

NEW SOUTH WALES.



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. II.

An Act to Incorporate and Endow the Australian Museum.
[Assented to, 4th July, 1853.]

WHEREAS the specimens of natural history and other public property deposited in the Australian Museum, have now become of considerable value: And whereas it is deemed expedient for public convenience, and the promotion of literature and science, that the books, pictures, manuscripts, statues, specimens of natural history, and other objects, which this Colony now possesses, or may hereafter acquire by gift, bequest, purchase, or exchange, should be deposited in the custody of trustworthy persons: And whereas His Excellency the Governor General has already appointed a Committee for the management and guardianship of the said Museum and of the collections therein, and it is now deemed necessary that the members of the aforesaid Committee, together with certain other persons hereinafter designated, should be incorporated as a Board of Trustees: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, as follows:—

I. A Board of Trustees, composed as hereinafter mentioned, shall be and is hereby constituted a Body Politic and Corporate, by the name of "The Trustees of the Australian Museum," by which name such Body Corporate shall have perpetual succession, and shall have a common seal, and shall by the same name, from time to time, sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of the said Colony, and shall be able and capable in law to take, purchase, and hold to them and their successors all goods, chattels, and personal property whatever, either now deposited within the precincts of the Australian Museum, or hereafter to be acquired by gift, bequest, purchase, or exchange, and shall also be able and capable in law to take, purchase, and hold



Trustees of the Australian Museum incorporated.

Australian Museum Act.—1853.

hold to them and their successors, not only such lands buildings hereditaments and possessions, as may from time to time be exclusively used and occupied for the immediate requirements of the said "Australian Museum," but also any other lands buildings hereditaments and possessions whatsoever, situate in the said Colony or elsewhere; and they and their successors shall be able and capable in law to grant, demise, alienate, and otherwise dispose of, all or any of the property, real or personal, belonging to the said Museum; and also to do all other matters and things incidental to, or appertaining to, a Body Politic and Corporate.

Restrictions on power of alienating lands of the Corporation.

II. Provided always, That it shall not be lawful for the said Trustees to alienate, mortgage, charge, or demise, any lands, tenements, or hereditaments, to which they may become entitled by grant, purchase, or otherwise, unless with the approval of the Governor and Executive Council of the said Colony for the time being, except by way of lease for any term not exceeding thirty-one years from the time when such lease shall be made, in and by which there shall be reserved and made payable for the uses of the said Museum, during the whole of the term thereby granted, the best yearly rent that can be reasonably gotten for the same, without any fine or foregift.

Permanent endowment of Museum.

III. By way of permanent endowment for the said "Australian Museum," the Governor shall be and is hereby empowered, by warrant under his hand to direct to be issued and paid out of the General or Ordinary Revenues of the said Colony, by four equal quarterly payments on the first day of January, the first day of April, the first day of July, and the first day of October, in every year, as a fund for defraying the several stipends which shall be appointed to be paid to such necessary officers and servants as shall be from time to time appointed by the said Board of Trustees, and for discharging all incidental and necessary charges connected with the current expenditure thereof or otherwise, the sum of One thousand pounds in each and every year, the first instalment thereof to become due and payable on the first day of January, one thousand eight hundred and fifty-four.

Corporation to consist of twelve official and twelve elective members.

IV. The said Body Corporate shall consist of twenty-four Trustees, twelve of whom shall be called Official Trustees, and shall consist of the following Public Officers for the time being, that is to say:—The Chief Justice, The Colonial Secretary, The Attorney General, The Colonial Treasurer, The Auditor General, The Speaker of the Legislative Council, The Solicitor General, The Collector of Customs, The Surveyor General, The Colonial Architect, The President of the Colonial Medical Board, or should any such Office cease to exist, then such other Officer as the Governor may name for the purpose, and a Trustee to be named by the Governor and to be called the Crown Trustee; and the other twelve Trustees, who shall be called Elective Trustees, shall consist at first of the following persons, being the Members of the present Committee for the Management of the said Museum, that is to say:—Arthur A'Beckett, Esquire, George Bennett, Esquire, William Branthwaite Clarke, Clerk, Frederick Orme Darvall, Esquire, Phillip Parker King, Captain Royal Navy, Robert Lethbridge King, Clerk, William Macarthur, Esquire, William Sharp Macleay, Esquire, George Macleay, Esquire, John Smith, Esquire, Doctor of Medicine, George Edward Turner, Clerk, and George Witt, Esquire, Doctor of Medicine.

How vacancies amongst elective members supplied.

V. All vacancies which shall occur by death, resignation, or otherwise, among the aforesaid twelve "Elective Trustees," shall be filled up as they may occur by the election of such other fit and proper persons as the remaining Members of the aforesaid Corporate Body shall, at meetings duly to be convened for that purpose, elect to fill up such vacancies: Provided always, that no such vacancy, unless created by death or resignation, shall occur for any cause whatsoever, unless such cause shall have been previously specified by some By-law of the said Body Politic and Corporate duly passed as hereinafter mentioned.

VI.

Australian Museum Act.—1853.

VI. At every Meeting of the said Trustees, five Trustees shall form a Quorum, and all questions shall be decided by the majority of votes of the Trustees present; and in all cases, when the votes on each side shall be equal, the Chairman, who may be chosen to act on the occasion, shall have an additional or casting vote.

Five trustees to form a quorum; majority to decide; casting vote of chairman.

VII. The said Trustees shall have full power to appoint all officers and servants of the said Museum, and shall have the entire management and superintendence of the affairs, concerns, and property of the said Museum; and in all cases not provided for by this Act, it shall be lawful for the said Trustees to act in such manner as shall appear to them best calculated to advance the objects of the said Institution.

General powers of Trustees in the management of the Museum.

VIII. The said Trustees shall have power and authority to make, and also to repeal or alter all such By-laws, Rules, and Orders, touching and concerning the management and good government of the said Museum and the income and property thereof, and any other matter or thing relative to the same, as to them may seem fit for the effectual attainment of the objects of the Institution, the security of its property, and the administration of its concerns; and all such By-laws, Rules, and Orders, shall be presented to the Governor; and on confirmation and allowance thereof by His Excellency, with the advice of the Executive Council, shall come into force and be binding in law; and all such By-laws, Rules, and Orders shall, within one month from the date thereof, be published in the New South Wales *Government Gazette*, and shall be laid before the Legislative Council within one month after the same shall have been made, if such Council be then sitting, or if not, then within one month after the commencement of the next ensuing Session thereof.

Power to make by-laws, rules, and orders.

IX. The said Trustees shall once at least in every year, and also whenever the pleasure of the Governor shall be signified in that behalf, report their proceedings, and the progress of the said Institution, to the said Governor and Executive Council; and a copy of every such Report shall be laid before the Legislative Council within one month after the same shall have been received, if the said Council be then sitting, or if not, then within one month after the commencement of the next Session thereof.

Trustees to make Annual Reports, and Special Reports when required, of their proceedings.

X. Accounts of the expenditure of the Museum shall be furnished annually by the Trustees to the Government for examination and audit, and in order that an abstract thereof may be published in the *Government Gazette*.

Annual accounts to be furnished for audit and publication.

Passed the Legislative Council, this twenty-third day of June, One thousand eight hundred and fifty-three.

CHARLES NICHOLSON,
SPEAKER,

WM. MACPHERSON,
CLERK OF THE COUNCIL.

In the name and on the behalf of Her Majesty, I Assent to this Act.

CH^s. A. FITZ ROY,
GOVERNOR GENERAL.

Govt. House, Sydney, 4th July, 1853.