



ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

# VICTORIÆ REGINÆ.

A.D. 1863.

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## No. 19.

*An Act to consolidate and amend the Laws relating to the South Australian Institute.*

[Assented to, 12th November, 1863.]

**W**HEREAS the South Australian Institute was established to Preamble.  
promote the general study and cultivation of the various branches or departments of art, science, literature, and philosophy, by means of a public library and museum, and by means of lectures, classes, and otherwise; and to afford encouragement and assistance to such societies as have been or may hereafter be established in the Province of South Australia for the cultivation, by and amongst the members thereof respectively, of different branches or departments of art, science, literature, and philosophy, and for extending the means at the command of such members respectively for such cultivation, and for other purposes tending to improve and elevate the mental and moral condition of such persons as may come within the influence of such societies respectively; and to enable such societies to unite and form one society or institute, in which such several societies might and should carry out separately such of their purposes and plans as should be necessarily distinct, and might and should carry on, conjointly and in union, such portions of their action as should be common to all; and might, most economically and beneficially, receive and apply such aid as may from time to time be granted for the promotion of the objects of such several societies: And whereas it is expedient to consolidate and amend the laws relating to the South Australian Institute—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. The several Acts mentioned in the Schedule hereto, marked A, Repeal of Acts in Schedule. shall

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Proviso.

shall be and the same are hereby repealed, save so far as is necessary to give validity to all acts hitherto done in pursuance thereof, respectively: Provided that all societies heretofore incorporated with the South Australian Institute, under the several Acts hereby repealed, shall be and continue to be incorporated under and subject to the provisions of this Act; and all Governors and officers, or other persons appointed, elected, or holding any offices under or by virtue of the several Acts hereby repealed, shall continue in and hold such offices under and subject to the provisions of this Act; and provided also that all property belonging to the South Australian Institute shall be and continue the property of the said Institute; and all subscriptions and fines due, before this Act shall come into operation, to the Board of Governors of the said Institute, shall be paid to, and be receivable and recoverable by the Board of Governors, as by this Act provided.

Institute made a body corporate.

2. Until the first day of October, one thousand eight hundred and sixty-four, the six persons appointed or elected to be Governors of the South Australian Institute, under or by virtue of the several Acts hereby repealed, together with a seventh person to be elected as hereinafter provided, shall be the Board of Governors of the South Australian Institute; and they and their successors, to be appointed or elected in such manner as is hereinafter provided, and the subscribers to the library of the said Institute, and the members for the time being of all and every society or societies that now are incorporated with the said Institute, or that may hereafter be incorporated with the said Institute in such manner as is hereinafter provided, for so long and such time as such several societies shall remain and continue to be incorporated with the said Institute, shall be, and they are hereby declared to be, one Body Corporate and Politic, in deed, name, and law, by the name of "The South Australian Institute;" and by the same name they shall have perpetual succession and a common seal, and shall and may sue and be sued, implead or be impleaded, grant or receive, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments, to them, their successors, and assigns, for the purposes hereinafter mentioned, and subject to the statutes and rules in the Schedule hereto marked B.

Subscribers to library to be treated as a separate incorporated society.

3. Persons subscribing, as provided by the statutes and rules in the Schedule hereto marked B, to the public library of the said South Australian Institute, shall be members thereof, in like manner as if such persons formed conjointly one separate incorporated society: Provided that no person shall be entitled to vote as such member at any meeting held in pursuance of this Act unless he shall have been a subscriber, and shall have paid his subscription, for the six months next preceding the time of such meeting.

Retirement and appointment of Governors.

4. On the first day of October in every year, after this Act shall come into operation, such one of the said Governors, being one of the three Governors appointed by the Governor-in-Chief as shall have

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have been longest in office without reappointment shall retire, but shall be eligible for re-appointment: Provided that in case of an equality in the time of the tenure of office of any two or more Governors, then the retiring Governor shall be determined by lot; and on the annual retirement of the said Governor, the successor of such retiring Governor shall be appointed by the Governor-in-Chief.

5. It shall be lawful for the subscribers to the library, acting as a separate incorporated society, within one calendar month after this Act shall come into operation, to elect from among themselves a person to be a seventh member of the Board of Governors, and the person so elected shall retain office until the first day of October, one thousand eight hundred and sixty-four.

