and a museum, for its records, should establish the fairness of the exchange by means of appraisals and other expert opinions. The written agreement concerning the exchange and all relevant documents concerning the justifications for the exchange and the execution for the exchange should be part of the acquisition file. (See chapters on Appraisals and Managing Files and Records.)

### FIELD COLLECTIONS

Field collections are made more frequently by science, anthropology, history, and archaeology museums than by art museums. They may be a series of purchases acquired during an expedition, or they may be collections of scientific or archaeological specimens that are collected in a field research project or archaeological excavation. Purchases are generally made from persons who made or used the objects, and the recording of provenance, materials, techniques, and use are vital to the purchase record. Archaeological material should also be accompanied by complete field notes.

Field collections are increasingly subjected to legal restrictions, particularly regulations on export from the country of origin and laws dealing with repatriation to Native American or Native Hawaiian groups and endangered species. (See chapter on NAGPRA.) The museum must be aware of all potential restrictions and obtain applicable permits and customs releases before bringing material from the field to the museum. The registrar should, with help of legal counsel, research the legal title to the collections returned to the museum before they go through the acquisitions process and are accessioned into the permanent collection.

### CONVERSION

Most museums have objects on loan that remain unclaimed by the owners. Several states have adopted legislation to enable a museum to acquire title to these objects if the owners cannot be located and if specified procedures are followed and waiting periods met. (See chapter on Old Loans.)

### THE ACQUISITION PROCESS FOR PERMANENT COLLECTION OBJECTS

A cogent collecting policy that takes into account current collection strengths and weaknesses must be put in place for each collecting area if the museum is to acquire collection objects intelligently. A typical museum policy sets forth the practical and legal considerations that precede an acquisition.

**THE SAMPLER MUSEUM**  
123 Any Street, Any Town, USA 00000  
Telephone 000-000-0000 FAX 000-000-0001

**DEED OF GIFT**

Date \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
  
Telephone \_\_\_\_\_

Description of object(s) \_\_\_\_\_  
\_\_\_\_\_

Donor hereby transfers and assigns without condition or restriction all right, title and interest free of restrictions or encumbrances in the tangible personal property listed above (the "Object"), and all rights (including trade marks and copyrights) associated with it (the "Rights") to The Sampler Museum Association, a corporation existing under the laws of the State of disposition by The Sampler Museum, Any State, for use and Donor warrants and represents that Donor has the full power and authority to transfer the Object to The Sampler Museum Association.

Donor certifies that to the best of the Donor's knowledge, the Object has not been exported from its country of origin in violation of the Laws of that country in effect at the time of the export, nor imported into the United States in violation of United States laws and treaties.

Donor \_\_\_\_\_ Date: \_\_\_\_\_

Donor \_\_\_\_\_ Date \_\_\_\_\_

Accepted for The Sampler Museum

by \_\_\_\_\_ Date \_\_\_\_\_

Director

This deed of gift represents an agreement between The Sampler Museum and the donor(s) named on the face hereof. Any variation in the terms noted must be in writing on the face of this form and approved in writing by both parties.

Gifts to The Sampler Museum are deductible from taxable income in accordance with the provisions of Federal income tax law. However, Museum employees cannot, in their official capacity, give appraisals for the purpose of establishing the tax deductible value of donated items. Evaluations must be secured by the donor at his/her/their expense.

The donor received no goods or services in consideration of this gift.

Limited gallery space and the policy of changing exhibitions do not allow the Museum to promise the permanent exhibition of any object.

## Practical considerations:

- Is the object consistent with the collection goals of the museum and the specific goals of the curatorial department?
- Will the object be useful for exhibition and educational purposes, and for research and scholarship?
- Is the object in a reasonably good state of preservation?
- Can the museum properly exhibit and/or store the object?
- Is the price asked for purchased objects reasonable?
- Will the acquisition of the object result in major expenses for the museum for conservation or maintenance or because it opens a new area of collecting?
- Can the acquisition of the object be construed as a commercial endorsement?

