

deemed lawful, provided that a royal charter shall have been first obtained, or the deed constituting such an association and its rules approved by a committee of her Majesty's Privy Council.

The Art-Union of London is an association of this sort under the second head; and its plan and regulations, wherein, as from its establishment, this peculiarity is specially set forth, were before the Legislature previously to the passing of the Act in question, and were fully canvassed. In the application to her most gracious Majesty for a charter of incorporation under the powers of the Act, this was again fully set forth, accompanied by the prospectus, and the Art-Union of London was accordingly chartered to raise moneys by subscription, to be afterwards allotted to the subscribers in certain sums, solely for the purchase of works of art.

The Act gives power to a Committee of her Majesty's Privy Council, 'whenever it shall appear to them that any such association is *perverted from the purposes of this Act*, to certify the fact to her Majesty, who may then revoke or annul the charter; and the charter itself declares that it shall be lawful for a committee of the Privy Council to disallow, alter, and amend such bye-laws as the council of the Art-Union may make for the management and regulation of the body, the election of officers, &c. Further, the committee may themselves make any bye-laws 'for giving full effect to the said Act' as may seem to them desirable, but nothing more; and these provisions, it is respectfully submitted, cannot empower their lordships to abrogate that mode of distributing the funds of the society, to carry out which, with the sanction and under the direction of the Legislature, the Art-Union of London is expressly chartered.

In respect of engravings, referred to as the next important point, their lordships, you state, 'desire to see the practice of an annual distribution of engravings from modern pictures altogether abandoned,' and consider it would be better 'were commissions to be from time to time given to first-rate artists for engravings of a very superior character,' the proofs to be allotted as prizes, and the prints disposed of.

The council of the Art-Union of London beg leave to remark on this, that one main object of the association has been, from its establishment, the encouragement of British art; and they consider that the fact of their requiring annually the work of a modern artist to engrave, must act as a great and useful stimulus to our painters which should not be withdrawn. Further, it would not be in their power to employ more eminent engravers than those already commissioned by the society; as for example—Mr. Wait, Mr. Goodall, Mr. W. Finden, Mr. Doo, and others. To remove the certainty of each subscriber's receiving a work of art approximating to the amount of his subscription—to give which has always been an object with the council of the Art-Union—would be to lessen materially the number of subscribers; which the council, for a reason before stated, and doubtless their lordships also, would deplore.

The only remaining point in the communication which concerns the Art-Union of London is their lordships' proposal 'to require, as a general rule, that 10 per cent. should be set apart out of the receipts of every Art-Union, for the purchase of works of art—not for distribution, but for public exhibition.'

In respect of this the council of the London Art-Union first respectfully remind their lordships, that the funds annually provided through the association are contingent on public approval of the terms of the prospectus, and that to ensure these funds, public opinion must be consulted: the question with the council of the Art-Union is, not merely how best to expend for the advancement of a general love and knowledge of art, a certain sum of money,—but how first to raise that sum, and then expend it, with a view to again raising a similar sum in the following year.

The council of the Art-Union are most unwilling to appear to be taking unnecessarily an opposing position: they are, however, advised that neither the Act of Parliament for legalizing Art-Unions, nor their charter, obtained under that act, gives a committee of her Majesty's Privy Council power to order a

diversion of one-tenth of the funds from their proper course; and considering that such a step would militate greatly against the continued prosperity of the association, they feel compelled to express their dissent from the proposed intention of the committee, so far as it relates to the Art-Union of London. * * *

On the 14th of December a second communication was received from the Board of Trade, setting forth at considerable length the views on which their lordships grounded their right of interference, and urging that, although the Art-Union was incorporated before the Committee of Privy Council for trade were charged with the superintendence of such bodies, it was subject to such regulations as might afterwards be issued. Their lordships since the receipt of the reply had looked more carefully to see if they had legal power to interfere, and had thought it right to submit a case to the law officers of the crown, a copy of which, with the opinion, was inclosed. The letter then goes on to deny that the Art-Union of London was chartered as an association belonging to that class which gives the right of selection to the prizeholder, because it distributes a larger number of prizes, in the shape of medals, bronzes, and lithographs, &c. than in the shape of the right of selecting a work of art!! The general tenour of the communication, however, will be understood from the following extracts from the reply sent on February 19. But we first give the opinion of the Attorney and Solicitor General.

