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# VICTORIÆ REGINÆ.

A.D. 1883-4.

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## No. 296.

An Act to provide for the establishment and incorporation of the Public Library, Museum, and Art Gallery, and to consolidate and amend the Laws relating to Institutes, and for other purposes.

[Assented to, February 28th, 1884.]

**W**HEREAS it is desirable to provide for the establishment, incorporation, and government of the Public Library, Museum, and Art Gallery of South Australia, and to consolidate and amend the laws relating to Urban, Suburban, and Country Institutes, and for other purposes—Be it therefore Enacted by the Governor 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 :

Preamble.

1. This Act may be cited as the “Public Library, Museum, and Art Gallery Act, 1883-4.”

Short title.

2. This Act shall come into operation upon a day to be named by the Governor by Proclamation in the *Government Gazette*.

Commencement.

3. In the construction of and for the purposes of this Act, unless the same would be inconsistent with the subject-matter or context, the words and expressions following shall have the respective meanings hereinafter assigned to them, that is to say—

Interpretation.

“The Board” shall mean the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia :

“The Minister Controlling Education” shall include such other Minister as the Governor may appoint : “Institute”

“Institute” or “Institutes” shall include all urban, suburban, and country institutes (except the South Australian Institute) now existing or hereafter established.

Division of Act.

4. This Act shall be divided into four parts, namely—

PART I.—The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia; its Constitution and Powers:

PART II.—The Urban, Suburban, and Country Institutes; their Establishment, Powers, and Government:

PART III.—The Adelaide Circulating Library; its Establishment and Government:

PART IV.—Miscellaneous.

PART I.

PART I.

THE BOARD OF GOVERNORS OF THE PUBLIC LIBRARY, MUSEUM, AND ART GALLERY OF SOUTH AUSTRALIA; ITS CONSTITUTION AND POWERS.

Incorporation of Board.

5. For the purposes of this Act there is hereby constituted a Board, to be called the “Board of Governors of the Public Library, Museum, and Art Gallery of South Australia,” of whom five shall form a quorum, and who shall be a body corporate with perpetual succession and a common seal, and shall by the same name sue and be sued, plead and be impleaded, in all Courts and places whatsoever, with power to prove in all competent Courts and compound for all debts due to them.

Board of Governors of South Australian Institute to hold office till Board appointed.

6. Until the first appointment and election of the Board, the Board of Governors of the South Australian Institute, as constituted at the time of the coming into operation of this Act, shall be the Board within the meaning of this Act; but, upon such appointment and election being completed and notified by the Governor in the *Government Gazette*, shall be dissolved.

Constitution of Board.

7. The Board of Governors of the Public Library, Museum, and Art Gallery of South Australia shall consist of sixteen members, of whom—

- i. The Governor shall appoint eight members:
- ii. The South Australian Society of Arts shall elect one member, who shall be a member of the said society:
- iii. The University of Adelaide shall elect two members, who shall be members of the said University:
- iv. The Royal Society of South Australia shall elect one member, who shall be a member of the said society:

v. The

*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART I.

v. The Adelaide Circulating Library, as hereinafter established, shall elect one member, who shall be a member of the said library:

vi. The Institutes shall elect three members :

No Institute shall be entitled to take part in the election of a member or members of the Board unless such Institute shall possess at least twenty members who shall have paid their subscriptions for the twelve months preceding the election. The elections of members of the Board by the several bodies of persons or societies mentioned in this section shall take place and be conducted in the manner prescribed by the rules and regulations contained in the First Schedule hereto, or such other rules and regulations as may from time to time be made in addition to, or in substitution for, or in amendment of, those rules and regulations; and the expressions "Board" and "Board of Governors" used in the "South Australian Institute Act Amendment Act, 1879," and in any statutes or regulations made thereunder shall refer to the Board constituted by this Act. Upon the appointment and election of members of the Board, and thereafter in the month of November in each year, the Governor shall cause to be published in the *Government Gazette* a list of the members of the Board, which *Gazette* shall be *prima facie* evidence that the persons named therein are the members of the Board as therein specified.

8. After the first appointment and election of the members of the Board a meeting shall be held, at which the Board shall determine by lot the order in which the names of the members appointed by the Governor shall be entered upon a roll kept for that purpose. The Board shall in like manner at its first meeting which shall happen after every subsequent appointment of a member or members by the Governor, determine, if more than one member be appointed, the order in which the names of such members shall be entered on the said roll next after the names previously on the said roll, or, if one member only be appointed, shall place his name last on the said roll; and on the first day of October in every year the three members whose names shall be first upon such roll shall vacate their seats, and three members shall be appointed by the Governor in place of such members: Provided, however, that the members vacating their seats shall be eligible for re-appointment.

Order of retirement of members appointed by the Governor.

