



CHAPTER ccxxxiv.

An Act to authorise the Commissioners of Public Works in Ireland to acquire from the Royal Dublin Society and others Lands for the Erection of a Science and Art Museum in Dublin, and to establish a National Library in Dublin ; and for other purposes. [14th August 1877.]

A.D. 1877.

WHEREAS it is expedient to promote the study of science and art and literature in Ireland, and for such purpose to make provision with respect to the erection of a Science and Art Museum, and the establishment of a National Library, in Dublin, and with respect to such matters as are conducive to the above purposes or incidental thereto :

And whereas it is expedient that the lands shown on the plans herein-after mentioned should be appropriated to the purposes aforesaid, and that the Commissioners of Public Works in Ireland should be authorised to acquire the same, subject to the provisions of this Act :

And whereas it is expedient that the Royal Dublin Society for the promotion of husbandry and other useful arts and sciences in Ireland (in this Act referred to as "the Society") should be maintained in the exercise of its functions for the promotion of husbandry and otherwise, save so far as the same are affected by this Act :

And whereas the Society is now in possession or occupation of certain lands and buildings in and near the city of Dublin (in this Act referred to as the "Society's lands"), and has appropriated parts of the same to an Agricultural Museum, to a Library, and to other purposes, and also, under the powers conferred upon the Society by the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, cap. ninety-nine, to a Natural History Museum :

A.D. 1877.

And whereas the Society has appropriated other parts of the Society's lands to the purposes of a Botanic Garden :

And whereas, by indenture bearing date the eighth day of April one thousand eight hundred and sixty-three, and made between Jaspar Robert Joly, LL.D., Vicar General of the Diocese of Tuam, Killala, and Achonry, of the one part, and the Society of the other part, the said Jaspar Robert Joly gave, granted, assigned, transferred, and made over to the Society a large and valuable collection of books, pamphlets, prints, maps, and other papers in the said indenture specified, for the use of the members of the said Society and the public at large, subject to the conditions in the said indenture set forth, and to such regulations with respect thereto as the Society might from time to time make :

And whereas since the making of the said indenture the said books, pamphlets, prints, maps, and other papers have been duly removed to the Society's lands (and are in this Act referred to as the "Joly Library"), but the same have not yet been formally delivered into the possession of the Society :

And whereas it is expedient that the Joly library and the other books, pamphlets, prints, maps, and other papers now in the library of the Society (which are in this Act referred to as "the Society's Library") should, subject to the provisions of this Act, constitute and form part of the National Library to be established under this Act :

And whereas in the said Natural History Museum, Library, Botanic Gardens, and other the buildings of the Society, the Society has a number of valuable collections, and it is expedient that, except as herein-after mentioned, the same should be appropriated to the purposes of this Act :

And whereas in furtherance of the objects aforesaid, it is expedient that all the estate and interest of the Society in the Society's lands should be transferred to and vested in the Commissioners of Public Works in Ireland in manner by this Act provided, and that they and the Department of Science and Art incorporated by Royal Charter, bearing date the thirtieth day of April one thousand eight hundred and sixty-four, should have the powers and authorities by this Act conferred upon them respectively :

And whereas plans showing the Society's lands and the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, were duly

deposited with the respective clerks of the peace for the county of the city of Dublin, and for the county of Dublin, and are herein-after respectively referred to as "the deposited plans" and "deposited book of reference":

A.D. 1877.

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it 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; (that is to say,)

1. This Act may be cited for all purposes as "The Dublin Science and Art Museum Act, 1877." Short title.

2. "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," and "The Lands Clauses Consolidation Act, 1860," "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," are incorporated with and form part of this Act, subject to the modifications following; (that is to say,)

Certain provisions of general Acts herein named incorporated.

1. There shall not be incorporated the provisions relating to affording access to the special Act:

2. In the construction of the said incorporated Acts for the purposes of this Act, this Act shall be deemed to be the special Act, and the Commissioners as defined by this Act shall be deemed to be the promoters of the undertaking or the company, as the case may be.

3. In this Act,—

The term "the Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

Interpretation.

The term "the Treasury" means the Commissioners of Her Majesty's Treasury for the time being or any two of them:

The term "the Department of Science and Art" means the Department of Science and Art incorporated by Royal Charter, bearing date the thirtieth day of April one thousand eight hundred and sixty-four:

The term "the Commissioners" means the Commissioners of Public Works in Ireland, as incorporated by an Act passed in the thirty-second and thirty-third years of the reign of Her present Majesty, chapter seventy-four:

The term "additional lands" means the plot of land with the buildings thereon situate in Shelbourne Place, in the

A.D. 1877.

parish of Saint Anne, shown by red colour on the deposited plans, and described in the deposited book of reference.