The case, after setting forth all that the Board of Trade considered necessary, ends thus.—

"Your opinion is requested upon the following points:—

1st. Is it the case that the Art-Union of London has been incorporated expressly for the purpose of 'raising moneys by subscription to be afterwards allotted to the subscribers?'

2nd. Is the Act 9 & 10 Vict., cap. 48, so framed that it would have been illegal in the Crown, in granting a charter of incorporation, to have inserted as one of its conditions that the mode of distributing the prizes should be that now suggested by the Board of Trade?

3rd. Does the Charter of Incorporation reserve power to this committee either to require such an alteration of the 48th bye-law as would meet the case, or to impose a bye-law to the effect suggested?"

"OPINION.

1st. The Art-Union of London was incorporated for the advancement of the fine arts, and for promoting and facilitating a greater knowledge and love of the arts of design on the part of the public generally. For this purpose the corporation is enabled to raise money by subscription, &c., in part to be allotted by chance as prizes amongst its members, to be expended solely in the purchase of paintings, &c., and in part to be laid out in the purchase of paintings, &c., to be allotted by chance in like manner. The manner of allotment and purchase by the allottee is to be regulated by the bye-laws made under the charter.

2nd. It would not have been illegal for the Crown, when granting the charter, to have inserted therein the clause above suggested.

3rd. The charter, in terms, reserves this power to this committee, and we think that a regulation requiring the allottees to purchase from a collection to be made by the Art-Union is not inconsistent either with the statute or the charter. (Signed).

JOHN JERVIS.
DAVID DUNDAS.

Temple, 3rd December, 1847."

A transparent piece of equivocation, of which Messrs. Jervis and Dundas will be somewhat ashamed, we venture to say, when the whole correspondence is fully before them.

The council, in their reply, again combats the right of the Board of Trade to interfere, not with a bye law, but with a fundamental law of the society. They shew clearly that under the Act of Parliament, the Board have no power whatever, unless the society become perverted from its purpose. The only power they have is under certain clauses in the charter inserted by the council of the Art-Union themselves, simply to prevent the possible perversion of the society to private gain. The council continue,—

In the first address issued by the society, February, 1837, it is remarked,—"The mode of encouraging art by purchasing works, to be distributed among the subscribers, is neither novel in principle nor untried in practice." "But the promoters of the Art-Union propose to combine with this principle that of LEAVING THE SELECTION OF WORKS TO THE SUBSCRIBERS THEMSELVES," and this was prominently set forth in the first and all subsequent lists of regulations. It was, in fact, the characteristic and foundation law of the association to leave the selection of prizes from the public galleries in the hands of the subscribers.

The right of selecting for himself a work of art from one of the public exhibitions of the day was the chief prize offered from the commencement to the subscribers; to protect a society offering this right amongst others, as an inducement for subscription, the Act 9 & 10 of Vict. was passed, and to incorporate a society offering this special right a charter was granted by her Majesty. Bye-laws over which, by the terms of the charter, the Committee of Privy Council have control, simply go to the mode of distributing this right and other details,—the offer of the right itself is made legal by the act of the Legislature.

The deprivation of the right of selecting for themselves from the public galleries, as the council know from widely-extended inquiries, would make the association so much less popular, as to lessen most materially the number of subscribers. It would deprive the public of that amount of instruction in art which is gained by the inquiry and the interest called forth, not only in the individual who gains the right to select a work of art for himself, but in that numerous circle of friends whom he is sure to gather round him, to consult before making his choice, and who are equally sure to criticise it severely, if not technically, after it is made.

The falling off in numbers would of course much reduce the list of prizes, and still further limit the very small range of choice left to the prizeholders, under the plan proposed by their lordships. The difficulty of finding pictures in this small collection to suit their several tastes, and the discontent thence arising, would again act unfavourably on the subscription list for the following year, and thus the same round of evils would be repeated to the final extinction (probably) of the society. It will be remembered that the plan of selection by a committee had been tried for some time in London, previous to the establishment of the Art-Union, and totally failed, though under the direction of gentlemen of well-known character.

On the other hand, supposing that no great reduction of the members takes place, but that the prizes remain at that number which they will no doubt reach, and probably exceed, in the present year, the time which would be occupied in the proper selection of the number of pictures required, has perhaps not been con-