Subscribers to library  
to elect a seventh  
Governor.

6. So long as not more than three separate Societies, including the subscribers to the Library, shall have been incorporated with the said Institute, it shall be lawful for the said subscribers to the Library, annually, in the month of October, to elect two persons from among themselves to be members of the Board of Governors during the ensuing year; and it shall be lawful for each of the other Societies so incorporated, annually, in the month of October, to elect one of its members to be a member of the Board of Governors during the ensuing year; but so soon as more than three separate Societies shall have been incorporated with the said Institute, then and thenceforward it shall be lawful for the said subscribers to the Library, annually, in the month of October, to elect from among themselves two persons, of whom the one obtaining the larger number of votes shall be a member of the Board of Governors during the ensuing year, and it shall be lawful for each of the other Societies so incorporated, annually, in the month of October, to appoint one of its members to vote in the election of Governors, and the several members so appointed, together with the remaining person elected by the subscribers to the Library, shall elect three persons from among themselves to be members of the Board of Governors during the ensuing year; and the Governors so elected shall enjoy equal rights and powers with the Governors appointed by the Governor-in-Chief.

Incorporated Societies  
to elect Governors  
annually.

7. If any Governor shall, without permission obtained from the said Board of Governors, absent himself for the space of two calendar months from the meetings of the said Board, or shall become bankrupt, or an insolvent debtor within the meaning of the laws in force within the said Province relating to bankrupts or insolvent debtors, or shall become a public defaulter, or be convicted of felony or any infamous crime, or shall be found to be of unsound mind, he shall cease to hold office as a Governor of the said Institute; and the vacancy so caused, or any vacancy caused by the death or resignation of any Governor, shall be thereupon filled up by some person who shall be appointed or elected in like manner as the Governor so dying, resigning, or otherwise ceasing to hold office, was appointed or elected.

Governors to cease to  
hold office under  
certain circumstances.

8. It

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Gifts to the Corporation.

8. It shall be lawful for any person or persons, bodies politic or corporate, society or societies, their heirs and successors, to give and deliver to, grant, assure, devise, or bequeath, to the use and benefit of, or in trust for the said body corporate, any messuages, lands, tenements, rents, annuities, and hereditaments whatsoever, and any library, books, maps, prints, pictures, goods, chattels, minerals, specimens, or other effects or articles whatsoever; all which messuages, lands, tenements, rents, annuities or hereditaments, and all which library, books, maps, prints, pictures, goods, chattels, minerals, specimens, or effects as aforesaid, the said body corporate is hereby authorized and enabled to receive, accept, and hold.

Powers of Board of Governors.

9. The Board of Governors for the time being, of whom three shall form a quorum, shall have full power and authority in the name of the said body corporate to receive, pay, apply, and dispose of all such moneys as shall be annually granted to the said body corporate out of the public revenue of the said Province, and all such moneys as shall from time to time be granted to the said body corporate for building or other special purpose; and shall and may enter into all such contracts, and do and transact all such other acts, deeds, matters, or things, as may be requisite or proper to be done in and about the renting or purchasing of suitable lands and premises, or the renting and hiring, or erecting and completing of suitable halls, reading rooms, lecture rooms, class rooms, and other buildings, and for the reception and safe custody of the library and other effects of the said body corporate, and for the formation and reception of a museum and laboratory, and for all such other purposes as the said Board of Governors for the time being may decide to be required to carry into effect the objects of the said body corporate or of the several societies to be admitted into and incorporated therewith; and shall also have power if they shall think fit, upon application made by any society or societies, or body or bodies of persons associated for the purpose of promoting any art or science or branch of knowledge, or by any person or persons duly authorized in accordance with the laws of such several societies or associations to make such application, to admit and incorporate such societies or persons so associated as part of the said South Australian Institute, upon the terms and in the manner more particularly set forth in the statutes and rules in the Schedule hereto marked B, so long as the members of such societies or associations shall annually pay for the advancement of the objects, arts, or sciences, for the promotion of which they are so severally associated, such a sum as the by-laws of each particular society shall from time to time define and fix, and shall have been agreed upon between such several societies and the said Board of Governors; and shall also have power, if they shall think fit, out of the funds placed at their disposal for the general purposes of the said South Australian Institute, to make a grant to any society so incorporated in aid of the special objects of such society; and shall also have power to make by-laws for the regulation and disposal of the property of the said

Admission of other Societies.

