

SHAKESPEARE TERCENTENARY MEMORIAL FUND ACT.

Act No. 58, 1923.

An Act to authorise the handing over of the Shakespeare Tercentenary Memorial Fund to the Trustees of the Public Library of New South Wales upon certain trusts; and for purposes connected therewith. [Assented to, 21st December, 1923.]

WHIEREAS in the year of Our Lord one thousand nine hundred and twelve, and from time to time thereafter a certain sum of money known as the Shakespeare Tercentenary Memorial Fund was collected for the purpose of establishing a Shakespeare Tercentenary Memorial: And whereas the said sum of money or investments representing the same is now held by the following persons (hereinafter referred to as "the

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George V, "the executive committee"), namely, Sir William Portus Cullen, Knight Commander of the most distinguished Order of Saint Michael and Saint George, the president of the Citizens' Committee of the Shakespeare Tercentenary Memorial Fund; Mungo William MacCallum, chairman of the executive committee; Percy Joseph Marks and William John Miles, honorary treasurers of the executive committee; Henry Charles Lennox Anderson and William Edward Hawkins, members of the executive committee: And it was arranged by and between the executive committee and the Trustees of the Public Library of New South Wales that the said sum of money or investments representing the same should be handed over to the Trustees of the Public Library of New South Wales to be held by them upon the trusts expressed in the draft deed of gift, a copy of which is set out in the Schedule to this Act: And whereas doubts have arisen as to the powers of the executive committee to hand over the said sum or investments, and of the Trustees of the Public Library of New South Wales to accept the same, and to carry out the trusts as aforesaid: Be it therefore enacted by the King'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:—

Short title.

1. This Act may be cited as the "Shakespeare Tercentenary Memorial Fund Act, 1923."

**Interpreta-
tion.**

2. For the purposes of this Act "the fund" means the sum of money or investments representing the same referred to in the preamble to this Act.

**Authority to
hand over
fund.**

3. (1) The executive committee referred to in the preamble to this Act are hereby authorised to hand over the fund to the Trustees of the Public Library of New South Wales, and the said committee or any four of them are authorised to execute the deed of gift, a draft of which is set out in the Schedule hereto.

(2) The Trustees of the Public Library of New South Wales are hereby authorised to accept the fund, and to hold and administer the same in accordance with the trusts expressed in the said deed of gift.

4. The members of the executive committee mentioned in the preamble to this Act are, and each of them is, hereby indemnified and held harmless in respect of the handing over by them to the Trustees of the Public Library of New South Wales, in pursuance of this Act, of the fund; and no action suit or proceeding at law or in equity shall lie or be continued against them or any of them in respect of or in connection with such handing over.

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Committee
indemnified.

SCHEDULE.

THIS Deed, made the day of , one thousand nine hundred and twenty-three, between Sir William Portus Cullen, K.C.M.G., the President of the Citizens' Committee of The Shakespeare Tercentenary Memorial Fund, Mungo William MacCallum, chairman of the Executive Committee, and Percy Joseph Marks and William John Miles, the honorary treasurers of the said Executive Committee, and Henry Charles Lennox Anderson and William Edward Hawkins, the members of the said Executive Committee, or any four of them of the one part (the said parties of the one part when herein-after jointly referred to being termed "The Executive Committee") and the Trustees of the Public Library of New South Wales, a body incorporated by the Act No. 54, 1899 (which corporation is hereinafter called "the Trustees") of the other part: Whereas the Trustees have agreed to establish under the name of "The New South Wales Shakespeare Memorial Library" within the Public Library of New South Wales, managed and controlled by the Trustees under the Act, a collection of Shakespearean Books and Manuscripts, carefully classified and segregated from the rest of the said Public Library so far as is reasonably possible, and have agreed to add to "The New South Wales Shakespeare Memorial Library" so established all the Shakespearean Books and Manuscripts in the said Public Library except such books, manuscripts, and things as the Trustees are unable to remove from or consider ought not to be removed from the remainder of the said Public Library to be so added: And whereas the Trustees intend so far as they lawfully and properly may and ought to do so if and when a suitable new building is erected for the said Public Library to segregate "The New South Wales Shakespeare Memorial Library" aforesaid from the rest of the said Public Library by placing the same under

