

Act No. 54, 1899.

LIBRARY AND ART
GALLERY.

An Act to incorporate the trustees of the Public Library and National Art Gallery respectively; to provide for the endowment and management of those institutions; to exempt from stamp duty donations and bequests to those institutions; and for purposes incidental to or consequent on the above-mentioned objects. [29th December, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

THE PUBLIC LIBRARY.

Trustees to be
governing body of
the library.

1. The control and management of the library, and the powers conferred by this Act on the trustees, are hereby vested in fifteen trustees, consisting of the Chancellor or acting Chancellor for the time being of the University of Sydney, three Professors of the said University, who shall be appointed by the Governor upon the recommendation of the Senate of the said University, and eleven other persons appointed by the Governor. But so long as the number of trustees exceeds seven, the powers conferred by this Act may be exercised by the trustees for the time being holding office.

The first trustees of
the library.

2. Notwithstanding the provisions of the last preceding section the present trustees of the library, consisting of the Honorable James Norton, the Honorable Edward Greville, Edmund Barton, Esquire, His Honor Alexander Oliver, President of the Land Appeal Court, the Honorable John Fitzgerald Burns, Mungo William MacCallum, Esquire, Professor of Modern Literature in the said University, the Honorable Philip Gidley King, the Honorable Henry Normand MacLaurin, Chancellor of the said University, Tannett William Edgeworth David, Esquire, Professor of Geology in the said University, Thomas Butler, Esquire, Professor of Latin in the said University, the Honorable John Hughes, the Honorable Alexander Kethel, Lachlan John Brient, Esquire, and William Wood, Esquire, together with one other person to be appointed by the Governor, shall be the first trustees.

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3. The present president, the said James Norton, shall continue to be president of the trustees, and any vacancy in the office of president may be filled by the election of one of their number by the trustees.

Vacancies in the office of president.

4. Whenever a trustee, not being the Chancellor or acting Chancellor of the said University, has been absent from the duly convened meetings of the trustees for six months without the permission of the trustees, his office shall thereby become vacant.

Absence of trustees from meetings.

5. Any vacancy in the office of trustee shall be filled up as soon as conveniently may be after the occurrence thereof.

Vacancies in the office of trustee.

6. Three trustees present at any duly convened meeting shall constitute a quorum, and anything done by them at such meeting shall be valid and effectual for all purposes.

Quorum.

7. A certificate under the hand of the principal librarian of the library that the persons named therein are, at the date thereof, the trustees of the library, shall be sufficient evidence of such fact in all courts and for all purposes.

Certificate of principal librarian.

8. The trustees are hereby constituted a body corporate by the name of "The Trustees of the Public Library of New South Wales," and by that name shall have perpetual succession and a common seal, sue and be sued in all courts, and may acquire, take, purchase, and hold to them and their successors, and may sell, exchange, grant, or demise any real or personal property vested in the said body corporate: Provided that, except where otherwise provided in this Act with respect to donations, no land shall be so sold, exchanged, granted, or demised but with the approval of the Governor.

Incorporation of trustees. Powers, &c.

9. All officers and servants of the library hereafter to be appointed shall be appointed upon the nomination of the trustees, and all officers and servants, whether appointed before or after the passing of this Act, shall be deemed to be officers and servants under the Public Service Act of 1895.

Officers and servants.

10. Subject to this Act and to the by-laws the trustees shall have the control and management of all property vested in the said body corporate.

General administration.

11. The land described in the Schedule hereto is hereby vested in the said body corporate, but subject to the provisions of this Act; and the term of four years granted to Her Majesty by indenture of lease dated the tenth day of February, one thousand eight hundred and ninety-nine, by the Municipal Council of Sydney, together with all provisions, obligations, powers, liabilities, and benefits incident thereto is hereby vested in the said body corporate.

Vesting of land described in Schedule in trustees.

12. All books, manuscripts, pamphlets, newspapers, pictures, engravings, works of art, and other chattels and property now contained in the buildings known and used as the Public Library and the Lending Branch thereof respectively, or in the possession or under the

Vesting of books, &c., in trustees. Power to purchase.