## Legal and ethical considerations:

- Can valid title to the object be passed to the museum? Does the possessor of the object appear to be the sole owner or the legal agent of the owner?
- Is the object authentic?
- Can all rights in the object be conveyed to the museum?
- Does the acquisition of the object violate applicable state, national, or international laws or conventions that protect the rights of artists, or the rights of countries to their cultural history, or an endangered species?
- Is the object subject to repatriation to a Native American or Native Hawaiian group?
- Is the object free of donor restrictions or qualifications that inhibit prudent use of the object by the museum?

Acquiring objects for the permanent collection is a complicated process for most museums. It must be thoughtful and undertaken with care. It usually begins with curators who seek gifts by developing donor relationships and seek objects for purchase by becoming familiar with the market in

their area of specialization. Gift offers and purchase opportunities also come unsolicited to most museums. In science, anthropology, history, and archaeology museums, field collecting has been important in the past and is still a possibility in some collecting areas.

Between the time an object becomes available to the museum and the time it is actually acquired, a number of things take place (the order differs among museums):

- The object is transported to the museum.
- Curatorial proposal for acquisitions and/or worksheet is done.
- Consultation among curator, director, conservators, registrars, outside specialists, or board members takes place.
- Legal concerns (permits for endangered species, copyright licenses, title issues) are reviewed.
- If the object is a gift, intent to give is established, usually by the issue of a deed of gift that is sent to the donor for signature.
- If the object is a purchase, warranty of title is developed.
- An agenda for the acquisitions committee is developed.

The curator usually consults with the director after an initial gift offer is received or purchase possibility is determined. Museums have many variations of the acquisition process that follows after the director and curator decide to pursue an acquisition, but the registrar is always central to that process.

The registrar is generally charged with coordinating objects and their documentation, bringing objects to the museum, and making recommendations, in conjunction with a conservator when possible, about the feasibility of caring for and properly storing new objects; it is also the responsibility of the registrar to make certain that title to the object is transferred and needed licenses and permits are acquired.

If the object offered for gift or purchase is not already in the museum's custody for loan or examination, the registrar must arrange to bring it



**THE SAMPLER MUSEUM**

123 Any Street, Any Town, Any State 00000

000-000-00000

**DEED OF GIFT OF FRACTIONAL INTEREST**

I hereby give and deliver to The Sampler Museum ("the Museum"), an undivided \_\_\_\_\_ percent ( \_\_\_\_\_ %) interest in the work of art or object described below, as an unrestricted gift.:

< artist/maker >

< title >

< description of object >

As owner of an undivided \_\_\_\_\_ percent ( \_\_\_\_\_ %) interest in the work of art or object, the Museum shall be entitled to possession, dominion, and control of the property for that number of days during any twelve-month period after the date hereof which in sum are equal to the percentage of the Museum's ownership in the work of art or object. The Museum shall have sole discretion to decide the days during which it shall have possession of the work of art or object. (The period of initial possession of the property by the Museum shall commence upon the acceptance of this gift by the Museum.)

I give further fractional interests in the work of art or object in the following fractions, said gifts to be effective on the date(s) specified below:

Fraction	Date
_____ percent ( _____ %)	beginning January 1, 19____ and
	continuing each _____ of succeeding years.

In the event of my death, then all of the remaining fractions of interest in this work of art or object shall pass to the Museum at the time of my death.

I understand that it is the purpose of the Museum to promote by all appropriate means a wide public knowledge of and appreciation of fine arts, and I further understand that the management, use, display, or disposition of my donation shall be in accordance with the professional judgment of the trustees and director of the Museum.

