ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. LXXI.

An Act to amend the Acts for the Establishment of a National Gallery in *Dublin*.

[29th *June* 1865.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her Majesty, intituled *An Act to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in* Dublin: And whereas a further Act was passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in* Dublin: And whereas it is by the said first-recited Act, amongst other things, enacted, that certain Persons therein named, together with such other Persons as the Lord Lieutenant should approve, should be Trustees for the Building therein-after mentioned, and that it should be lawful for such Trustees to receive such Sum of Money as might be subscribed, given, or contributed, or might from any Source become available, for the Purpose of erecting a suitable Building in *Dublin*, to be devoted in part to the fit Accommodation of a National Gallery of Paintings, Sculpture,

17 & 18 Vict. c. 99.

18 & 19 Vict. c. 44.

and the Fine Arts, and the Remainder to the Reception of a public Library; and it is by the same Act enacted, that "it should be lawful "for the Governors and Guardians of Archbishop *Marsh*'s Library "(anything in an Act of the Parliament of *Ireland*, intituled *An* "*Act for settling and preserving a Public Library for ever in the* "*House for that Purpose built by his Grace* Narcissus *then Lord* "*Archbishop of* Armagh *on Part of the Ground belonging to the* "*Archbishop of* Dublin's *Palace near the City of* Dublin, passed in "the Sixth Year of the Reign of Queen *Anne*, or otherwise, to the "contrary notwithstanding,) to cause the said Library to be removed "to the said Building so to be erected as soon as the same should be "completed, and in a Condition to receive the said Library; provided "always, that the said Governors and Guardians shall approve of "the Plans and Arrangements of that Portion of the said Building "to be appropriated to the Reception of a Public Library;" and it was by the same Act further enacted, that certain Persons therein mentioned, and their Successors, as therein-after directed, should be and were thereby constituted a Body Corporate by the Name of the Governors and Guardians of the National Gallery of *Ireland*, with Power to the said Body Corporate to receive Devises, Bequests, Donations, and Subscriptions (annual or otherwise) of Land, Buildings, Money, and Works of Art, and to hold the same, and to lay out such Sums of Money as they should so receive, for the Purposes of the National Gallery of *Ireland* in the Improvement and Enlargement of the Collection of Works of Art presented to or purchased for the said Gallery, or deposited therein, and the said Body Corporate should have the entire and exclusive Possession, Occupation, and Control, for the Purposes of their Trusts therein mentioned, of those Portions of the said Building so to be erected as therein-before mentioned, which should be, upon the Completion of the said Building, set apart by the Building Trustees for the Accommodation of the National Gallery of *Ireland*, and of all such other Buildings, Enclosures, and Appurtenances as should or might from Time to Time be required and obtained for the Purposes of the said National Gallery or any Part thereof, and that the Building so to be erected should be constructed according to such Plans and Specifications as should have been approved and agreed upon by and between the said Building Trustees, the said Governors and Guardians of the National Gallery of *Ireland*, and the said Governors and Guardians of Archbishop *Marsh*'s Library: And whereas it is by the said Act further enacted, that "the Persons who for the Time being should compose the "said respective Bodies Corporate, that is to say, the Governors "and Guardians of the National Gallery of *Ireland*, and the Gover- "nors and Guardians of Archbishop *Marsh*'s Library, should be One

