ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. CXII.

An Act to afford greater Facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation.

[11th August 1854.]

WHEREAS it is expedient that greater Facilities should be afforded for procuring and settling Sites and Buildings in trust for Institutions established for the Promotion of Literature, Science, or the Fine Arts, or for the Diffusion of useful Knowledge, and that other Provisions should be made for improving the legal Condition of such Institutions: 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:

I. Any Person in England, Wales, or Ireland, being seised in Fee Simple, Fee Tail, or for Life of and in any Manor or Lands of Freephold, Copyhold, or Customary Tenure, and having the present beneficial Interest therein, may grant, convey, or enfranchise, by way of Gift, Sale, or Exchange, in Fee Simple or for a Term of Years, any Quantity not exceeding One Acre of such Land, whether built upon or not, as a Site for any such Institution as herein-after described; provided, that no such Grant made by any Person seised only for Life of and in any such Manor or Lands shall be valid, unless, if

Lands to be used as Sites for Institutions, &c.
if there be any Person next entitled to the same in Remainder, in Fee Simple or Fee Tail, and if such Person be legally competent, he shall be a Party to and join in such Grant; provided also, that where any Portion of Waste or Commonable Land shall be gratuitously conveyed by any Lord of a Manor for any such Purpose as aforesaid, the Rights of all Commoners and others having Interest of a like Nature in the said Land shall be barred and divested by such Conveyance.

II. The Chancellor and Council of Her Majesty's Duchy of Lancaster for the Time being, by any Deed or Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, attested by the Clerk of the Council of the said Duchy for the Time being, for and in the Name of Her Majesty, Her Heirs and Successors, may, if they see fit, grant, convey, or enfranchise, to or in favour of such Institution, any Land forming Part of the Possessions of the said Duchy, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said Chancellor and Council shall seem meet; and where any Sum or Sums of Money shall be paid for the Purchase or Consideration for such Land so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid into the Hands of the Receiver General for the Time being of the said Duchy, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act of the Forty-eighth Year of the Reign of His late Majesty King George the Third, Chapter Seventy-three, or any other Act or Acts now in force for that Purpose.

III. Any Three or more of the Principal Officers of the Duchy of Cornwall, under the Authority of a Warrant issued for that Purpose under the Hands of any Three or more of the Special Commissioners for the Time being for managing the Affairs of the Duchy of Cornwall, or under the Hands of any Three or more of the Persons who may hereafter for the Time being have the immediate Management of the said Duchy, if the said Duchy shall be then vested in the Crown, or if the said Duchy shall be then vested in a Duke of Cornwall, then under the Hands of any Three or more of the Principal Officers of the said Duchy, or under the Hands of any Three or more of the Persons for the Time being having the immediate Management of the said Duchy, may, if they think fit, and are so authorized, by Deed grant, convey, or enfranchise to or in favour of any existing or intended Institution any Land forming Part of the Possessions of the said Duchy of Cornwall, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said Special Commissioners or Principal Officers, or such other Person as aforesaid, shall seem meet.

IV. Pro-
IV. Provided, That upon any Land so granted by way of Gift or conveyed, or any Part thereof, ceasing to be used for the Purposes of the Institution, the same shall thereupon immediately revert to and become again a Part of the Estate; or Manor, or Possessions of the Duchy of Cornwall, as the Case may be, to all Intents and Purposes as fully as if this Act or any such Grant as aforesaid had not been passed or made, except that where the Institution shall be removed to another Site the Land not originally Part of the Possessions of either of the Duchies aforesaid may be exchanged or sold for the Benefit of the said Institution, and the Money received for Equality of Exchange or on the Sale may be applied towards the Erection or Establishment of the Institution upon the new Site.

V. Where any Person shall be equitably entitled to any Manor or Land, but the legal Estate therein shall be vested in some Trustee or Trustees, it shall be sufficient for such Person to convey the Land proposed to be granted for the Purpose of this Act, without the Trustee or Trustees being Party to the Conveyance thereof; and where it is deemed expedient to purchase for the Purpose aforesaid any Land belonging to or vested in any Infant or Lunatic, such Land may be conveyed by the Guardian or Curator of such Infant or the Committee of such Lunatic respectively, who may receive the Purchase Money for the same, and give valid and sufficient Discharges to the Party paying such Purchase Money, who shall not be required to see to the Application thereof.