9. The first appointment by the Governor of members of the Board, and the first elections of members of the Board by the several bodies of persons or societies mentioned in section 7 of this Act, shall be made and take place respectively within one calendar month from the coming into operation of this Act; and thereafter, in the month of October in every year, the Governor and the several bodies of persons or societies mentioned in section 7 of this Act shall appoint and elect members of the Board, and every appointed or elected member of the Board shall hold office until the election or appointment of his successor, and shall then retire, but shall be eligible for re-election.

Election of members of the Board.

10. All

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART I.**

All members to be on same footing.

**10.** All the members of the Board, whether appointed or elected, shall have and exercise the same rights, privileges and powers, and be under and subject to the same liabilities.

Casual vacancy how filled.

**11.** The Governor may appoint a member of the Board upon any casual vacancy occurring through the death, resignation, or removal of any member of the Board appointed by him, and any casual vacancy caused by the death or resignation of any member of the Board elected by any of the several bodies of persons or societies mentioned in section 7 of this Act, may be filled by the election of a person by the body of persons or society who shall have elected the member so dying or resigning. Any member of the Board elected under this section shall hold office for the same period as the member so dying or resigning would have held office had no such vacancy occurred. Every appointment or election under this section shall be notified by the Governor in the *Government Gazette*, and such *Gazette* shall be *prima facie* evidence of the appointment or election so notified.

On failure to elect, the Governor may appoint.

**12.** If the University of Adelaide, the Royal Society of South Australia, the Adelaide Circulating Library, or the Institutes, or any of them, shall fail or neglect to exercise their right of election given by this Act, the Governor may appoint a member or members of the Board, who shall hold office for the same period and in all respects as if he or they had been elected by the body of persons or society so making default. The provisions of this section shall also apply to any casual vacancy caused by the death or resignation of any elected member of the Board.

Board may exercise powers notwithstanding vacancy.

**13.** All the powers conferred by this Act upon the Board may be exercised by the members of the Board for the time being actually in office, notwithstanding any vacancy in the Board.

Lands to be under control of the Board.

**14.** The parcels of land described in the Second Schedule hereto, together with all buildings thereon, and any other lands or buildings which the Governor, by Proclamation published in the *Government Gazette*, may so direct, shall be under the care, control, and management of the Board. The Board shall, with the consent of the Governor, have power and be capable in law to take, purchase, and hold lands, tenements, and hereditaments of all kinds, whatsoever and wheresoever situate, and shall, with the like consent, have power and be capable in law to sell, exchange, grant, demise, let, or otherwise dispose of the same or any part thereof. The Board may permit any society having for its object the encouragement of Literature or the Arts and Sciences, or any person desirous of encouraging the like objects, to use any part of the land or buildings under their control, for such period and upon such terms as the Board may think proper.

Power to take, &c., sell &c., certain lands.

Vesting in Board of personal property.

**15.** All the goods and chattels already acquired by or for the use of the National Gallery of South Australia, or the South Australian

*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART I

Australian Institute, or the Board of Governors thereof, together with the books, boxes, and other things used for circulation among the Institutes, shall be vested in the Board; and all gifts and bequests now or hereafter made to the National Gallery of South Australia, the Art Gallery, or the South Australian Institute, or the Board of Governors thereof, shall be deemed gifts and bequests to the Board by this Act constituted. The Board is hereby empowered to receive, take, or purchase any pictures or other works of art, objects of natural history, mineral specimens, exhibits, coins, medals, curiosities, books, maps, manuscripts, documents, pamphlets, or papers, or other goods or chattels whatsoever; and to sell, exchange, or otherwise dispose of the same or any of them; but no picture or other work of art shall be sold, exchanged, or otherwise disposed of without the consent of the Governor.

16. The Board shall have power from time to time to make, repeal, alter, and re-enact rules and regulations for the following purposes—

Power to make rules, &c.

- I. For the conduct of their own proceedings:
- II. For the due management of the affairs of the Public Library, Museum, and Art Gallery in their several departments:
- III. For the admission, exclusion, or expulsion of the public or any individual to and from the Public Library, Museum, and Art Gallery, or any part thereof:
- IV. For specifying the conditions and restrictions upon and subject to which the public may be allowed—
  - (a.) To read books or manuscripts, or make copies of or extracts therefrom:
  - (b.) To inspect the pictures, works of art, and exhibits in the Art Gallery and Museum, and make drawings or copies thereof:
  - (c.) To obtain instruction in the different schools of industry and art:
 

and for fixing the amount of the fees payable for such instruction, and the manner of the appropriation thereof:
- V. For the most effectual use of the pictures, exhibits, coins, medals, mineral specimens, curiosities, objects of natural history, works of art, books, maps, manuscripts, documents, pamphlets, or papers, for the purposes of public education and enjoyment:
- VI. For prescribing the conditions and method upon and by which the advantages heretofore extended by the South Australian Institute to Institutes may be continued:
- VII. For fixing penalties for any breach of any rule or regulation authorised to be made by this Act, not exceeding the sum of Ten Pounds for any one offence:
- VIII. For such other purposes as the Governor by Proclamation in the *Government Gazette* may allow:
- IX. Generally

**PART I.**

IX. Generally for carrying into effect the objects of this Act :

And all such rules and regulations shall be in writing, and, the common seal of the Board having been affixed thereto, copies thereof shall be laid before both Houses of Parliament not later than one month from the making thereof, if throughout such month Parliament shall be in Session, and if Parliament shall not be in Session throughout such month, then within one month after the commencement of the next Session thereof; and, if or so far as not disallowed by express resolution of either House of Parliament, within one month after being so laid before both Houses of Parliament, such rules and regulations, after the expiration of such last-mentioned month, shall be forthwith published in the *Government Gazette*, and shall thereupon be valid and have the force of law; and the production of the *Government Gazette* containing such publication shall be conclusive evidence of the tenor and validity of such rules and regulations.