Transfer of
the Society's
lands.

4. On and after the passing of this Act all the estate, right, title, and interest of the Society in the Society's lands, and in all buildings, erections, rights, easements, advantages, and appurtenances appertaining to the same or with the same held or enjoyed, or reputed as part thereof or appurtenant thereto, are hereby transferred to and absolutely vested in the Commissioners, together with the benefit of all covenants, conditions, or agreements in relation to the Society's lands, express or implied, and on the part of the grantors or lessors of the same respectively to be performed, subject, however, to the payment of all or any head rents or chief rents payable by the Society in respect of the Society's lands, and to all liabilities of the Society affecting the said lands or any of them, in trust for Her Majesty, her heirs and successors, for the purposes of this Act.

After trans-
fer of
Society's
lands, same
to be held in
trust for Her
Majesty, free
from all
estates, &c.

From and after the transfer to and vesting of the Society's lands in the Commissioners, all the collections (with the exception of the scientific serials, and of the transactions and other publications of other learned societies, and the works of art in Leinster House,) then in the possession or subject to the control of the Society, and the Joly library and the Society's library, shall be and the same are hereby transferred to and absolutely vested in the Department of Science and Art, freed and discharged from all estates, interests, rights, powers, authorities, obligations, trusts, duties, conditions, and liabilities in respect of or affecting the same, of the Society, or of any person, persons, or corporations whatsoever, under or in pursuance or by virtue of any Act of Parliament, deed, will, or instrument whatsoever, or otherwise howsoever, in trust for Her Majesty, her heirs or successors, to be retained in Ireland for the benefit of the public, and of the Society, and for the purposes of this Act: Provided always, that the Society shall retain and keep the scientific serials, the transactions of other societies, and the works of art in Leinster House which immediately before the transfer were in the possession of the Society.

Considera-
tion for lands
and collec-
tions of
Society.

5. The consideration to be given or paid by the Commissioners for the transfer of the Society's lands and the collections of the Society shall be a sum of ten thousand pounds, to be paid out of moneys provided by Parliament for that purpose, and such other considerations as may be agreed upon or which may accrue to the Society; and the said sum of ten thousand pounds when paid shall be invested by the Society in the purchase of such Government or other securities as the Society may think fit and the Treasury may

approve, and the dividends, interest, or annual income thereof shall be from time to time applied to the purposes of the Society for the time being. A.D. 1877.
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6. From and after the transfers of the same respectively, the Society's library, the Joly library, and the collections by this Act transferred shall be kept in Ireland for the use of the public. Library and collections to be open to the public.

7. Subject and according to the provisions of this Act, the Commissioners may from time to time enter upon, take, and use all or any of the additional lands which they may require for the purposes of this Act. Power to take additional lands.

8. The Commissioners may, with the consent of the Treasury, by agreement purchase or take on lease any lands which for the purposes of this Act they may require in addition to the Society's lands and the additional lands. Power to purchase further lands.

9. The powers of the Commissioners for the compulsory purchase or taking of lands shall not be exercised after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

10. All lands taken or acquired by the Commissioners under the authority of this Act shall be held by the Commissioners in trust for Her Majesty, her heirs and successors, for the purposes of this Act. Lands to be held in trust for Her Majesty.

11. The Commissioners may on the Society's lands in the city of Dublin, or such lands adjacent thereto as they may acquire, erect such buildings as they may think proper, and the Treasury shall approve, for the purposes of a Science and Art Museum and a National Library, and other the purposes of this Act. Commissioners to erect buildings for Science and Art Museum, &c.

12. The Department of Science and Art shall, when the Science and Art Museum is completed, transfer the Joly library and the Society's library to the Natural History Museum, or elsewhere on the Society's land or adjacent thereto, and shall make provision for the maintenance, improvement, and enlargement of the same in such manner as they shall think fit, and such libraries shall be combined under the name of "The National Library of Ireland." Transfer of libraries to Public National Library of Ireland.