VI. Any Corporation, Ecclesiastical or Lay, whether sole or aggregate, and any Officers, Justices of the Peace, Trustees, or Commissioners, holding Land for public, ecclesiastical, parochial, charitable, or other Purposes or Objects, may, subject to the Provisions hereinafter mentioned, grant, convey, or enfranchise for the Purpose of this Act such Quantity of Land as aforesaid, in any Manner vested in such Corporation, Officers, Justices, Trustees, or Commissioners; provided, that no Ecclesiastical Corporation Sole, being below the Dignity of a Bishop, shall be authorized to make such Grant without the Consent in Writing of the Bishop of the Diocese to whose Jurisdiction the said Ecclesiastical Corporation shall be subject; provided also, that no Parochial Property shall be granted for such Purpose without the Consent of a Majority of the Ratepayers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting to be convened according to the Mode pointed out in the Act passed in the Sixth Year of the Reign of His late Majesty, intituled An Act to 5 & 6 W. 4. facilitate the Conveyance of Workhouses, and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales, and without the Consent of the Poor Law Board, to be testified by their Seal being affixed to the Deed of Conveyance, and Persons not having legal Estates empowered to convey Lands for the Purposes of this Act without the Concurrence of their Trustees.
and of the Guardians of the Poor of the Union within which the said Parish may be comprised, or of the Guardians of the Poor of the said Parish where the Administration of the Relief of the Poor therein shall be subject to a Board of Guardians, testified by the Guardians of such Union or Parish being the Parties to convey the same; and that no Property held upon trust for charitable Purposes shall be granted without the Consent of the Charity Commissioners.

VII. Where any Officers, Trustees, or Commissioners, other than Parochial Trustees, shall make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners, assembled at a Meeting duly convened, shall assent to such Grant, and shall execute the Deed of Conveyance, although they shall not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners; and the Justices of the Peace may give their Consent to the making any Grant of Land or Premises belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Gaols by an Act passed in the Seventh Year of the Reign of His late Majesty George the Fourth, intitled An Act to authorize the Disposal of unnecessary Prisons in England.

Where Part only of Lands subject to a Rent, under Lease is conveyed, the Rent and Fine upon Renewal of Lease may be apportioned.

VIII. If Part only of any Land held in Fee subject to a perpetual Rent, or comprised in a Lease for a Term of Years unexpired, shall be conveyed or agreed to be conveyed for the Purpose of this Act, the Rent payable in respect of the Lands subject thereto, and any Fine certain or fixed Sum of Money to be paid upon any Renewals of the Lease, or either of such Payments, may be apportioned between the Part of the said Land so conveyed or agreed to be conveyed and the Residue thereof, and such Apportionment may be settled by Agreement between the Parties following; that is to say, the Person for the Time being entitled to the Rent where the Land is held in Fee or the Lessor or other the Owner subject to such Lease of the Lands comprised therein, the Person entitled to the Fee subject to the Rent, or the Lessee or other Party entitled to the Land by virtue of such Lease or any Assignment thereof for the Residue of the Term thereby created, and the Party to whom such Conveyance as aforesaid for the Purpose of this Act is made or agreed to be made; and when such Apportionment shall so be made it shall be binding on all Under-lessees and other Persons and Corporations whatsoever, whether Parties to the said Agreement or not.

IX. in case of any such Apportionment as aforesaid, and after the Lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the Person entitled to the Fee or other Estate in the Lands subject to the Rent, the Lessee, and all Parties entitled under him
him to the Lands not included in such Conveyance, shall, as to all future accruing Rent, and all future Fines certain or fixed Sums of Money to be paid upon Renewals, be liable only to so much of the Rent or of such Fines or Sums of Money as shall be apportioned in respect of such last-mentioned Lands; and the Party entitled to the Rent charged or reserved shall have all the same Rights and Remedies for the Recovery of such Portion of the Rent as last aforesaid as previously to such Apportionment he had for the Recovery of the whole Rent charged or reserved; and all the Covenants, Conditions, and Agreements, except as to the Amount of Rent to be paid, and of the Fines or Sums of Money to be paid upon Renewals, in case of any Apportionment of the same respectively, shall remain in force with regard to that Part of the Land which shall not be so conveyed as aforesaid, in the same Manner as they would have done in case such Part only of the Land had been subject to the Rent or included in the Lease.