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the control of the trustees of the Public Library of New South Wales, as heretofore constituted, are hereby vested in the said body corporate, but subject to this Act and to the by-laws.

By-laws, &c.

13. The trustees present at any duly convened meeting may make by-laws for the general management and control of the library; and among other matters for—

- (a) the conduct of their own proceedings;
- (b) the management of the various branches or departments of the library, and the control of the officers and servants connected therewith;
- (c) the custody of and manner of affixing the common seal;
- (d) the admission or exclusion of the public or any person to or from the library or any part thereof;
- (e) the conditions subject to which the use or reading or loan in country districts of books or manuscripts, or making copies or extracts therefrom may be allowed;
- (f) the use of the books and exhibits for educational and other beneficial purposes.

Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law.

Report to Minister.

14. The trustees shall, on or before the thirty-first day of March in every year, report to the Minister charged with the administration of this Act their proceedings during the preceding year, and such report shall contain an account of the income and expenditure of the trustees, and, together with all by-laws so approved as aforesaid, shall be laid by him before Parliament within thirty days after the making of such report if Parliament is then sitting, or if not, then within thirty days after the first sitting of Parliament held after such making.

Annual endowment for purchase of books, &c.

15. For the purposes of providing a statutory fund for the purchase of books, periodicals, publications, and other requirements indispensable to a national library, but exclusive of the payment of rent and salaries, the Governor is hereby empowered and required by warrant under his hand addressed to the Colonial Treasurer to direct the payment out of the Consolidated Revenue Fund by equal quarterly payments on the first day of the respective months of January, April, July, and October in every year of the annual endowment of two thousand pounds, and any such warrant shall be a sufficient authority to the said Treasurer to pay the sum therein stated to the credit of the trustees at the bank named therein.

Provisions applicable to special donations.

16. And whereas David Scott Mitchell, Esquire, has expressed his intention of bequeathing to the library an unrivalled collection of Australian and other books, manuscripts, paintings, and engravings, made by himself during the course of many years, and which he is continually augmenting at great expense: And whereas he has already handed

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handed over to the trustees about ten thousand volumes of books and many pictures and engravings, and it is hoped that other liberal donations of the same character may be made by other persons, the trustees are hereby authorised to make any arrangements and to agree to any conditions which they may think advisable with the said David Scott Mitchell and other persons or his or their executors or other representatives for the custody and management of such books, manuscripts, paintings, and engravings, or any part thereof, either in conjunction with the other property of the trustees, or separately therefrom, and to make special by-laws for the examination and perusal of such books and manuscripts. Such by-laws when approved by the Governor shall be published in the Gazette, and when so published shall have the full force of law.

17. The trustees may invest and deal with any moneys and other funds acquired by them from private donors, and sell, let, or otherwise deal with any houses and lands acquired by them in a similar manner, in such way as may be directed by the donors respectively, and in the absence of any such direction, then in such manner as may, from time to time, be approved by the Governor.

Provisions for investment of and dealing with property acquired by donation.

PART II.

THE NATIONAL ART GALLERY.

18. The control and management of the gallery, and of all books, manuscripts, paintings, engravings, maps, works of art, and other things therein, and the powers conferred by this Act on the trustees, are hereby vested in thirteen trustees; but so long as the number of trustees exceeds seven, the powers conferred by this Act may be exercised by the trustees for the time being holding office.

Trustees to administer the Gallery.

The following persons are hereby appointed the trustees, namely: Eccleston Du Faur, Esquire, Sir James Reading Fairfax, Josiah Mullens, Esquire, the Honorable Bernhard Ringrose Wise, Julian Rossi Ashton, Esquire, the Honorable Sir Joseph Palmer Abbott, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Sir Julian Salomons, the Honorable Joseph Hector Carruthers, John Sulman, Esquire, Henry Gorman, Esquire, the Honorable Francis Bathurst Suttor, and two other persons to be appointed by the Governor on the nomination of the Art Society of New South Wales as soon as the names of the two persons so nominated shall have been received by the Governor, and the said Eccleston Du Faur is hereby appointed president, and the said Sir James Reading Fairfax and Josiah Mullens are hereby appointed vice-presidents of the trustees.