13. With respect to the Joly gift, the following special provisions shall take effect: Joly gift.

(A.) The Department of Science and Art shall make due provision so that the books, pamphlets, prints, maps, and other papers known as the Joly library shall at all times after the passing of this Act be placed and kept in a separate apartment or in separate apartments, in which

A.D. 1877.

and in each of which there shall be a notice that the same were the gift of the said Jaspar Robert Joly, and constitute "the Joly gift":

- (B.) The said Jaspar Robert Joly shall during his life be one of the trustees or body of persons intrusted with the preservation and management of the Joly library:
- (C.) Subject to the provisions of this Act, the indenture set forth in Part I. of the schedule to this Act annexed, and dated the tenth day of April one thousand eight hundred and sixty-three, and made between Jaspar Robert Joly, LL.D., Vicar General of the Diocese of Tuam, Killala, and Achonry, of the one part, and the Society of the other part, shall be and the same is hereby confirmed, except such of the provisions thereof as are set forth in Part II. of the said schedule, which are hereby cancelled and annulled:
- (D.) The said Jaspar Robert Joly and the Department of Science and Art may, notwithstanding the confirmation of the herein-before mentioned indenture, enter into such contracts and agreements as they may think fit with reference to the transfer, preservation, use, and retention of the books, pamphlets, prints, maps, and other papers forming "the Joly gift."

Com-
missioners may
sell or lease
surplus
lands.

14. The Commissioners from time to time, in such manner as they may deem most advantageous, with the consent of the Treasury, may sell or demise all or any lands vested in or taken or acquired by them under the authority of this Act, and which may not be required for the purposes of this Act, and may pull down and remove any buildings or erections on any lands vested in, taken, or acquired by them under the authority of this Act, and sell the materials constituting the same.

Application
of moneys
paid to Com-
missioners.

15. All moneys paid to the Commissioners in respect of any materials sold by them, or of any lands sold or let on lease by them, under the authority of this Act, shall be paid over by the Commissioners to the Exchequer in such manner as the Treasury may direct.

Power to
make agree-
ments.

16. For the purposes of giving effect to the objects of this Act, and generally in furtherance of or in connexion with the same, it shall be lawful for the Commissioners or the Department of Science and Art and the Society respectively to enter into all or any agreements, contracts, and arrangements (not inconsistent with the provisions of this Act) which they may think fit, and to do all acts,

matters, and things necessary to carry the same into effect, and every such agreement, contract, and arrangement shall be of the same force and effect as if the same had been contained in this Act.

A.D. 1877.

17. In case a majority of the council of the Society, to be convened specially for the purpose, pass a resolution agreeing, in the event of Her Majesty being graciously pleased to grant to the Society a new charter or charters in lieu of the existing charter or charters, or any part or parts thereof, to surrender the charter or charters of the Society, or such part or parts thereof, and in case at a meeting of the Society convened for the purpose of considering such resolution, to be held after due notice of the same shall have been published twice at least in each of two consecutive weeks in some daily newspaper circulating in Dublin, and in the Dublin Gazette, such resolution shall be confirmed by the votes of three fifths of the members of the Society present at such meeting and voting, then in case Her Majesty shall be graciously pleased to grant to the Society a new charter or new charters as aforesaid, from and after the grant of such new charter or charters by Her Majesty the charter or charters of the Society, or such part or parts of such charters so agreed to be surrendered, shall cease to be in force and have effect, and the same shall be null and void to all intents and purposes.

Power to Society in certain cases to surrender charters.

18. Whereas it may become desirable that the Royal Agricultural Society of Ireland should be enabled to enter into agreements with the Royal Dublin Society for the more enlarged promotion of agriculture in Ireland, although such agreements should conflict with the existing charter of the said Royal Agricultural Society: Be it therefore enacted, that in case a majority of the council of the said Royal Agricultural Society, to be convened especially for the purpose, pass a resolution agreeing, in the event of Her Majesty being graciously pleased to grant to the said Royal Agricultural Society a new charter or charters in lieu of the existing charter, or any part thereof, to surrender the charter of the Society, or any such part thereof, and in case at a meeting of the said Royal Agricultural Society convened for the purpose of considering such resolution, to be held after due notice of the same shall have been published twice at least in each of two consecutive weeks in some daily newspaper circulating in Dublin, and in the Dublin Gazette, such resolution shall be confirmed by the votes of three fifths of the members of the Royal Agricultural Society

Power to Royal Agricultural Society of Ireland in certain events to surrender charter.

A.D. 1877. present at such meeting and voting, then in case Her Majesty shall be graciously pleased to grant to the said Royal Agricultural Society a new charter or charters as aforesaid, from and after the grant of such new charter or charters by Her Majesty the charter or charters of the Society, or such part of such charters so agreed to be surrendered, shall cease to be in force and have effect, and the same shall be null and void to all intents and purposes.

The SCHEDULE.

PART I.

