

## No. II.

### An Act for the better protection of Works of Art and Scientific and Literary Collections. [12th July, 1849.]

WORKS OF ART  
PROTECTION.  
—

**W**HEREAS it is expedient to provide for the better protection of Preamble.

Works of Art and of Scientific and Literary Collections and also of Public Statues and Monuments and other things from wanton injury Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act every person who shall unlawfully and maliciously destroy or damage anything kept for the purposes of art science or literature or as an object of curiosity in any museum gallery cabinet library or other repository which museum gallery cabinet library or other repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same either by permission of the proprietor thereof or by the payment of money before entering the same or any picture statue monument or painted glass in any church or chapel or other place of religious worship or any tombstone in any burial ground or any statue or monument exposed to public view or any mile stone or mile post on or near any public highway shall be guilty of a misdemeanor and being duly convicted thereof shall be liable to be imprisoned for any period not exceeding six months with or without hard labor or if a male be privately whipped in such manner as the Court before which such person shall be tried shall direct.

Punishment for malicious injury to Works of Art &c.

2. And be it enacted That every punishment imposed on any Malice to be implied. person for an offence against any of the provisions of this Act shall apply and be enforced whether the offence shall be committed from malice conceived against the owner of the thing damaged or destroyed or not.

3. And be it enacted That any person found committing any offence against any of the provisions of this Act may be immediately Apprehension of offenders. apprehended without a warrant by any other person and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to law.

---

*Dangerous Lunatics.*

---

Not to affect the  
right to recover  
damages.

Accessories punish-  
able as principals.

4. Provided always and be it enacted That nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for any injury so committed.

5. And be it enacted That every person who shall abet counsel or procure the commission of any offence against any of the provisions of this Act shall be punished as a principal offender.

---

---