Annual report and audit.

17. The Board shall, on or before the thirtieth day of September in each year, report its proceedings during the twelve months ending on the thirtieth day of June to the Governor, and a copy of such report shall be laid each year before Parliament. The accounts of the Board shall be annually audited by the Commissioners of Audit, who may exercise in that behalf the powers conferred upon them by "The Audit Act, 1882," and an abstract of such accounts shall be annually laid upon the table of the House of Assembly of the said province.

**PART II.****PART II.**

THE URBAN, SUBURBAN, AND COUNTRY INSTITUTES, THEIR ESTABLISHMENT, POWERS, AND GOVERNMENT.

Definition of Urban, Suburban, and Country Institutes.

18. All Institutes now or hereafter established, except the South Australian Institute, shall be deemed to be, for the purposes of this Act, Urban, Suburban, or Country Institutes. All moneys held by the Board of Governors of the South Australian Institute, at the date of the coming into operation of this Act, for the benefit of Institutes, and all moneys hereafter voted by the Parliament of South Australia for the support and maintenance of Institutes, shall, unless otherwise provided by the said Parliament, be distributed and applied by the Board for the benefit of Institutes, and the Adelaide Circulating Library, in such manner as the Minister Controlling Education shall direct.

Membership.

19. All persons of respectable character above the age of fifteen shall be competent to become members of an Institute on payment of the subscription and entrance fee, and no person shall be elected or admitted a member of any such Institute by ballot, nor shall any such person be rejected from membership by such means, but the committee of any such Institute may refuse to admit any unfit

*Public Library, Museum, and Art Gallery Act.—1883-4.***PART II.**

unfit person as a member: Provided, that any person so refused shall have a right of appeal against such refusal to a general meeting of the members of the Institute, who may reverse such refusal.

**20.** The person in whom the real estate of any Institute shall hereafter become vested as trustee shall, within three calendar months from the vesting of such real estate, make out and deliver to the Minister Controlling Education a return containing the particulars set forth in the form in the Third Schedule hereto; and the person in whom the real estate of any Institute shall from time to time remain vested, shall make out and deliver in like manner a similar return in the month of January in each year; and every person in whom such real estate shall be so vested, who shall not make out and deliver, or cause to be made out and delivered, the return aforesaid within the times aforesaid, or shall make out and deliver a false return, shall, for every day that such return shall not have been so made out and delivered, forfeit and pay a penalty of not more than Five Pounds, nor less than Two Pounds; and shall, for making out such false return, forfeit and pay a penalty of not more than Fifty Pounds, nor less than Five Pounds.

Institutes to furnish returns.

**21.** Unless the returns mentioned in the last preceding section shall be duly furnished, every Institute, the trustee of which shall make default, shall be disqualified and debarred from receiving any grant of moneys, or any part of any grant of moneys, voted by the Parliament of South Australia, to which respectively, but for this Act, such Institute might have been or become entitled.

Institutes, the trustees whereof shall not furnish returns to be disentitled to grant.

**22.** No person or body politic or corporate having, before the passing of this Act, any legal or equitable mortgage, encumbrance, or lien of any sort upon or over the real estate of any Institute, shall sell such real estate or any part thereof, or foreclose any such mortgage or encumbrance, or enforce such lien, without first giving to the Minister Controlling Education three calendar months' notice in writing, setting forth the nature of the mortgage, encumbrance, or lien, the intention to sell, foreclose, or enforce, as the case may be, and the amount of principal and interest claimed to be due on the date of such notice.

Mortgagees and encumbrances of Institute realty not to sell or foreclose till after three months notice to Minister Controlling Education.

**23.** Where the Minister Controlling Education shall have received a notice in writing of the intention to sell, foreclose, or enforce a lien against the real estate of any Institute as aforesaid, he may, in his discretion, discharge the claim, or any part thereof, out of any public moneys or any special grant to which such Institute may be entitled.

Minister Controlling Education may pay off encumbrance.

**24.** In case the Minister Controlling Education shall not exercise the power by the last preceding section vested in him within the said period of three months, the person or body politic or corporate giving the notice aforesaid may, at the expiration of the said period of three months, sell or foreclose, as if this Act had not been passed.

Mortgagees may sell, &c., if Minister Controlling Education does not redeem.