THIS indenture, made the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-three, between Jaspar Robert Joly, of 38, Rathmines Road, in the county of Dublin, Esquire, LL.D., Vicar General of the Diocese of Tuam, Killalla, and Achonry, of the one part, and the Royal Dublin Society of the other part: Whereas the said Jaspar Robert Joly having formed a collection of books and prints is desirous of transferring and making over the same unto the said Royal Dublin Society, to be held by the said Society and its successors for the benefit of its members and the public, upon the trusts and for the purposes and subject to the conditions herein-after set forth and contained: Now this indenture witnesseth, that in consideration of the premises he, the said Jaspar Robert Joly, doth hereby give, grant, assign, transfer, and make over unto the said Royal Dublin Society all and every the books, pamphlets, prints, maps, and other papers set forth and described in the catalogue of the same signed by the said Jaspar Robert Joly, and bearing equal date with these presents, to have and to hold the same and every of them unto the said Royal Dublin Society and its successors, upon the trusts and to and for the uses, intents, and purposes, and subject to the conditions herein-after set forth and declared, that is to say: And the said Royal Dublin Society doth hereby declare and agree that the said collection of books, pamphlets, prints, maps, and other documents (herein-after called the "Joly collection") shall be held by them the said Society and its successors, and preserved as a library for the use and benefit of the members of the said Society and the public at large, subject to such rules and regulations for the safe keeping, preserving, and due and effectual use of the same by the members of the said Society and the public as shall be from time to time made and published by the said Society: Provided that the said books, pamphlets, maps, or prints, or any of them, shall not at any time hereafter or under any circumstances be lent out to the members of the said Society, or to any persons whomsoever, except as is herein-after mentioned and provided;

and also that no person shall be permitted to read, use, or consult any of the said books, pamphlets, prints, or maps within the said collection after the hour of five o'clock in the afternoon of any day, nor on such days as the Society shall deem it expedient to close its own library, nor on Sunday; and also, that the descendants of the late Venerable Henry Edward Joly shall at all times have the right and privilege of referring to, reading, and consulting the said books, prints, and maps in as full and ample a manner as the graduates of Trinity College in Dublin had of referring to, reading, and consulting the books in the general library of the said College in the year 1836. And it is hereby also declared and agreed that all the said books, pamphlets, prints, and maps comprised in the said collection shall be examined and accounted for by the librarian of the said Society, or his assistants or other officers appointed by the said Society for that purpose, on the twenty-sixth day of May in every year, or within the period of twenty days after every such twenty-sixth of May, in which examination the heir for the time being (as herein-after defined) of the said Venerable Henry Edward Joly, and the said herein-after mentioned incumbents, shall, if he or she or any of them so think fit, but not otherwise, take part with the said librarian and his assistants in so doing: Provided always, that it shall be lawful for the said Jaspar Robert Joly, or his wife in case of his illness or disability, or his widow if he shall have such him surviving, or such one other person as he shall by his last will and testament appoint, notwithstanding anything herein contained, to have power from time to time and at all times to have all or any of the said books, pamphlets, prints, and maps removed from the custody of the said Society for the purpose of examining or reading or consulting the same, or of having the same bound or rebound as to him shall seem fit, on the said Jaspar Robert Joly or his wife or widow or other person as aforesaid defraying the costs of such removal and of such binding or rebinding, and undertaking in writing to have the same duly restored to the possession of the Royal Dublin Society unless the said books, pamphlets, prints, and maps shall be lost or destroyed by some means beyond his, her, or their power or control: Provided also, and it is hereby declared and agreed, that it shall be lawful for all and every or any one or more of the lineal descendants of the said Jaspar Robert Joly, living at the age of eleven years and upwards, to borrow from the said collection any book or books not exceeding in number at one time two distinct works, whether each such work shall contain one volume or more volumes than one, provided that he or she so borrowing as aforesaid shall upon receiving such book or books sign a receipt for the same in the form in the Schedule hereunto annexed, or such other form of the like import as may be required by the said Society, and which said receipt in the case of a minor shall be signed by his or her parent or guardian, undertaking to return the said book or books so borrowed in good order and condition on or before the twenty-sixth day of May next ensuing the date of such receipt, or in default thereof to pay to the said Society, or its successors for the time being, double the value of the same, according to the amount specified in the said catalogue opposite to the book or books so borrowed, and during such time as default shall be made by any such person in relation thereto the right and privilege of such person of so borrowing shall cease and determine; and it is hereby