X. Any Person or Corporation may grant any Number of Sites for distinct and separate Institutions, although the aggregate Quantity of Land thereby granted by such Person or Corporation shall exceed the Extent of One Acre, provided that the Site of each Institution do not exceed that Extent.

XI. Where the Institution shall not be incorporated, the Grant of any Land for the Purpose of such Institution, whether taking effect under the Authority of this Act or any other Authority, may be made to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held by such Corporation or Corporations or Trustees for the Purpose of such Institution.

XII. The Provisions of the Act of the Fourteenth Victoria, Chapter Twenty-eight, shall be applicable to the Conveyances of Lands in England, Wales, and Ireland made or to be made to Trustees, not being Corporations, for the Purposes of such Institutions.

XIII. All Grants, Conveyances, and Assurances of any Site for an Institution under the Provisions of this Act may be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

1. or we, [or the Corporate Title of a Corporation,] under the Authority of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled...
to all [Description of the Premises] and all [my, or
our, or the Right, Title, and Interest of the
same and every Part thereof, to hold unto and to the Use of the
said Corporation and their Successors, or of the said
and his [Heirs or Executors or Administrators, or Successes-
sors], for the Purposes of the said Act, and to be applied as a Site
for continues to be liable, and for no other Purpose whatever; such
shall be under the Management and Control of [set
forth the Mode in which and the Persons by whom the Institution is to
be managed and directed; in Cases where the Land is purchased,
exchanged or demised, usual Covenants or Obligations for Title.
may be added]. In witness whereof the conveying and other
Parties have hereunto set their Hands and Seals, [or Seals only, as
the Case may be] this Day of
Signed, sealed, and delivered by the said , in the Presence of
And no Bargain and Sale or Livery of Seisin shall be requisite in
any Conveyance intended to take effect under the Provisions of this
Act, nor more than One Witness to the Execution by the conveying
Party.

XIV. Any Deed executed for the Purposes of any Institution to
which this Act applies, without any valuable Consideration, shall
continue valid, if otherwise lawful, although the Donor or Grantor
shall die within Twelve Calendar Months from the Execution
thereof.

XV. Where Land of Copyhold or Customary Tenure shall have
been or shall be granted for the Purpose of such Institution, the Con-
veyance of the same by any Deed wherein the Copyholder shall grant
and convey his Interest, and the Lord shall also grant and convey his
Interest, shall be deemed to be valid and sufficient to vest the Freehold
Interest in the Grantee or Grantees thereof without any Surrender or
Admittance or Enrolment in the Lord's Court, but the Fees (if any)
payable by the Custom of the Manor upon Enfranchisement shall be
paid to the Steward.

XVI. Where any Land shall be sold by any Ecclesiastical Cor-
poration Sole for the Purpose of this Act, and the Purchase Money
to be paid shall not exceed the Sum of Twenty Pounds, the same may
be retained by the Party conveying for his own Benefit, but when it
shall exceed the Sum of Twenty Pounds, it shall be applied for the
Benefit of the said Corporation in such Manner as the Bishop in whose
Diocese such Land shall be situated shall, by Writing under his Hand,
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to be registered in the Registry of his Diocese, direct and appoint; but no Person purchasing such Land for the Purpose aforesaid shall be required to see to the due Application of any such Purchase Money.

XVII. In Cases not otherwise provided for in this Act, the Clauses Sixty-nine, Seventy, Seventy-one, Seventy-two, Seventy-three, Seventy-four, and Seventy-eight of the Lands Clauses Consolidation Act, One thousand eight hundred and forty-five, being the Eighth and Ninth Victoria, Chapter Eighteen, shall apply in respect of the Application of the Purchase Money of all Sites purchased from incapacitated Persons, Corporations, and Trustees thereby empowered to sell, other than the Chancellor and Council of the Duchy of Lancaster and the Officers of the Duchy of Cornwall.

XVIII. If it shall be deemed advisable to sell any Land or Building not previously Part of the Possessions of the Duchy of Lancaster or Cornwall held in trust for any Institution, or to exchange the same for any other Site, the Trustees in whom the legal Estate in the said Land or Building shall be vested may, by the Direction or with the Consent of the governing Body of the said Institution, if any such there be, sell the said Land or Building, or Part thereof, or exchange the same for other Land or Buildings suitable to the Purposes of their Trust, and receive on any Exchange any Sum of Money by way of effecting an Equality, and apply the Money arising from such Sale or given on such Exchange in the Purchase of another Site, or in the Improvement of other Premises used or to be used for the Purposes of such Trust; and such Trustees may, with like Direction or Consent, let Portions of the Premises belonging to the Institution not required for the Purposes thereof, for such Term, and under such Covenants or Agreements, as shall be deemed by such governing Body to be expedient, and apply the Rents thereof to the Benefit of the Institution.