Governors may make grants to Incorporated Societies.

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said South Australian Institute, and for its more regular government; and to direct and order at what times and in what manner, and under what restrictions and conditions the several societies and associations at any time forming part of, and incorporated with the said Institute, shall have and use the halls, lecture-rooms, class-rooms, reading-rooms, libraries, museums, and other public property of the said body corporate, and such by-laws, times, restrictions, and conditions, or any of them from time to time shall and may rescind, alter, and vary, and make others in their stead; and also shall and may do, manage, transact, and determine all such other acts, deeds, matters, and things as shall to them appear necessary for effecting and carrying out the objects of this Act and of the said body corporate, but so nevertheless that the same shall be in accordance with, and not contrary to or subversive of, the statutes and rules in the Schedule hereto, marked B; and shall and may, if they shall see fit, delegate any of the powers and authorities vested in them to all or any of the committees of the several societies which may hereafter be incorporated with the said Institute, so far as the same shall relate or apply to such societies respectively; and shall also have power to appoint and remove a secretary, librarian, and other public officers or servants of the said South Australian Institute, and from time to time to fix and determine the salary and emoluments to be paid to such officers and servants.

Use of rooms.

Powers of delegation to Committees of separate Societies.

10. A general meeting of the said body corporate shall be holden annually in the month of October, on such day before the fifteenth day of the said month, and at such hour and place as shall from time to time be fixed by the said Board of Governors, by giving seven days' notice in any two newspapers published in Adelaide, such general meeting to consist of not less than ten members of the said body corporate, exclusive of any members of the said Board of Governors; and if a sufficient number of members of the said body corporate to form a meeting be not present within one hour of the time fixed for such meeting, the said Board of Governors shall be empowered to adjourn the said meeting unto such time as they may appoint; and at such general meetings a report of the proceedings during the preceding year of the said body corporate, and of the societies incorporated therewith, shall be laid before the members of the said body corporate; and at such general meetings all matters connected with the affairs of the said body corporate may be discussed.

Annual general meeting.

11. The said Board of Governors shall, on the requisition of any two of the Governors or of any thirty of the members of the said body corporate, by giving fourteen days' notice in any two newspapers published in Adelaide, and affixing a legible copy of such notice in a conspicuous place in the building occupied by the said body corporate, convene a special general meeting of the said body corporate, for the purpose of considering any matters connected with the affairs of the said body corporate that may be set forth in such requisition.

Special meetings.

12. Every

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Money voted, how to be appropriated.

12. Every sum of money which shall be appropriated by Act of Parliament of the said Province for the purposes of the South Australian Institute, shall be applied in the payment of the salaries of the officers and servants, and of the general current expenses of the said body corporate or of any of the several societies or associations incorporated therewith, and in the purchase of books for the augmentation of the public library of the said body corporate, and in the purchase of works of art, scientific apparatus, or machinery, or of models or specimens illustrative of any science or manufacture, or in the foundation or augmentation of the museum of the said body corporate, or for the promotion of the general objects of the said body corporate, or of the special objects of any of the several societies to be incorporated therewith, in such manner in all respects as to the said Board of Governors for the time being shall seem fit; and shall be paid into such bank in Adelaide as the Board of Governors may direct, to the credit of the said Board of Governors; and no money shall be paid except by cheque, signed by two Members of the said Board of Governors, and countersigned by the Secretary, or other officer appointed by the said Board for such purpose.

Independent action of incorporated societies.

13. The members of such societies or associations as now are or may hereafter be incorporated with the said body corporate, shall be empowered to act in respect to the objects of such several societies or associations, and to the meetings, lectures, classes, conversaciones, and other arrangements of such several societies and associations, and to the election of committees to manage the affairs of such several societies and associations, and to the framing, altering, and repealing of the by-laws and rules of such several societies and associations, as if such societies and associations were distinct and separate societies and associations, and not incorporated together: Provided always, that the by-laws and rules of such several societies and associations shall not be contrary nor repugnant to any of the laws and customs of the realm, nor to this Act, nor to the statutes and rules in the Schedule hereto, marked B, nor to the by-laws, constitutions, and ordinances, for the regulation of the said body corporate, made or confirmed by the said Board of Governors.