This deed of gift of fractional interest shall be binding upon my executors, administrators, heirs, and assigns.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

By:

Witness:

< donor signature > _____	< witness signature > _____
< donor name > _____	< witness name > _____
< donor address > _____	

State of \_\_\_\_\_

County of \_\_\_\_\_

On \_\_\_\_\_, 19\_\_\_\_, < donor name > \_\_\_\_\_ personally appeared before me and acknowledged the foregoing instrument to be her free act and deed.

< notary signature > \_\_\_\_\_  
Notary Public

The Museum hereby accepts the foregoing gift and delivery. The donor has not received and shall not in the future receive goods or services in consideration of this gift.

The Sampler Museum

By < museum official signature > \_\_\_\_\_  
< museum official name > \_\_\_\_\_  
< museum official title > \_\_\_\_\_

to the museum. The curator writes a proposal for acquisition that should explain in detail the reasons the object is desirable for the collection. The registrar begins an acquisition file and makes certain that a temporary number is assigned to the object, that proper receipts have been issued, condition reports completed, and the location of the object noted. It is also wise to have a Polaroid or 35 mm photograph made at this point. (See chapters on Managing Files and Records, Numbering, and Condition Reporting.)

The deed of gift, a document that is developed with help of legal counsel, is generated by the registrar. It can serve as evidence of both an intent to donate and an acceptance by the proper museum authority.

Three elements are normally needed to complete a gift.

- Intent to donate, preferably in writing. A deed of gift is the preferred instrument to demonstrate this intent.
- Proof of physical receipt of the object by the museum.
- Written acceptance of the gift by the proper museum authority.

At least two original copies of the deed of gift are sent to the donor with a letter requesting that the donor sign and return both copies to the museum. The signed copies are held until the acquisitions committee meets and approves the gift. After the committee meets, the designated officer for the museum, usually the director, countersigns the deed of gift and sends one copy to the donor with a letter of appreciation. The other signed copy goes to the registrar for inclusion in the acquisition file. In some museums, three originals are made and the third is sent off-site for security purposes. (See chapter on Creating Documentation.)

Many museums do not include copyright releases in the deed of gift. Often, too, the donor is not the holder of copyright. If copyright in the object is an issue, and it is not covered in a deed of gift, a separate non-exclusive use agreement should be sent to the copyright holder. The donor of an object,

unless that donor is the artist, is usually unaware of whether he or she holds copyright to a work. (See chapter on Copyright.)

Depending on the acquisition policy of the museum, gifts, purchases, bequests, or exchanges proposed for accession will be reviewed and/or approved by a collections or acquisitions committee. That committee may meet monthly, quarterly, semi-annually, or as needed and may consist of board members, staff members, collectors, specialists in the field, friends of the museum, and, in a university museum, faculty members. This committee may have the authority to approve or reject acquisitions or the authority to recommend objects to the board of trustees for final approval. In any case, acquisitions are formally recorded in the minutes of the board meeting.

The agenda for the acquisitions committee is usually prepared by the registrar. It should be a clear listing of all objects to be considered for acquisition. The listing should include complete descriptions of the objects, donor and vendor names and addresses, credit lines for gifts, and, as appropriate, the price and funds to be used for purchases. The recording secretary for these meetings may be the registrar, deputy director, chief curator, or other member of the staff appointed by the director. Regardless of the recorder, the registrar should be officially notified as soon as possible after the meeting of works accepted or rejected for acquisition. Rejected objects should be returned to the donor or vendor. Accepted gifts should be acknowledged with a letter of appreciation from the director (and in some cases the curators) and a countersigned deed of gift or other official form that describes the gift(s).