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- Vacancies.** **19.** Any vacancy in the office of trustee shall be filled up as soon as conveniently may be after the occurrence thereof by the appointment of some fit person by the Governor.
- Any vacancy in the office of president or vice-president may be filled by the election of one of their number by the trustees.
- Absence of trustees from meetings.** **20.** Whenever a trustee has been absent from the duly convened meetings of the trustees for six months without the permission of the trustees, his office shall thereby become vacant.
- Quorum.** **21.** Four trustees present at any duly convened meeting shall constitute a quorum, and anything done by them at such meeting shall be valid and effectual for all purposes.
- Certificate of secretary or director.** **22.** A certificate under the hand of the secretary of the trustees or director of the gallery that the persons named therein are, at the date thereof, the trustees of the gallery, shall be sufficient evidence of such fact in all courts and for all purposes.
- Incorporation of trustees.** **23.** The trustees are hereby constituted a body corporate by the name of "The Trustees of the National Art Gallery of New South Wales," and by that name shall have perpetual succession and a common seal, sue and be sued in all courts, and may acquire, take, purchase, and hold to them and their successors, and may sell, exchange, grant, or demise any real or personal property vested in the said body corporate: Provided that, except where otherwise provided in this Act with respect to donations, no land shall be so sold, exchanged, granted, or demised but with the approval of the Governor.
- Powers, &c.** **24.** All officers and servants of the gallery hereafter to be appointed shall be appointed upon the nomination of the trustees, and all officers and servants whether appointed before or after the passing of this Act shall be deemed to be officers and servants under the Public Service Act of 1895.
- Officers and servants.** **25.** Subject to this Act and to the by-laws the trustees shall have the control and management of all property vested in the said body corporate.
- General administration. Powers of trustees.** **26.** All pictures engravings, statuary, works of art, books, pamphlets, and other chattels and property now contained in the buildings known and used as the National Art Gallery, or in the possession or under the control of the Trustees of the National Art Gallery of New South Wales as heretofore constituted, are hereby vested in the said body corporate, but subject to this Act and to the by-laws.
- Vesting of pictures, &c., in trustees.** **27.** The trustees present at any duly convened meeting may make by-laws for the general control and management of the gallery; and among other matters for—
- By-laws, &c.**

- (a) the conduct of their own proceedings;
- (b) the management of the various branches or departments of the gallery, and the control of the officers and servants connected therewith;

(c)

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- (c) the custody of and manner of affixing the common seal ;
- (d) the admission or exclusion of the public or any person to or from the gallery or any part thereof ;
- (e) the conditions subject to which the loan in country districts of works of art, or making copies therefrom, may be allowed ;
- (f) the use of works of art for educational and other beneficial purposes.

Such by-laws, when approved by the Governor, shall be published in the Gazette, and when so published shall have the full force of law.

28. The trustees shall, on or before the thirty-first day of March in every year, report to the Minister charged with the administration of this Act their proceedings during the preceding year, and such report shall contain an account of the income and expenditure of the trustees, and shall, together with all by-laws made and approved in pursuance of this Act, be laid by such Minister before Parliament within thirty days after the making of such report if Parliament is then sitting, or if not, then within thirty days after the first sitting of Parliament held after such making. Report to Minister.

29. For the purpose of providing a statutory fund for the purchase of works of art and other requirements indispensable to a national gallery, but exclusive of the payment of rent and salaries, the Governor is hereby empowered and required by warrant under his hand addressed to the Colonial Treasurer to direct the payment out of the Consolidated Revenue Fund by equal quarterly payments on the first day of the respective months of January, April, July, and October in every year of the annual endowment of two thousand pounds, and any such warrant shall be a sufficient authority to the said Treasurer to pay the sum therein stated to the credit of the trustees at the bank named therein. Annual endowment for purchase of works of art, &c.