**25.** It

## PART II.

Prohibition against any dealing with Institute real estate without consent of the Minister Controlling Education.

**25.** It shall not be lawful for any person in whom the real estate of any Institute shall be vested as the trustee thereof, nor for any incorporated Institute, to sell, lease, aliene, mortgage, or encumber in any manner whatsoever, any real estate whereof any such trustee or incorporated Institute may be seized or possessed, without the consent in writing of the Minister Controlling Education indorsed upon every conveyance, or other instrument whereby such dealing is effected; and every such conveyance or other instrument made or executed without such consent in writing as aforesaid, shall be absolutely void.

Prohibition against incorporation.

**26.** From and after the passing of this Act no Institute, nor any members or officers thereof, nor any other person, shall be authorised, empowered, or able to incorporate any such Institute under any statute or law now in force in the said province.

Appointment of trustees.

**27.** The members of an Institute may from time to time, at a general meeting of such members duly convened by public notice of the object of such meeting, appoint or elect proper persons to be trustees of any such Institute; and such trustees, accepting the office, shall continue to be trustees for such period, and with such powers and duties as may be prescribed by any rules or regulations which for the time being may regulate the affairs of such Institute.

Effects of Institutes to be vested in the trustees for the time being, who may bring and defend actions, &c.

**28.** All real and personal property, including choses in action, and all documents evidencing title thereto belonging to any Institute, shall be vested in the trustees of such Institute for the time being, for the use and benefit of such Institute, and after the death, resignation, or removal of any trustee, shall, from and after the filing of the memorial in the next section mentioned, vest in the succeeding trustee, for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any assignment or conveyance whatever, and shall also, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed the property of the person or persons appointed to the office of trustee of such Institute for the time being, in his or their proper names, without further description, and he or they shall bring or defend any action, suit, or prosecution, criminal as well as civil, in law or in equity, touching or concerning the property, right, or claim aforesaid of such Institute, and may in all such cases sue and be sued, plead and be impleaded, in his or their proper names, as the trustees of the said Institute, without other description; and no such suit, action, or prosecution shall be discontinued or abate by the death of any such trustee, or his resignation or removal from the office of trustee, but the same may be proceeded in by the continuing or succeeding trustee, in the proper names of the person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustee shall receive or pay the like costs as if the action or suit had been commenced in his name, for the benefit of, or to be reimbursed from, the funds of such Institute.



*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART II.

- 29.** A memorial of the name of the person in whom the real or personal estate of any Institute shall be vested as trustee thereof, in the form or to the effect for that purpose set forth in the Fourth Schedule hereto, signed by the trustee of such Institute and verified on oath before a Justice of the Peace for the said province, or a Commissioner for taking affidavits in the Supreme Court of the said province, shall be recorded in the Supreme Court within thirty days after the election or appointment of such trustee; and when and as often as any trustee of such Institute shall be newly-elected or appointed, a memorial of the name of such newly-elected or appointed trustee, in the same form or to the same effect as the above-mentioned memorial, signed by such newly-elected or appointed trustee, as the case may be, and by the continuing trustees of such Institute, and verified as aforesaid, shall in like manner be recorded in the said Supreme Court within thirty days next after such trustee shall be so elected or appointed; and the said memorial may be recorded after thirty days on payment of a fine of Ten Shillings, and after six months on payment of a fine of Five Pounds.
- 30.** Until a memorial of the name of the trustee for the time being be recorded in the manner hereinbefore directed, no action, suit, or other proceeding shall be brought by any Institute, or by the trustee thereof, under the authority of this Act.
- 31.** Every Institute shall, at such time and in such form and manner, and to such person, as shall be from time to time appointed by the Minister Controlling Education, furnish all such just and true accounts, reports, statistical tables, and statements as shall be required to elucidate the state and proceedings of such Institute, and the manner in which the purposes of such Institute and the provisions of this Act have been carried into effect.
- 32.** Every Institute which fails (either by default of its officers or otherwise) to comply with the provisions of this Act, or any of them, shall not be entitled to participate in any general grant or to receive any special grant of moneys which may be made by the Parliament of the said province until such Institute shall have complied with the provisions aforesaid.
- 33.** No rules or regulations hereafter to be made, or alterations of existing rules hereafter made by any Institute, or by the members thereof, shall have any force or effect until after the same shall have been approved by the Governor, and a notification of such approval has appeared in the *Government Gazette*.
- 34.** No Institute shall be dissolved, nor shall its property be alienated or disposed of, unless with the consent of three-fourths of such of the members as shall be present at a public meeting, which shall be convened by notice signed by not less than one-sixth of the existing members, and published one month before the day

Memorials of name of trustee to be recorded on oath in Supreme Court.

Until such record made no action to be brought.

Institute to furnish accounts and reports when required by Government.

Institutes not complying with this Act not to be entitled to grant until compliance.

Institute rules to be of no effect until approved by the Governor.

Dissolution of Institute, and disposal of property.