"Body

" Body Corporate, under the Name of the Joint Trustees of the " National Gallery of *Ireland* and of *Marsh*'s Library," and so soon as the said Building so to be erected as aforesaid should have been completed the said Building Trustees shall declare it to be so by an Instrument under the Hands of them or of any Three of them, and thereupon the said Building, together with the Ground whereon the same should have been erected, should become and be vested in the said last-mentioned Body Corporate for ever, subject nevertheless to the exclusive Possession, Occupation, and Control of those Portions of the said Building respectively to be occupied by the said Governors and Guardians of the National Gallery of *Ireland*, and the said Governors and Guardians of Archbishop *Marsh*'s Library, for the Purposes of their respective Trusts as aforesaid: And whereas by Indenture bearing Date the Fourth Day of *August* One thousand eight hundred and fifty-five, and made between the Right Honourable *Sidney Herbert* of *Belgrave Square* in the Parish of *Saint George, Hanover Square*, in the County of *Middlesex*, M.P., of the one Part, and the Royal *Dublin* Society for promoting Husbandry and other useful Arts in *Ireland* of the other Part, reciting as therein recited, the said Right Honourable *Sidney Herbert*, in pursuance of the Power and Authority for that Purpose given and reserved by the therein and herein-before recited Act of the Seventeenth and Eighteenth Years of Her present Majesty Queen *Victoria*, and of any other Power in that Behalf enabling him, and for the Considerations therein mentioned, granted and demised unto the said Royal *Dublin* Society all that and those that Piece or Parcel of Ground lying between the House of the said Society and the Flagway on the East Side of *Merrion Square* (which said Piece or Parcel of Land is commonly called "*Leinster Lawn*") containing in the whole Three Acres Three Roods and Thirty-six Perches Statute Measure, and situate, lying, and being in the Parish of *Saint Peter* and County of the City of *Dublin*, and which said Piece or Parcel of Ground is, as to its Contents, Dimensions, Abuttals, and Boundaries, more particularly described in the Map or Plan annexed thereto, together with all and singular the Messuages and Tenements and all Erections and Buildings to be built and erected thereon, and all Rights, Easements, Ways, Paths, Passages, Waters, Watercourses, Profits, Commodities, and Appurtenances whatsoever to the said Piece or Parcel of Ground belonging or in anywise appertaining, to hold the same, with the Appurtenances, unto the said Royal *Dublin* Society and its Successors for ever at and subject to the yearly Fee-farm Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence, payable half-yearly as therein mentioned, and subject to the Performance of the Covenants and Conditions therein

Indenture of Lease of 4th Aug. 1855 from the Right Hon. Sidney Herbert to the Royal Dublin Society.

therein contained: And whereas in pursuance of the Provisions in that Behalf contained in the said firstly herein-recited Act the Premises comprised in the said Lease, with the Sanction of the Board of Trade and Navigation, have been divided between the said Society and the said Building Trustees, and a certain Portion thereof has been appropriated for the Purpose of the said National Gallery and Library, and the Rent of One hundred Pounds *per Annum* has been, with the like Sanction, ascertained as the Amount of the Rent payable in respect of the said Portion so appropriated as aforesaid: And whereas the Building by the said first-recited Act authorized and intended for the said National Gallery and Library has been erected on the said Portion of the Premises so comprised in the said Lease of the Fourth Day of *August* One thousand eight hundred and fifty-five at an Expense of Twenty-eight thousand Pounds and upwards, the whole of which (with the Exception of a Sum of Five thousand Pounds received by Subscriptions of Individuals for the Purpose of commemorating the eminent public Services of *William Dargan* Esquire in founding and sustaining the Great Industrial Exhibition of 1853 in *Dublin*) has been voted by Parliament: And whereas, in consideration of the said Sum of Five thousand Pounds so raised by Subscription, an equal Sum of Five thousand Pounds has been or is proposed to be voted by Parliament in aid of the Purchase of Pictures, and it is also intended to grant to the said Royal *Dublin* Society a Sum of Three thousand Pounds, to be applied by them in the Purchase of a certain Piece of Ground adjoining their Premises, in lieu of the Piece of Ground forming the Site of the said Building intended for the said National Gallery and Library as aforesaid, and in consequence of such Grant of Three thousand Pounds the said Royal *Dublin* Society have agreed to pay the entire of said Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence: And whereas the Governors of *Marsh*'s Library have declined to remove their Library to the Part of the said Building designed for the Reception of same, and it is expedient that the said Building, with the Ground on which the same has been erected, with the Rights, Members, and Appurtenances thereunto belonging, should be vested in the Public Body herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sect. 10. of 17 & 18 Vict. c. 99. repealed.