Distribution of Funds.

14. The sums of money annually, half-yearly, or quarterly subscribed by the members of such societies or associations as now are or may hereafter be incorporated with the said Institute, save as is hereinafter mentioned, shall be paid to and receivable and recoverable by the committees of such several societies or associations, or by such officer or officers, as by the respective rules and regulations of such several societies or associations shall be appointed for that purpose, and shall be applied by such respective committees or officers in carrying into effect the particular object or objects in respect of which such annual subscriptions shall have been made by the members of such several societies or associations: Provided always, that all sums of money to be paid by members of the said body corporate subscribing to the public library thereof, shall be paid to, and receivable, and recoverable by the said Board of Governors, and shall

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shall be by them paid and applied in the augmentation or to the purposes of the said public library.

15. It shall be lawful for the said Board of Governors from time to time, to frame and suggest such alterations or amendments in the statutes and rules in the Schedule hereto, marked B, or in other the statutes and rules to be from time to time made and confirmed in the manner hereinafter provided, as to the said Board of Governors shall seem fit; and such alterations or amendments if approved by the Governor-in-Chief, shall be laid before both Houses of Parliament within ten days of such approval, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the next meeting of Parliament; and if the said alterations or amendments be not objected to or disallowed by a resolution of either House of Parliament within fourteen days after being so presented, then and thenceforward the said alterations or amendments shall be deemed to be, and shall be confirmed, and shall possess the same power and validity, and authority in all respects as if they had been embodied in the said Schedule: Provided always, that no such alterations or amendments shall be contrary to or subversive of the provisions contained in this Act itself, irrespective of the said Schedule.

Power of altering  
Statutes and Rules in  
Schedule B.

16. Every proceeding for the recovery of any penalty by this Act imposed or made payable, may be had before any two or more Justices of the Peace, in a summary way, in the name of the Secretary to the said South Australian Institute, and such penalty shall be paid over to the said Institute.

Recovery of penalties.

17. This Act may be cited for all purposes as the "South Australian Institute Act, 1863."

Short title.

In the name and on behalf of the Queen I hereby assent to  
this Act.

D. DALY, Governor.

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## SCHEDULES REFERRED TO.

## A

Reference to and Date of Acts.	Title of Acts.
1855-6, No. 16 .....	An Act to incorporate an Institution to be called "The South Australian Institute."
1856, No. 7... ..	An Act to amend "An Act to incorporate an Institution to be called 'The South Australian Institute.'"

## B

*Statutes and Rules.*

1. The accounts of the Board of Governors shall be annually audited by the Auditor-General of the Province, and an abstract thereof shall be annually laid upon the table of the House of Assembly of the said Province.

2. The library department of the Institute shall consist of at least two rooms:— The reading-room, in which shall be kept one copy at the least of all newspapers and periodicals purchased for the Institute, for six months after their arrival; and the library proper, in which the books of the Institute shall be kept.

3. The public shall be admitted daily (Sundays excepted) free of charge, but subject to the regulations hereinafter provided, to the reading-room, between the hours of noon and eight p.m., or at such other time (not being less than eight hours per day) as the Board of Governors may from time to time appoint, excepting on such days or portions of days as may from time to time be fixed by the said Board of Governors for the rooms to be closed for any special purpose; but the aggregate number of such days or portions of days shall not exceed twenty-eight days in one year.

4. Any person seeking admission to the reading-room shall previously insert his name and full address, with particulars of his occupation, in a book to be kept for the purpose; and shall also (if required) deposit with the Secretary a certificate, signed by two householders of respectability, to the effect that the applicant is known to them, and is a fit person to be admitted: Provided always, that such certificate may be demanded either before or at any time after the applicant's first admission: Provided also, that the Secretary or other proper officer shall be empowered to exclude persons so admitted if they are guilty of misconduct; and further provided, that no person shall be admitted if under the age of thirteen years, unless under the care of some older person.