XIX. The Trustees of such Institution who, by reason of their being the legal Owner of the Building or Premises, shall become liable to the Payment of any Rate, Tax, Charge, Costs, or Expenses, shall be indemnified and kept harmless by the governing Body thereof from the same, and in default of such Indemnity shall be entitled to hold the said Building or Premises and other Property vested in them as a Security for their Reimbursement and Indemnification, and, if Necessity shall arise, may mortgage or sell the same, or Part thereof, free from the Trusts of the Institution, and apply the Amount obtained by such Mortgage or Sale to their Reimbursement, and the Balance (if any) to the Benefit of the Institution, subject to the Restrictions herein-
XX. Where any Institution shall be incorporated, and have no
Provision applicable to the Personal Property of such Institution, and
in all Cases where the Institution shall not be incorporated, the
Money, Securities for Money, Goods, Chattels, and Personal Effects
belonging to the said Institution, and not vested in Trustees, shall
be deemed to be vested for the Time being in the governing Body of
such Institution, and in all Proceedings, civil and criminal, may be
described as the Monies, Securities, Goods, Chattels, and Effects of
the governing Body of such Institution by their proper Title.

XXI. Any Institution incorporated which shall not be entitled
to sue and be sued by any corporate Name, and every Institution
not incorporated, may sue or be sued in the Name of the President,
Chairman, principal Secretary, or Clerk, as shall be determined
by the Rules and Regulations of the Institution, and, in default
of such Determination, in the Name of such Person as shall be
appointed by the governing Body for the Occasion; provided, that
it shall be competent for any Person having a Claim or Demand
against the Institution to sue the President or Chairman thereof,
if, on Application to the governing Body, some other Officer or
Person be not nominated to be the Defendant.

XXII. No Suit or Proceeding in any Civil Court shall abate or dis-
continue by reason of the Person by or against whom such Suit or Pro-
ceedings shall have been brought or continued dying or ceasing to fill
the Character in the Name whereof he shall have sued or been sued,
but the same Suit or Proceeding shall be continued in the Name of
or against the Successor of such Person.

XXIII. If a Judgment shall be recovered against the Person or
Officer named on behalf of the Institution, such Judgment shall not
be put in force against the Goods, Chattels, or Lands, or against the
Body of such Person or Officer, but against the Property of the Insti-
tution, and a Writ of Revivior shall be issued setting forth the Judg-
ment recovered, the Fact of the Party against whom it shall have been
recovered having sued or having been sued, as the Case may be, on
behalf of the Institution only, and requiring to have the Judgment
enforced against the Property of the Institution.

XXIV. In any Institution the governing Body, if not otherwise
legally empowered to do so, may, at any Meeting specially convened
according to its Regulations, make any Byelaw for the better Governance of the Institution, its Members or Officers, and for the Furtherance of its Purpose and Object, and may impose a reasonable pecuniary Penalty for the Breach thereof, which Penalty, when accrued, may be recovered in any local Court of the District wherein the Defendant shall inhabit or the Institution shall be situated, as the governing Body thereof shall deem expedient: Provided always, that no pecuniary Penalty imposed by any Byelaw for the Breach thereof shall be recoverable unless the Byelaw shall have been confirmed by the Votes of Three Fifths of the Members present at a Meeting specially convened for the Purpose.

XXV. Any Member who may be in arrear of his Subscription according to the Rules of the Institution, or may be or shall possess himself of or shall possess any Property of the Institution in a Manner or for a Time contrary to such Rules, or shall injure or destroy the Property of the Institution, may be sued in the Manner herein-before provided; but if the Defendant shall be successful in any Action or other Proceeding at the Instance of the Institution, and shall be adjudged to recover his Costs, he may elect to proceed to recover the same from the Officer in whose Name the Suit shall be brought, or from the Institution, and in the latter Case shall have Process against the Property of the said Institution in the Manner above described.