## ACCESSIONING

Once the object(s) have been approved for acquisition into the permanent collection and the deed of gift signed or the sale completed, title passes to the museum and the registrar begins the process of accessioning. Accessioning is the act of recording or processing an addition to the permanent col-



THE SAMPLER MUSEUM  
Confirmation of Gift

The Sampler Museum  
123 Any Street  
Any Town, USA 00000

Gentlemen:

I hereby confirm my agreement to give to The Sampler Museum ("Museum"), at or before my death, the work or works of art listed below or on the attachment hereto:

You have informed me that other collectors, Trustees and friends of the Museum have indicated their intention of giving to the Museum works of art which they own in order to enhance the Museum's collection. As I believe that definite commitments to make such gifts or bequests will be of great value to the Museum, I have agreed to give the above described work of art to the Museum on the understanding (i) that you will do your best to obtain similar commitments from others and may refer to this agreement in inducing others to make such commitments; (ii) that this agreement shall be governed by the laws of Any State.

I may, according to my own convenience, give this work of art to you during my lifetime. Should this gift not be completed during my lifetime, it is understood that this agreement shall be binding on my heirs, executors, and administrators, and that omission from my Will of a specific bequest of this work of art to the Museum shall not release them from delivering the aforementioned work of art to the Museum in accordance herewith, or otherwise impair the force and effect of this agreement.

Neither the Museum nor I shall be under any obligation to insure this work of art during my lifetime. In the event I do not own this work of art at my death because of loss by casualty, the Museum shall have no claim against my heirs, executors or administrators with respect to this undertaking on my part.

I have entered into this agreement on the date indicated below with the full intention that I will be legally bound hereby pursuant to the applicable provisions of the law relating to written obligations and that this agreement shall be binding as well on my heirs, executors, administrators and assigns.

Dated: \_\_\_\_\_

Very truly yours,

\_\_\_\_\_(Seal)

We confirm the above correctly states the agreement between us.

The Sampler Museum

By: \_\_\_\_\_

Date: \_\_\_\_\_

*Statement of promised gift.*

lection. An accession number is assigned, and the file that has been made to track the potential acquisition becomes the accession file. (See chapters on Numbering and Creating Documentation). The file is checked for supporting documentation, and the accessioning process begins. The process includes:

- Gathering all gift or purchase documents, noting the accession number(s) on each.
- Creating a curatorial worksheet. If one has not been done, the registrar completes the basic worksheet and sends it to the curator for approval and additions, if any.
- Numbering the object. (See chapter on Marking.)
- Photographing the object.
- Entering information into the manual system. This may include:
  - source card (vendor or donor)
  - fund card (for purchase)
  - cross-reference cards, as used by the museum
  - biography card or artist card, as used by the museum
  - location card (or new card changed from the temporary to the permanent number)
  - accession or catalog card, as used by the museum.
- Entering information into the computerized system and printing out the cards outlined above. Some museums decide to keep none, all, or some manual files, generated by computer.
- Developing accession and/or object and/or source vertical files as necessary.

The accession number associates the object with its file and all its documentation. It is vital to have unique accession numbers that will take the staff member, curator, or researcher directly to the documentation. (See chapter on Numbering.) An accession folder may be developed and stored by consecutive number; if a volume of documentation exists for a single object within the accession, an object file may be broken out from the accession

file to hold that information. Some museums have files for every object; others have accession files; still others keep both accession and source files so that all information about an accession can be retrieved or all transactions with a single donor or vendor can be traced. (See chapter on Managing Files and Records.)

After the accessioning is complete, the registrar must review the file for compliance with the collections management policy. The accession file becomes the repository of all information that comes to the museum regarding the group of objects in it, and object files become filled as research, photography, condition reports, loans, conservation work, and publication take place.

Policies and procedures should be developed to govern access to permanent collection records. Confidential information such as shipping and insurance histories, appraisals, tax documents, purchase orders, donor addresses, and telephone numbers may be available only to certain members of the professional staff. Condition notes, conservation treatment reports, and some provenance information may also have limited access. The general public should have access (usually in the form of the accession card) to descriptive information about the object, the accession number, credit line, reference notations, and the exhibition and publication histories of an object. In developing policy about access to records, legal advice should be sought concerning the existence of any applicable freedom of information or privacy laws.