## PART II.

day of meeting in the following manner, viz.:—By posting the same in some conspicuous place in the reading-room or library of the Institute, by forwarding a copy to the Board, and by advertisement in the *Government Gazette*; nor shall the property be alienated, nor the funds arising from its sale be disposed of, except to such institutions connected with education as the members so assembled shall think fit and the said Board shall approve of; neither shall any dividend, gift, division, or bonus in money be made unto or between any of the members of such Institute. The said Board shall also be entitled to the possession of the property, and to become trustees thereof in case of any Institute falling into decay, or the property being endangered or dispersed, by reason of non-subscription by the members or otherwise.

## PART III.

## PART III.

## THE ADELAIDE CIRCULATING LIBRARY; ITS ESTABLISHMENT AND GOVERNMENT.

Adelaide Circulating Library.

**35.** From and after the coming into operation of this Act the South Australian Institute, as heretofore constituted, shall cease to exist, but in lieu thereof there shall be a library, under the name of the Adelaide Circulating Library, to which Library the Board shall transfer such of the books, maps, manuscripts, documents, pamphlets, and papers heretofore belonging to the South Australian Institute, as the Board may deem suitable for the purposes of a Circulating Library. The Board shall, from time to time, assign to the said Circulating Library such rooms in the buildings under their control as the Board may think fit. The said Circulating Library shall participate in the annual grant of moneys voted by Parliament for the Institutes, to such extent as the Minister Controlling Education may direct.

Adelaide Circulating Library made a body corporate.

**36.** The subscribers to the said Circulating Library shall be a body corporate in deed, name, and law, by the name of the Adelaide Circulating Library, and by the same name shall have perpetual succession and a common seal, and may sue and be sued, implead or be impleaded, in all Courts and before Justices, and shall be subject to the rules in the Fifth Schedule hereto, or other the rules for the time being in force in respect thereof.

Subscribers to Adelaide Circulating Library to be members thereof.

**37.** Persons subscribing, as provided by the rules in the said Fifth Schedule hereto, to the said Adelaide Circulating Library shall be members thereof: Provided that no person shall be allowed 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; and all persons who shall be at the time of the coming into operation of this Act subscribers to the Library of the South Australian Institute shall be subscribers to the Adelaide Circulating Library to the same extent and for the like period as if the subscriptions

*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART III.

scriptions paid by them had been paid to the Adelaide Circulating Library instead of to the Library of the South Australian Institute. All subscriptions which shall be due from the subscribers to the Library of the South Australian Institute at the date on which this Act shall come into operation shall be paid to and may be recovered by the Committee of the Adelaide Circulating Library.

**38.** It shall be lawful for the subscribers to the Adelaide Circulating Library, within one calendar month after this Act shall come into operation, at a special meeting called for that purpose, and thereafter at the annual general meeting in every succeeding year, to elect from among themselves five persons to be the Committee of the Adelaide Circulating Library, of whom three shall form a quorum, and the persons so elected shall retain office until the appointment of their successors. Until the first appointment of the Committee of the Adelaide Circulating Library the Board shall be the Committee of such Library.

Subscribers to library  
to elect Committee.

**39.** Any casual vacancy caused by the death or resignation of any member of the Committee may be filled by the election of a member of the Committee by the subscribers, in the manner prescribed by section 43 of this Act, and such member shall hold office for the like period as the person so dying or resigning would have done had no such vacancy occurred.

Casual vacancy in  
Committee, how filled

**40.** The Committee of the Adelaide Circulating Library may appoint a secretary, librarian, and such other officers as may seem proper, and the salaries of such officers, together with all moneys disbursed by the Committee in the purchase of books and the general expenses of the corporation, shall be paid out of the subscriptions received from subscribers, and such moneys as may be appropriated for the purposes of the Adelaide Circulating Library by the Board.

Committee may  
appoint officers.

**41.** A general meeting of the Adelaide Circulating Library shall be holden annually, in the month of October, on such day and at such hour and place as shall from time to time be fixed by the Committee, by giving seven days' notice in any two newspapers published in Adelaide, such general meeting to consist of not less than ten subscribers exclusive of any members of the said Committee; and if a sufficient number of subscribers to form a meeting be not present within an hour of the time fixed for such meeting, the said Committee, or the chairman of the meeting, may adjourn the said meeting for such period not exceeding one calendar month from the date of such meeting, and unto such place as they or he may appoint, and thereafter in like manner until a quorum be obtained. At such general meeting the time and place for the election of the Committee for the ensuing year shall be fixed, a report of the proceedings during the preceding year shall be laid before the meeting, the necessary steps shall be taken to elect a member of the Board, and all matters connected with the affairs of the said Adelaide Circulating Library may be discussed. The said Committee may at any time, upon giving seven days'

Annual general  
meeting.

*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART III.

days' notice in any two newspapers published in Adelaide, convene a meeting of the subscribers to the said Library for the purpose of taking the necessary steps to elect a member of the Board.