XXVI. Any Member of the Institution who shall steal, purloin, or embezzle the Money, Securities for Money, Goods, and Chattels of the Institution, or wilfully and maliciously, or wilfully and unlawfully, destroy or injure the Property of such Institution, or shall forge any Deed, Bond, Security for Money, Receipt, or other Instrument, whereby the Funds of the Institution may be exposed to Loss, shall be subject to the same Prosecution, and if convicted shall be liable to be punished in like Manner, as any Person not a Member would be subject and liable to in respect of the like Offence.

XXVII. Whenever it shall appear to the governing Body of any Institution (not having a Royal Charter, nor established by nor acting under any Act of Parliament,) which has been established for any particular Purpose or Purposes, that it is advisable to alter, extend, or abridge such Purpose, or to amalgamate such Institution, either wholly or partially, with any other Institution or Institutions, such governing Body may submit the Proposition to their Members in a written or printed Report, and may convene a Special Meeting for the Consideration thereof according to the Regulations of the Institution; but no such Proposition shall be carried into effect unless such Report shall have been delivered or sent by Post to
to every Member. Ten Days previous to the Special Meeting convened by the governing Body for the Consideration thereof, nor unless such Proposition shall have been agreed to by the Votes of Three Fifths of the Members present at such Meeting, and confirmed by the Votes of Three Fifths of the Members present at a Second Special Meeting convened by the governing Body at an Interval of One Month after the former Meeting.

XXVIII. If any Members of the Institution, being not less than Two Fifths in Number, consider that the Proposition so carried is calculated to prove injurious to the Institution, they may, within Three Months after the Confirmation thereof, make Application in Writing to the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, who, at their Discretion, shall entertain the Application, and if, after due Inquiry, they shall decide that the Proposition is then calculated to prove injurious to the Institution, the same shall not be then carried into effect; but such Decision shall not prevent the Members of such Institution from reconsidering the same Proposition on a future Occasion.

XXIX. Any Number not less than Three Fifths of the Members of any Institution may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the Time then agreed upon, and all necessary Steps shall be taken for the Disposal and Settlement of the Property of the Institution, its Claims and Liabilities, according to the Rules of the said Institution applicable thereto, if any, and if not, then as the governing Body shall find expedient; provided, that in the event of any Dispute arising among the said governing Body or the Members of the Institution the Adjustment of its Affairs shall be referred to the Judge of the County Court of the District in which the principal Building of the Institution shall be situated, and he shall make such Order or Orders in the Matter as he shall deem requisite, or, if he find it necessary, shall direct that Proceedings shall be taken in the Court of Chancery for the Adjustment of the Affairs of the Institution.

XXX. If upon the Dissolution of any Institution there shall remain, after the Satisfaction of all its Debts and Liabilities, any Property whatsoever, the same shall not be paid to or distributed among the Members of the said Institution or any of them, but shall be given to some other Institution, to be determined, by the Members at the Time of the Dissolution, or in default thereof by the Judge of the County Court aforesaid; provided, however, that this Clause shall not apply to any Institution which shall have been founded or established by the Contributions of Shareholders in the Nature of a Joint Stock Company.

XXXI. For
XXXI. For the Purposes of this Act, a Member of an Institution shall be a Person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a Subscription, or shall have signed the Roll or List of Members thereof; but in all Proceedings under this Act no Person shall be entitled to vote or be counted as a Member whose current Subscription shall be in arrear at the Time.

XXXII. The governing Body of the Institution shall be the Council, Directors, Committee, or other Body to whom by Act of Parliament, Charter, or the Rules and Regulations of the Institution, the Management of its Affairs is entrusted; and if no such Body shall have been constituted on the Establishment of the Institution, it shall be competent for the Members thereof, upon due Notice, to create for itself a governing Body to act for the Institution thenceforth.

XXXIII. The Act shall apply to every Institution for the Time being established for the Promotion of Science, Literature, the Fine Arts, for Adult Instruction, the Diffusion of useful Knowledge, the Foundation or Maintenance of Libraries or Reading Rooms for general Use among the Members or open to the Public, of Public Museums and Galleries of Paintings and other Works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs; provided, that the Royal Institution, and the London Institution for the Advancement of Literature and the Diffusion of useful Knowledge, shall be exempt from the Operation of this Act.

XXXIV. The Term "Parish" shall signify herein any Place separately maintaining its own Poor.

XXXV. In all Deeds, Documents, Proceedings, Suits, and Prosecutions this Act may be cited and described by the Name of "The Literary and Scientific Institutions Act, 1854."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1854.