A.D. 1877. declared that the amount so to be paid shall be applied in making good the loss or injury, and the residue (if any) devoted to the improvement of the said collection: Provided nevertheless, that the aforesaid right and privilege shall not extend to the borrowing of any sheet or print in the said collection: And provided also, that no such lineal descendant of the said Jaspar Robert Joly shall be deemed entitled to the said privilege until he or she shall have produced and handed over to the librarian of the said Society a certificate in writing signed by the said Jaspar Robert Joly, or the person who shall for the time being fill the position of the heir of the said late Venerable Henry Edward Joly as herein-after defined, or if such heir shall be a minor or lunatic, or if his or her certificate cannot conveniently be obtained, then by the incumbents for the time being of the parishes of Castlejordan, in the diocese of Meath, Carberry, or Clonsast, in the diocese of Kildare, or any two of such incumbents. And it is hereby declared and agreed, that if at any time hereafter a public library should be established in the city of Dublin under the authority of Parliament, and either solely or partially out of the public funds voted for that purpose, analogous to the library of the British Museum in London, and if the said Royal Dublin Society shall so deem fit and advisable, but not otherwise, it shall be lawful for the said Society to transfer the said collection to the trustees of such public library or institution, upon condition nevertheless that the same shall be thenceforth held upon the trusts and conditions herein-before mentioned and declared, and subject to the aforesaid rights and privileges of the said Jaspar Robert Joly and his descendants, and the descendants of the said Venerable Henry Edward Joly; and also upon the further condition that the heir for the time being of the said Venerable Henry Edward Joly as herein-after defined shall be empowered and have the right and privilege to appoint by writing under his or her hand from time to time one fit and proper person to be a trustee and act in the trusts of such public library or institution, in like manner in all respects as power is given to Francis Hanbury and his heirs to appoint trustees of the British Museum Library under the provisions of the statute of the twenty-sixth George the Second, chapter twenty-two, and provided the trustees so appointed shall have the like power in all respects in relation to such public library or institution as are by the eighth section of the aforesaid Statute conferred on the trustees therein named with respect to the said British Museum: Provided also, that if at any time hereafter the said Royal Dublin Society, or the trustees of any library or institution to whom the said collection may be transferred as aforesaid, shall think fit not to retain in their care the said collection upon the trusts herein-before declared, or in case the parliamentary grant shall be withdrawn from the said Society, or in case the said Society shall be dissolved or otherwise cease to exist, then and in such case it shall not be lawful to sell or dispose of the same, but the said Society or the said trustees, as the case may be, shall deliver up and make over the same collection unto the heir of the said Venerable Henry Edward Joly, ascertained according to the rules herein-after expressed, and the receipt of such heir for the time being shall be a sufficient discharge for their so doing, and shall operate as a release of the trusts herein set forth. And it is further declared and agreed that in case there shall be no such heir of the said Venerable Henry Edward Joly to whom the

[Ch. ccxxxiv.] *The Dublin Science and Art* [40 & 41 VICT.]
Museum Act, 1877.

A.D. 1877.

And it is hereby also declared and agreed, that all the said books, pamphlets, prints, and maps comprised in the said collection shall be examined and accounted for by the librarian of the said Society, or his assistants or other officers appointed by the said Society for that purpose on the twenty-sixth day of May in every year, or within the period of twenty days after every such twenty-sixth May, in which examination the heir for the time being (as herein-after defined) of the said Venerable Henry Edward Joly, and the said herein-after mentioned incumbents, and if he or she or any of them so think fit, but not otherwise, take part with the said librarian and his assistants in so doing: Provided always, that it shall be lawful for the said Jaspar Robert Joly, or his wife in case of his illness or disability, or his widow if he shall have such him surviving, or such one other person as he shall by his last will and testament appoint, notwithstanding anything herein contained, to have power from time to time and at all times to have all or any of the said books, pamphlets, prints, and maps removed from the custody of the said Society for the purpose of examining or reading or consulting the same, or of having the same bound or rebound, as to him shall seem fit, on the said Jaspar Robert Joly or his wife or widow or other person as aforesaid defraying the costs of such removal and of such binding or rebinding, and undertaking in writing to have the same duly restored to the possession of the Royal Dublin Society, unless the said books, pamphlets, prints, and maps shall be lost or destroyed by some means beyond his or their power or control.

And also upon the further condition that the heir for the time being of the said Venerable Henry Edward Joly, as herein-after defined, shall be empowered and have the right and privilege to appoint by writing under his or her hand from time to time one fit and proper person to be a trustee and act in the trusts of such public library or institution, in like manner in all respects as power is given to Francis Hanbury and his heirs to appoint trustees of the British Museum Library under the provisions of the statute of the twenty-sixth George the Second, chapter twenty-two, and provided the trustees so appointed shall have the like power in all respects in relation to such public library or institution as are by the eighth section of the aforesaid statute conferred on the trustees therein named with respect to the said British Museum.