5. Any person seeking permission to read the books belonging to the Institute shall be and is hereby required to comply with the conditions hereinbefore set forth for admission to the reading-room, and shall also be subject to the following regulations:—

- i. When any application is made for permission to read the books belonging to the Institute, the Secretary, or other officer appointed for the purpose, may, if he see fit, withhold such permission until the next meeting of the Board of Governors, who shall be and are hereby empowered, at their discretion, either to grant or refuse such permission.

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- ii. The Board of Governors may, if they see fit, at any time withdraw the permission so granted.
- iii. Persons to whom such permission has been granted, being non-subscribers, shall not be allowed to take any book from the reading-room, nor to have more than one volume at a time, except under special circumstances to be approved in writing by the Secretary.
- iv. Persons being non-subscribers shall under no circumstances be admitted to the library except by special order of a Governor.
- v. If any person shall remove any book, periodical, or newspaper, from the library or reading-room, without the permission of the Librarian or other proper officer, he shall forfeit therefor the sum of not less than Two Pounds nor more than Five Pounds.
6. The subscription to the library shall not be less than One Pound nor more than Two Pounds per annum, to be paid in equal quarterly or annual payments; and persons, on first becoming subscribers, shall pay in addition an entrance fee of not less than Two Shillings and Sixpence, nor more than Ten Shillings; the amounts of such subscription and entrance fee to be from time to time determined by the Board of Governors.
7. Persons shall be allowed to become subscribers to the library of the Institute, subject to the following regulations:—
- i. Any person desiring to subscribe to the said library shall previously insert his name and full address, with particulars of his occupation, in a book to be kept for the purpose; and shall also (if required) deposit with the Secretary a certificate, signed by two householders of respectability, to the effect that the person so desiring to subscribe is known to them, and is a fit person to be allowed so to do.
- ii. When any person desires as aforesaid to subscribe to the library of the Institute, the Secretary, or other officer appointed for the purpose, may, if he see fit, refuse to receive such subscription until the next meeting of the Board of Governors, who shall be and are hereby empowered, at their discretion, either to receive or to refuse such subscription.
- iii. The Board of Governors may, if they see fit, at any time expel any subscriber guilty of misconduct.
- iv. Subscribers to the library shall be allowed to take out one or more volumes of a single work, or of two separate works, at one time for a fixed period, as specified in such book or books; provided that only one of such works shall belong to class M, in the library catalogue; and provided also that persons so taking out books shall, if required by the Librarian, or other officer appointed for the purpose, deposit a sum not exceeding the cost of the work or works so taken out, to ensure their return; and provided also, that if the period fixed for the retention of any book so taken out be exceeded, the Librarian may, if he see fit, give notice thereof in writing to the subscriber so retaining such book, and such subscriber shall thereafter be subject to a fine of Twopence per day for every day that he retains such book after the delivery of such notice.
- v. Any subscriber lending a book belonging to the South Australian Institute to any non-subscriber, not being a member of such subscriber's household, shall render himself liable to expulsion.
- vi. Any subscriber defacing or losing any book, the property of the South Australian Institute, shall be required to pay for a new copy of the same; and if the book so defaced or lost be one volume of a set, and it be found impossible to replace the said volume, such subscriber shall replace the whole work; but, in either case, the said subscriber shall be entitled to the injured volume or work so soon as it is so replaced.
- vii. Books shall not be issued to any subscriber in an imperfect condition, unless a memorandum be made in any such book stating the nature and extent of such imperfection; but, in the event of any book being so issued, or of its receiving damage while in the custody of any subscriber, he shall, on returning such book, call the attention of the Librarian to any injury it may have sustained; and any subscriber failing to do so shall be held responsible for any such injury.
- viii. Any annual subscriber shall be entitled, on payment of double subscription, to take out not more than four books at one time, and to retain such books so taken out for twice the number of days notified therein, unless any such book shall have been added to the library within the preceding twelve months, in which case the ordinary number of days only shall be allowed.
- ix. All