under

George V, under their control and management in a separate room or hall: And
No. 58. whereas the Trustees also intend from time to time and at all times so far as the Trustees lawfully and properly may and ought to do so to endeavour to build up "The New South Wales Shakespeare Memorial Library" aforesaid into a noteworthy library of Shakespeare books and manuscripts and to use for such purpose such funds as they lawfully and properly may and ought to do so out of the endowment given to the Trustees by the said Act: And whereas the Executive Committee holds money and investments to the amount of £ for the Shakespeare Tercentenary Memorial Fund and has agreed to hand over the said money and investments to the Trustees who have agreed to accept the same upon and subject to the provisions hereinafter contained: Now this indenture witnesseth and it is agreed that the said money and investments to the amount of £ (hereinafter called the trust fund) now handed over by the Executive Committee to the Trustees (the receipt whereof is hereby acknowledged) shall be held by the Trustees as trustees thereof for ever hereafter upon trust (after paying thereout all expenses by way of disbursement in relation thereto) to retain the same in its present state of investment or to invest the same at their absolute discretion in or upon any of the Public Stocks, Debentures, Treasury Bills, Public Funds, or Government Securities of the United Kingdom or of the Commonwealth of Australia or of the State of New South Wales or of the other States of the Commonwealth or upon mortgage of freehold lands or upon fixed deposit receipts at interest in any recognised bank carrying on business in any of the places aforesaid or in any investments for the time being authorised or allowed by law as investments for trust money with power from time to time to vary such investments for others of a like nature: And the Trustees shall stand possessed of the said Trust property, trust funds, and the stocks, funds, securities, and investments for the time being representing the same and the income thereof hereinafter called "the Trust Fund": And upon trust for ever hereafter to receive the dividends and annual income of the said trust fund and to expend the same on the purchase of "Works of Shakespearean interest" to be added to and form part of the said portion of the said Public Library and such "Works of Shakespearean interest" together with the present collection known as the New South Wales Shakespeare Memorial Library, shall hereafter be known and referred to as "The New South Wales Shakespeare Tercentenary Memorial Library": And upon further trust to keep the said New South Wales Shakespeare Tercentenary Memorial Library separate and distinct from the other books, pamphlets, and manuscripts in the said Public Library, and as far as possible every book, pamphlet, and manuscript now forming part or hereafter to be added to the said New South Wales Shakespeare Tercentenary Memorial Library shall bear a suitable "book-plate" or other mark showing that it forms part of the said New South Wales Shakespeare Tercentenary Memorial Library, and none of the said "Works of Shakespearean interest" shall hereafter be sold or disposed of by the Trustees or allowed to go out of the control or custody of the Trustees or their officials, but subject thereto and to the rules and regulations of the Public Library such "Works of Shakespearean interest" are to be available for purpose of reading and research by students and others who desire to peruse same subject to the discretion of the Principal Librarian of the Public Library.

And

And it is hereby agreed that the expression "Works of Shakespearean interest" wherever used in these presents shall include any or all of the following:—

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- (a) Editions of the works of William Shakespeare whether complete or separate portions thereof.
- (b) Books, pamphlets, manuscripts, and other matter relating to or dealing with Shakespeare, his life, works, and time.
- (c) Books, pamphlets, manuscripts, and other matter relating to the literature of the Elizabethan period and the writings of Shakespeare's contemporaries.
- (d) Pictures, engravings, and mementoes of Shakespeare and his contemporaries.
- (e) And such other books, pamphlets, manuscripts, pictures, engravings, and other matter as in the opinion of the Trustees are suitable to add to the said collection.