1. The Tenth Section of said firstly herein-recited Act is hereby repealed for all Intents and Purposes.

The Commissioners of Public

2. The Commissioners of Public Works for the Time being in *Ireland* shall be a Body Corporate for the Purposes of this Act, and shall

shall have a Common Seal and perpetual Succession, and shall and may take, purchase, and hold Lands and Real Estates and other Property in trust for the Purposes of this Act.

Works to be a Corporation.

3. The said Building so erected and intended for the said National Gallery and Library, and the Lands and Ground forming the Site thereof, containing in front to *Merrion Square* One hundred and twenty-four Feet, in rear on the West Side Sixty-six Feet, on the South Side Three hundred and eighty-three Feet, and on the North Three hundred and fifteen Feet, be the said several Admeasurements more or less, with all Enclosures thereunto belonging, being the Portion of the said demised Premises so appropriated for the said National Gallery as herein aforesaid, together with all Ways, Easements, and Privileges thereto appertaining or therewith enjoyed, shall be and the same are hereby vested in the Commissioners of Public Works in *Ireland*, and their Successors, for all the Term and Interest created by the said recited Lease of the Fourth Day of *August* One thousand eight hundred and fifty-five, in trust for Her Majesty and Her Successors, subject to the Payment to the said Royal *Dublin* Society and their Successors of the annual Rent of One hundred Pounds by Two half-yearly Payments on every Twenty-fifth Day of *March* and Twenty-ninth Day of *September* in each Year during the said Term, the first Payment of the said Rent to be made on the Twenty-ninth Day of *September* One thousand eight hundred and sixty-five, and subject to the Observance of the Covenants and Conditions in the said Lease contained, so far as regards the said Premises so vested in the said Commissioners of Public Works as aforesaid; and the said Royal *Dublin* Society shall have all Remedies for the Recovery of the said Rent as are incident to a Rent reserved upon a Demise for Years.

The Building and Grounds vested in the Commissioners of Public Works.

In case the aforesaid Sum of Three thousand Pounds shall at any Time hereafter be advanced and paid to the said Royal *Dublin* Society out of Public Monies, then from and after such Payment the said annual Rent of One hundred Pounds so payable to the said Royal *Dublin* Society shall cease and determine.

In case 3,000*l.* advanced the Rent of 100*l.* per Annum to cease.

Provided always, that it shall be lawful for the Governors and Guardians of the National Gallery to use and occupy all that Portion of the said Building now used and occupied by them for the Purpose of the National Gallery, together with the free Use of all Ways and Entrances leading to and from the same; and, subject as aforesaid, all the Residue of the said Building and Premises shall be held by the Commissioners of Public Works, their Successors and Assigns, for such Purposes and Uses connected with the Advancement of the Fine Arts as may

Proviso as to Use and Occupation of Portion of the Building by the Governors and Guardians of National Gallery.

from Time to Time be directed by the Lords Commissioners of Her Majesty's Treasury.

The whole of the Rent of 277*l.* 7*s.* 9*d.* to be paid by the Society.

The whole of the said Rent of Two hundred and seventy-seven Pounds Seven Shillings and Ninepence so reserved by the said Lease of the Fourth Day of *August* One thousand eight hundred and fifty-five shall be paid by the Royal *Dublin* Society, and the said Society shall indemnify the said Commissioners of Public Works, and the said Land and Building so vested in them as aforesaid, of and from all Actions, Suits, Costs, and Charges whatsoever by reason of the Nonpayment of the said Rent, or the Nonobservance of the Covenants and Conditions in the said Lease contained on the Part of the Lessees, so far as the same relate to the Premises demised thereby, other than the Portion thereof so hereby vested in the said Commissioners.

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