## Special meetings.

**42.** The said Committee may and, on the requisition of any two of the Committee or of any thirty of the subscribers, shall, 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 Adelaide Circulating Library, convene a special general meeting thereof for the purpose of considering any matters connected therewith that may be set forth in such requisition.

## Election of members of Committee.

**43.** The election of members of the Committee shall be by ballot, and shall be held at a place and on a day to be fixed at any general or special meeting, or any adjournment thereof, of the members of the Adelaide Circulating Library. On the taking of such ballot, the secretary of the said Library, or such other officer as may be appointed by the Committee for that purpose, shall act as returning officer, and shall have the general management and control of the election. Such ballot shall be open on the day fixed for election from eleven o'clock in the morning until eight o'clock in the evening. No person shall be eligible as a member of the said Committee who shall not have given to the secretary of the said Library, or other officer appointed for that purpose by the Committee, ten days' notice of his intention to offer himself as a candidate for election. The result of such election shall be certified to the Committee by the said secretary, or such other officer as may be appointed by the Committee for that purpose.

## All money payments to be by cheque.

**44.** All sums of money received by the Adelaide Circulating Library shall be paid to their credit at such bank in Adelaide as the Committee may direct to the credit of the said Library, and all moneys above the sum of Two Pounds shall be paid by cheque, signed by two members of the said Committee and countersigned by the secretary or other officer appointed by the Committee for such purpose.

## Power of making rules, and altering the rules in the Fifth Schedule.

**45.** The said Committee may, from time to time, make rules for the Adelaide Circulating Library, in addition to, or in substitution for, or in amendment or alteration of, the rules contained in the Fifth Schedule hereto, or in addition to, or in substitution for, or in amendment or alteration of, any rules made under this power. In respect of all such additional or substituted rules, alterations, or amendments, the provisions hereinbefore contained, with respect to laying before Parliament and publishing in the *Government Gazette*, shall likewise apply.

## PART IV.

## PART IV.

## MISCELLANEOUS.

## Copyright Act, 1878.

**46.** In the construction and for the purposes of the "Copyright Act,

*Public Library, Museum, and Art Gallery Act.—1883-4.*

## PART IV.

Act, 1878," the expression, "South Australian Institute," wherever used, shall be taken to mean the Public Library, under the control of the Board, and the expression "Board of Governors," or "Board of Governors of the said Institute," shall be taken to mean the Board.

**47.** All fines or penalties for offences against this Act, or any rule or regulation made hereunder, may be recovered in a summary way under the provisions of the Ordinance No. 6 of 1850, before any two Justices of the Peace, and all convictions and orders may be enforced as provided by the said Ordinance, or, at the option of the Board, any such fines and penalties may be recovered by the Board, or by any person authorised by the Board, as a debt due to the Board or to such authorised person in any Court of Law. Recovery of penalties

**48.** There shall be an appeal from any order or conviction of any Special Magistrate or Justices under this Act, or from any order dismissing any information or for the payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in a manner appointed by the said Ordinance No. 6 of 1850, and any Acts extending or amending the same, for appeals to Local Courts; but such Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds. Appeal.

**49.** Informations may be laid for any offence against this Act, or any rule or regulation made hereunder, at the instance of any person. Who may lay information.

**50.** One moiety of every fine or penalty recovered for any offence against this Act or any rule or regulation made hereunder shall be paid to the complainant or informant. One moiety of penalties to be paid to the complainant.

**51.** The Act, No. 19 of 1863, intituled "An Act to consolidate and amend the Laws relating to the South Australian Institute"; sections 1 and 5 of the Act, No. 151 of 1879, intituled "An Act to amend the Laws relating to the South Australian Institute, and for other purposes"; and "The Suburban and Country Institutes Act, 1874," are hereby repealed: Provided that such repeal shall not affect the validity of any rules or regulations heretofore made by any Institute under the provisions of "The Suburban and Country Institutes Act, 1874," or of anything done or suffered, or commenced to be done or suffered, under the said Acts, or any of them, nor condone or affect any offences committed or penalties incurred thereunder. Repeal.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES

## SCHEDULES REFERRED TO.

## THE FIRST SCHEDULE.

*Rules and Regulations for the Election of Members of the Board.*

## ELECTION BY THE UNIVERSITY OF ADELAIDE.

1. The members of the Board to be elected by the University of Adelaide shall be elected in manner prescribed by the "South Australian Institute Act Amendment Act, 1879," and the statutes and regulations made, or to be hereafter made, thereunder, for the election by the University of Adelaide of members of the Board of Governors of the South Australian Institute; and the expressions "Board" and "Board of Governors" used in that Act, and in the statutes and regulations made thereunder, shall refer to the Board of Governors of the Public Library, Museum, and Art Gallery of South Australia. The result of every such election shall be certified to the Governor under the hand of the Chancellor or Vice-Chancellor of the University, whose certificate shall be conclusive as to the validity of such election.