30. As donations of works of art, books, or manuscripts may be made to the trustees or to the gallery, the trustees are hereby authorised to make such arrangements and to agree to such conditions as they think advisable for the custody and management of any of such works of art, books, and manuscripts, either in conjunction with the other property of the trustees, or separately therefrom, and to make special by-laws for the examination of such works of arts, books, and manuscripts. Such by-laws when approved by the Governor shall be published in the Gazette, and when so published shall have the full force of law. Provisions applicable to special donations.

31. The trustees may invest and deal with any moneys and other funds acquired by them from private donors, and sell, let, or otherwise deal with houses and lands acquired by them in a similar manner, Provisions for investment of and dealing with property acquired by donation.

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manner, in such way as may be directed by the donors, and in the absence of any such direction, then in such manner as may, from time to time, be approved by the Governor.

PART III.

GENERAL AND SUPPLEMENTAL.

Certain donations
and bequests to be
exempt from Stamp
Duties Acts.

32. Nothing contained in Part III or the Third Schedule of the Stamp Duties Act, 1898, or in any Act imposing duties on estates of deceased persons, shall apply to any donation or bequest of money, books, manuscripts, paintings, engravings, maps, or works of art of any kind whatsoever made or to be made to the library or gallery, or the trustees of the library or gallery.

Definitions.

33. In this Act—

“By-laws” means by-laws in force for the time being under the part in which the expression occurs.

“Prescribed” means prescribed by the by-laws.

“The Gallery” means the national art gallery of New South Wales.

“The Library” means the public library of New South Wales.

“Trustees” in Part I of this Act means trustees of the library, and in Part II means trustees of the gallery.

Short title.

34. This Act may be cited as the “Library and Art Gallery Act, 1899.”

SCHEDULE.

All that allotment or parcel of land containing by admeasurement twenty and a half perches, situated in the city of Sydney, parish of Saint James, county of Cumberland: Commencing at the intersection of Bent-street with Macquarie-street, and bounded towards the south by Bent-street one chain fifty-seven links; towards the west by a line at right angles to Bent-street eighty-three and a half links; towards the north by a line at right angles to Macquarie-street eighty-three and a half links; and towards the east by Macquarie-street one chain and fifty-seven links to the intersection of that street with Bent-street aforesaid.

And also all that allotment or parcel of land containing by admeasurement seven and a quarter perches, be the same more or less, situated in the city of Sydney, parish of Saint James, county of Cumberland, being allotment number four in section number one hundred and seven: Commencing at the west corner of allotment number five, and bounded on the south-west by Bent-street seventy-five links to a lane on the north-west, by that lane, being a line at right angles with Bent-street, thirty-five links to the south-west corner of allotment number six; on the north by allotment number six, being a line at right angles with Macquarie-street, and extending from the lane ninety-one links to the north-west corner of allotment number five aforesaid; and on the south-east by that allotment to the commencing point.

And

Public Service (Superannuation).

And also all that piece or parcel of land situate in the city of Sydney, being part of allotment number six of section one hundred and seven, containing by admeasurement eight and one-half perches: Commencing at the north-east corner of allotment number five (granted to the Australian Subscription Library); and bounded thence on the east by Macquarie-street, being a line bearing north six degrees twenty-nine minutes east twenty feet six inches to a point in continuation of the centre of the wall dividing number one hundred and sixty-one Macquarie-street from the premises number one hundred and fifty-nine; thence on the north by that wall and its continuation, being a line bearing north eighty-three degrees twenty-four minutes west one hundred and ten feet to Macquarie-lane; thence on the west by that lane (walled in) bearing south twenty-three degrees sixteen minutes west twenty-one feet seven inches to the north-west corner of allotment number four of section one hundred and seven aforesaid; and thence on the south by the north boundary of lots numbers four and five of said section, being a line bearing south eighty-three degrees thirty-three minutes east one hundred and sixteen feet one inch to the commencing point.