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- ix. All entries by the Librarian, Secretary, or other person appointed or authorized on that behalf, made in the issue book of the Institute, relating to the loan of any book to any subscriber, shall be good and sufficient *prima facie* evidence that the book mentioned in any such entry was lent at the time and to the person mentioned in such entry; and if, within one month from the time at which such book ought to have been returned by such subscriber, there shall be no entry made in the issue book of such return, such subscriber shall be conclusively deemed to have lost or kept such book.
- x. If any subscriber shall carelessly or negligently permit or suffer any book belonging to the Institute to be sold or disposed of when in his possession or custody, he shall forfeit therefor the sum of not less than One Pound, nor more than Five Pounds.
- xi. In the event of any subscriber making special application in writing for the use of several works, for the purpose of study, the Secretary shall have power to grant the same for a period not exceeding fourteen days.
8. The Board of Governors shall be empowered to declare any books in the library to be books of reference, and such books shall not, under any circumstances, be removed from the Institute except by special permission of the Secretary, or other officer properly authorized; and the Librarian shall, in every case, take a written receipt for such books when issued.
9. The Governors shall be empowered, if they see fit, once in every year, to call in all books in circulation, and to suspend the issue of books for a period not exceeding twenty-one days.
10. The public shall be admitted to the museum of the Institute on terms similar to those prescribed for admission to the reading-room, except that the museum shall only be open from noon till dusk, unless otherwise determined by the Board of Governors; and the said Board of Governors shall be empowered to admit persons to the advantages of any other branch of the Institute, not being under the control of any separate incorporated society, at such times as they shall see fit, and either free of charge, or upon payment of a certain sum, to be fixed by the said Board, as they shall from time to time determine.
11. The Governors shall be, and are hereby empowered to extend the advantages of the Institute, so far as they may deem it expedient, to all suburban and country Institutes, established for the promotion of similar objects; provided that any Institute hereafter applying to have such advantages extended to it shall be required to conform to the following regulations:—
- i. The rules of such Institute shall be subject to the approval of the Board of Governors, and a copy thereof be deposited with the Secretary of the South Australian Institute.
  - ii. In the event of any of the said rules being altered, the Secretary of such Institute shall forward notice thereof (together with a copy of the altered rules) to the Secretary of the South Australian Institute, within fourteen days after such alteration shall have been made.
  - iii. Full statistical returns, upon a form to be provided by the Board shall be forwarded half-yearly by such Institute to the Board of Governors.
  - iv. There shall be no restriction upon the admission to membership of such Institute, further than is necessary to provide for the maintenance of good order and the security of the property belonging to such Institute.
  - v. The rules of such Institute shall be required to provide for the appointment of Trustees, in whose hands the books and other property of the Institute shall vest, in event of its dissolution; in order that such books and other property may be preserved for the use of any Institute of a similar character which may be established in the same locality.
12. The Board of Governors shall be, and are hereby empowered to make and consent to terms with any Societies now existing, or hereafter to be formed, within the Province—and having for their object the advancement of any art, science, or branch of knowledge—for the incorporation of such Societies with the South Australian Institute, subject, however, to the following conditions:—
- i. Societies, so incorporated, shall be permitted to alter or retain their own form of constitution, and to make by-laws for their own management, and to conduct their own affairs, subject only to the provisions of this Act.
  - ii. Societies, so incorporated, shall be required to contribute a sum, to be agreed upon with the Board of Governors, towards the working expenses of the Institute.
  - iii. Societies, so incorporated, shall be entitled to the use of one or more of the rooms

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rooms of the Institute, and also to the services of one or more of the officers of the Institute, at such times and in such manner as may be agreed upon with the Board of Governors.

- IV. The property accumulated by Societies so incorporated, and preserved in the rooms of the Institute, shall not be permanently removed from the Institute, nor otherwise disposed of without the consent of the said Board of Governors; and if any such Society shall, at any time, lapse or be dissolved, the property accumulated by it shall thereupon become vested in the South Australian Institute: Provided always, that nothing in this rule contained shall apply to the private property of individual members of any such Society, by them lent for the use of the members of such Society; for the preservation of which, proper receptacles shall be provided in the Institute by such Society.

13. A copy of the foregoing Statutes and Rules shall be exhibited in the reading-room of the said Institute for the information and guidance of the readers thereat and subscribers thereto.