## ELECTION BY THE SOUTH AUSTRALIAN SOCIETY OF ARTS.

1. The member of the Board to be elected by the South Australian Society of Arts shall be elected by the said society in accordance with such regulations as may be made in that behalf by the said society, and until such regulations shall be made, in accordance with the regulations now in force for the election of a member of the Board of Governors of the South Australian Institute by the said society, and the result of such election shall be certified to the Governor, under the hand of the President of the Society, whose certificate shall be conclusive.

## ELECTION BY THE ROYAL SOCIETY OF SOUTH AUSTRALIA.

1. The member of the Board to be elected by the Royal Society of South Australia shall be elected by the said society in accordance with such regulations as may be made in that behalf by the said society, and until such regulations shall be made, in accordance with the regulations now in force for the election of a member of the Board of Governors of the South Australian Institute by the said society, and the result of such election shall be certified to the Governor, under the hand of the President of the Society, whose certificate shall be conclusive.

## ELECTION BY THE ADELAIDE CIRCULATING LIBRARY.

1. The member of the Board to be elected by the Adelaide Circulating Library shall be elected by the subscribers thereto at a general or special meeting called for that purpose, or at any adjournment thereof.

2. At such meeting it shall be competent for any subscriber to propose a candidate for membership of the Board, provided that such candidate is a subscriber to the Circulating Library, and that his written consent to act as a member of the Board, if elected, is produced to the meeting.

3. If one candidate only is proposed, he shall be declared by the chairman of the meeting to be duly elected by the Adelaide Circulating Library as a member of the Board.

4. If more than one candidate is proposed, the meeting shall fix a time (not more than five days from such meeting), and a place within the City of Adelaide, at which a poll shall be taken of the subscribers to the Circulating Library.

5. On the day fixed for the poll, some person appointed by the meeting for that purpose shall attend at the polling-place, from the hour of 11 o'clock in the forenoon to the hour of 8 o'clock in the evening, and act as Returning Officer.

6. On the taking of the poll the proposer or seconder of any candidate may act as scrutineer on behalf of the candidate whom he has proposed or seconded, and any candidate may appoint a person to act for him as scrutineer.

7. The voting on the taking of the poll shall be by voting papers prepared by the Returning Officer for that purpose, and delivered to him on the polling day within the hours aforesaid, or sent through the post and actually received by him prior to the hour of 8 o'clock in the evening of the polling day, and the Returning Officer shall accept the votes only of such persons as appear by the List of Subscribers to the Circulating Library to be subscribers, and who are entitled to vote at meetings

*Public Library, Museum, and Art Gallery Act.—1883-4.*

meetings of the Circulating Library. Every subscriber shall be entitled to one vote and no more.

8. All the details and arrangements for the taking of the poll, and the method of taking and recording the votes shall be prescribed and made by the Returning Officer.

9. At the close of the poll, or so soon thereafter as conveniently may be, the voting papers shall be counted by the Returning Officer in the presence of the scrutineers if they desire to attend, and the candidate for whom the greatest number of votes has been recorded, shall be declared by the Returning Officer to be the member of the Board elected by the Adelaide Circulating Library.

10. The Returning Officer shall enter in the minute book of the Circulating Library the names of the candidates at every election, and the number of votes recorded for each of them, with the result of such election.

11. The result of every election by the Adelaide Circulating Library of a member of the Board shall be certified to the Governor, under the seal of the Circulating Library, and such certificate shall be conclusive as to the result and the validity of such election.

12. These Rules shall also apply to the election by the Adelaide Circulating Library of a member of the Board to fill a casual vacancy.

## ELECTION BY THE INSTITUTES.

1. In the month of October in each year each Institute entitled to take part in the election of members of the Board shall hold a meeting, according to the regulations for the time being of such Institute for the holding of meetings, for the purpose of exercising the right of election given to the Institutes by this Act.

2. At such meeting, or at any adjournment thereof, the subscribers shall select three persons for whom such Institute votes as members of the Board to be elected by the Institutes; and the Secretary of such Institute shall, on or before the 24th day of the month of October, transmit to the Secretary of the Board a return containing the names of the three persons so selected, and, if from any cause whatever, the return of any Institute shall not be received by the Secretary of the Board by the 25th day of October, such Institute shall be deemed to have failed to have exercised its right to vote at the election of members of the Board.

3. On or before the 31st day of October in each year the Board shall meet and examine the returns of the Institutes, furnished under the second paragraph hereof, and shall declare the three persons who shall obtain the largest number of votes respectively to be duly elected by the Institutes as members of the Board; but in case of an equal number of votes being given for two or more candidates, the Board shall determine which of such candidates is or are elected, and shall declare him or them to be a member or members of the Board.

4. The Board shall forthwith certify to the Governor the names of the three persons elected members of the Board by the Institutes, and the certificate of the Board shall be conclusive evidence of the validity of the election of the members of the Board named therein.

