

1167-1401-70

AGREEMENT

7/1/23/46

THIS AGREEMENT made by and between HAROLD S. MILLER and HAROLD W. STEEPER as Executors of the Last Will and Testament of Orville Wright, deceased, hereinafter called the Vendors, Parties of the First Part, and THE UNITED STATES OF AMERICA, hereinafter called the Vendee, Party of the Second Part, WITNESSETH:

WHEREAS there is included in the residuary estate of Orville Wright the Wright Aeroplane of 1903, invented and built by Wilbur and Orville Wright and flown by them at Kitty Hawk, North Carolina on December 17, 1903, and

WHEREAS it is in the public interest that said plane be preserved for all time and made available as a public exhibit in an appropriate place and under proper auspices, and

WHEREAS the Probate Court of Montgomery County, Ohio, having jurisdiction over the administration of said estate, after full hearing in a proceeding to which all persons and institutions having any interest under the will of Orville Wright were parties and had submitted themselves to the jurisdiction of the Court, has officially found that the known wishes of Orville Wright will be carried out and the highest and best interest of the estate will be served by recognizing the public interest and has accordingly authorized and directed the Vendors to enter into this Agreement,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

1. For the consideration hereinafter set forth the Vendors agree to sell and do hereby sell to the United States of America, and agree to deliver to the United States National Museum, Washington, D.C., within the current fiscal year ending June 30, 1949, and subject to the terms of this Agreement, the original Wright Aeroplane of 1903.

2. In consideration thereof the Vendee agrees to pay to the Vendors the sum of One (\$1.00) Dollar in cash and to comply with the following requirements:

- (a) Said aeroplane is to be displayed as a public museum exhibit in the Metropolitan Area of the United States National Capital only, and except as hereinafter provided in paragraph (b) is to be housed directly facing the Main Entrance in the fore part of the North Hall of the Arts and Industries Building of the United States National Museum. It shall never be removed from such public exhibition except as may be required temporarily for maintenance or protection.
- (b) If the proper authorities of the Smithsonian Institution or its successors (acting for the United States of America) at any time in the future desire to remove said aeroplane to any other building in the Metropolitan Area of the national capital, such removal shall be permitted on the following conditions:
1. That the substituted building shall have equal or better facilities for the protection, maintenance and exhibition of the aeroplane.
  2. That the Wright Aeroplane of 1903 be given a place of special honor and not intermingled with other aeroplanes of later design.
  3. That such building be not a military museum but be devoted to memorializing the development of aviation.
- (c) There shall at all times be prominently displayed with said aeroplane a label in the following form and language:

The Original Wright Brothers' Aeroplane  
 The World's First Power-Driven Heavier-than-Air Machine  
 in Which Man Made Free, Controlled, and  
 Sustained Flight  
 Invented and Built by Wilbur and Orville Wright  
 Flown by Them at Kitty Hawk, North Carolina  
 December 17, 1903  
 By Original Scientific Research the Wright Brothers Discovered  
 the Principles of Human Flight  
 As Inventors, Builders and Flyers They Further Developed the Aeroplane  
 Taught Man to Fly and Opened the Era of Aviation  
 Deposited by the Estate of Orville Wright.

"The first flight lasted only twelve seconds, a flight very modest compared with that of birds, but it was nevertheless the first in the history of the world in which a machine carrying a man had raised itself by its own power into the air in free flight, had sailed forward on a level course without reduction of speed, and had finally landed

without being wrecked. The second and third flights were a little longer, and the fourth lasted 59 seconds covering a distance of 852 feet over the ground against a 20 mile wind."

Wilbur and Orville Wright  
(From Century Magazine, Vol. 76, September 1908, p. 649.)

(d) Neither the Smithsonian Institution or its successors nor any museum or other agency, bureau or facilities, administered for the United States of America by the Smithsonian Institution or its successors, shall publish or permit to be displayed a statement or label in connection with or in respect of any aircraft model or design of earlier date than the Wright Aeroplane of 1903, claiming in effect that such aircraft was capable of carrying a man under its own power in controlled flight.

3. The title and right of possession to be transferred by the Vendors hereunder shall remain vested in the United States of America only so long as there shall be no deviation by the Vendee from the requirements in the foregoing paragraph, and only so long as neither the Estate of Orville Wright nor any person having an interest therein is required to pay and does bear without indemnity an estate or inheritance tax, assessed by the State of Ohio, the United States or any other taxing authority, based upon a valuation of property of the Estate which includes said aeroplane at a value in excess of One (\$1.00) Dollar.

4. Upon the failure of the Vendee to remedy any deviation from the requirements set forth in paragraph 2, within twelve months after written specification thereof shall have been given to the Smithsonian Institution on behalf of the United States or upon (a) the final assessment of any state or federal inheritance, succession or estate tax whereby the Estate of Orville Wright or any person or persons having an interest therein shall be required to pay a higher tax by reason of a valuation of said aeroplane for tax purposes in excess of One (\$1.00) Dollar, and (b) the omission of the United States or others on behalf of the United States within twelve months of written notice of the final assessment by the person assessed to provide for the payment thereof by appropriations or otherwise, title to and right of possession of said aeroplane shall automatically revert to the Vendors, their successors and assigns.

5. In the event of a termination of title in the United States by reason of an omission on the part of the United States to provide for the

payment a tax assessment as aforesaid the United States shall have an option to repurchase the plane at any time within five years of the tax payment by reimbursing the taxpayer in the amount paid with interest thereon at six per cent from the date of payment. Upon the exercise of such option, this Agreement, in all of its terms, shall automatically again become of full force and effect.

WITNESS the due execution hereof in duplicate this 23rd day of November, 1948.

Harold S. Miller (SEAL)

Harold D. Steeper (SEAL)  
Executors of the Estate of  
Orville Wright, deceased

UNITED STATES OF AMERICA

BY A. Wetmore  
Secretary of the Smithsonian Institution