5. All the provisions of these rules and regulations shall apply to the first election of members of the Board by the Institutes as if the name of the month immediately succeeding the coming into operation of this Act was inserted herein instead of the month of October; and the provisions of these rules and regulations shall also apply to the election of any member of the Board by the Institutes to fill a casual vacancy, but the Board shall, in that case, fix the time within which any casual vacancy shall be filled, and shall appoint the days on or before which the Institutes entitled to take part in the election shall exercise their right of selection, and the time within which the returns of such selection shall be transmitted to the Secretary of the Board, and the election certified by the Board to the Governor.

## GENERAL PROVISIONS.

1. The Board may from time to time make rules and regulations in addition to, or in substitution for, or in amendment or alteration of, the rules and regulations contained in this Schedule; and all such rules and regulations shall be in writing, and the provisions hereinbefore contained, with respect to laying before Parliament and publishing in the *Government Gazette*, shall apply to all such rules and regulations.

Public Library, Museum, and Art Gallery Act.—1883-4.

THE SECOND SCHEDULE.

*Land and Buildings under the care, control, and management of the Board.*

All that piece or parcel of land situated on the north side of the street or road within the City of Adelaide known as North-terrace, the boundaries whereof are as follows, viz. :—Commencing at the south-east corner at a point on the northern side of North-terrace, City of Adelaide, 100 links west of the south-west corner of University block; thence northerly by a line 100 links west of, and parallel to, the western boundary of said University block for 348 links; thence westerly at an angle of 89° 47' for 901 links; thence southerly at an angle of 90° 40' for 340 links to the northern side of North-terrace; thence easterly along said side of terrace for 898 links to the point of commencement, together with all buildings now or hereafter erected on the said piece of land.

s. 14.

THE THIRD SCHEDULE.

*Public Library, Museum, and Art Gallery Act, 1883.*

| Name of Institute. | Locality. | Description of real estate, stating number or distinguishing mark of allotment, acre, or section, and name of county and hundred or town where situated; also area. | Description of buildings thereon. | Names, addresses, descriptions, and occupations of the trustees as defined by this Act. | Encumbrance. [State nature of encumbrance, and the amount thereof; or if none, state the fact.] |
|--------------------|-----------|---|-----------------------------------|---|---|
|                    |           |   |                                   |   |   |

s. 20.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18  
 (Signature of Chairman of Trustees.)

THE FOURTH SCHEDULE.

Memorial of the names of Trustee [or Trustees, as the case may be] of the Institute, pursuant to the Public Library, Museum, and Art Gallery Act, 1883.

| Names of Trustee or Trustees, as the case may be. | Address. | Occupation. |
|---|----------|-------------|
|   |          |             |

s. 29.

(Signatures of Trustees.)

..... A. B. }  
 ..... C. D. } Trustee (or Trustees, as  
 ..... E. F. } the case may be)  
 ..... G. H. }

L. M. maketh oath and saith that he was present and did see the foregoing memorial signed by the above-named Trustee [or Trustees respectively, as the case may be] whose names appear thereto. L. M.

Sworn this \_\_\_\_\_ day of \_\_\_\_\_ 18 ,  
 before me,

[J.P., or a Commissioner, &c.]

THE



*Public Library, Museum, and Art Gallery Act.—1883-4.*

## THE FIFTH SCHEDULE.

*Rules of the Adelaide Circulating Library.*

Persons shall be allowed to become subscribers to the Adelaide Circulating Library, 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; and every such person shall pay an entrance fee of Two Shillings and Sixpence, and thereafter an annual subscription of Twenty Shillings, payable in advance, or a quarterly subscription of Five Shillings, also payable in advance, or such other sum as the Committee may from time to time determine. s. 45
- II. When any person desires as aforesaid to subscribe to the Adelaide Circulating Library, 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 Committee, who shall be and are hereby empowered, at their discretion, either to receive or to refuse such subscription.
- III. The Committee 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 persons so taking out books shall, if required by the librarian, or other officer appointed for the purpose, deposit a sum not exceeding the value of the work or works so taken out, to ensure their return, or to be forfeited if such work is not returned; 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. The librarian may, in his discretion, refuse to issue any book to any subscriber who, or any of whose family or household, he may have reason to believe to be suffering or recovering from any infectious or contagious disorder.
- V. Any subscriber lending a book belonging to the Adelaide Circulating Library 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 Adelaide Circulating Library, 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 entries by the librarian, secretary, or other person appointed or authorised in that behalf, made in the issue book of the library, relating to the loan of

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*Public Library, Museum, and Art Gallery Act.—1883-4.*

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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 library 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.
- xii. The Committee may, if they see fit, once in every year call in all books in circulation, and suspend the issue of books, for a period not exceeding twenty-one days, and during that period close the library.
- xiii. The library shall (subject to Rule xii.) be open to subscribers on every day in the year (except Sundays and public holidays) from the hour of eleven in the morning until eight in the afternoon, or during such hours as the Committee may from time to time appoint.
- xiv. All fines and penalties to which, under the foregoing Rules in this Schedule contained any person may be subject, may be recovered by the Committee as a debt due to the Adelaide Circulating Library in any Court of Law.