



1855-6.

No. 16.

An Act to establish and incorporate an Institution to be called "The South Australian Institute."

[Assented to, June 18, 1856.]

WHEREAS it is expedient to establish and incorporate a Public Institution, to be called "The South Australian Institute," to comprise a Public Library and Museum, and, by means of lectures, classes, and otherwise, to promote the general study and cultivation of all or any of the various branches or departments of art, science, literature, and philosophy: And whereas certain Associations or Societies 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 arts, 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 it is desirable to afford to such societies every legitimate encouragement and assistance: And whereas the efficiency and usefulness of such associations or societies would be greatly increased, and the means and opportunities of mental and social cultivation and improvement would be extended to a greater number of persons, if such societies were enabled 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—Be it therefore Enacted, by the Governor of the Province of South Australia,

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with

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Preamble.

with the advice and consent of the Legislative Council thereof, as follows :

South Australian
Institute constituted,
and made a Body
Corporate.

1. On and after the passing of this Act, and until the first day of October, one thousand eight hundred and fifty-six, three persons, as hereinafter provided, together with three other persons to be appointed on the passing of this Act by the Governor, shall be a Board of Governors of an Institution which shall be called "The South Australian Institute; and that they and their successors, to be appointed in such manner as is hereinafter provided, together with the Governors to be selected as hereinafter provided, and the members for the time being of all and every society or societies hereafter to 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 that 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 to this Act annexed.

Retirement and
selection of Governors.

2. On the first day of October, one thousand eight hundred and fifty-six, and on the first day of October in each succeeding year, the two members of the said Board of Governors who shall have been present the least number of times at the meetings of such Board shall retire from office, but shall be eligible for re-appointment, and that, in case of an equality between two or more members of the said Board in respect of the number of attendances of such members at the meetings of the said Board, then the retiring member shall be determined by lot; and on the annual retirement of the said two members, or in case of the death, resignation, or incapacity of any member or members, the successors of such retiring members, or of such members so dying, resigning, or becoming incapable, shall be appointed by the Governor.

Incorporated societies
to elect Governors.

3. So long as not more than three separate societies shall have been incorporated with the said Institute, it shall be lawful for each such society, 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 each separate society 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 shall elect three from among themselves to be members of the Board of Governors during the ensuing year, and the members so elected shall enjoy equal rights and powers with the Governors appointed as hereinbefore first provided.

4. It

4. It shall and may be lawful to and for any person or persons, bodies politic or corporate, society or societies, their heirs and successors, and particularly for "The South Australian Library and Mechanics' Institute," 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, chattles, minerals, specimens, or other effects or articles whatsoever, calculated for the formation of a Museum; 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 are hereby authorized and enabled to receive, accept, and hold.

"South Australian Library and Mechanics' Institute," and others, may make gifts to the Corporation.

5. The said 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 "The South Australian Library and Mechanics' Institute," or by any other 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 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 to this Act annexed, so long as the members of the said "South Australian Library and Mechanics' Institute," and of such other 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 Board of Governors of the said Body Corporate; and shall also have full power to make by-laws for the regulation and disposal of the property of the said Body Corporate, and for its more regular

Power of Board of Governors.

Admission of other societies.

By-laws.

government

Terms of admission.

government; and also 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 in, the said Institute shall have and use the halls, lecture-rooms, classrooms, 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 purposes 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 Schedules to this Act annexed; 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 Librarian, Secretary, and other Public Officers or Servants of the said Body Corporate, and from time to time fix and determine the salary and emoluments to be paid to such Officers and Servants.

Powers of delegation to committees of separate societies.

Yearly general meeting.

6. Whenever any society or societies shall have been incorporated with the said Institute, a general meeting of the said Body Corporate shall be holden annually on the third Monday in the month of January, at such hour and at such place as shall from time to time be fixed by the said Board of Governors, 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 that 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 that 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 that it shall be lawful for the members of the said Body Corporate present at such meetings to make, ordain, and constitute such by-laws, constitutions, and ordinances for the government of the affairs of the said Body Corporate, as to the majority of such members shall seem meet; and such by-laws, constitutions, and ordinances to revoke, change, and alter, and others to make in their stead: Provided always, that such by-laws, constitutions, and ordinances shall not be contrary or repugnant to any of the Laws or customs of the Realm, or to this Act, or to the statutes and rules in the Schedule to this Act annexed: And provided also, that no such by-laws, constitutions, or ordinances, or any by-laws to be made or passed at any special general meeting, as hereinafter provided, shall be binding or have any force or effect until the same shall have been confirmed by the said Board of Governors.

7. Any

7. Any three of the Governors of the said Body Corporate Special meetings. for the time being, 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, may at any time convene a special general meeting of the said Body Corporate, for the purpose of making or altering any by-laws, constitutions, or ordinances of the said Body Corporate, or of confirming or altering the proceedings of any annual or special meeting, or for the transaction of any of the affairs and business of the said Body Corporate as occasion may require; and that all such special meetings shall be in like manner holden, and have the same powers in every respect as the annual general meetings hereinbefore provided.

8. There shall be yearly placed upon the Estimates, to be Sum not less than £500, to be placed in the Estimates yearly, for current expenses. laid before the Legislative Council or House of Assembly of the said Province, a sum of not less than Five Hundred Pounds, to 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 proposed 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 said Board of Governors for the time being shall seem fit; and that every sum which shall be voted by the Legislative Council or House of Assembly of the said Province for such purposes shall be received by such member of the said Board of Governors for the time being as shall have been appointed by the said Board of Governors to act as Treasurer, and carried to a separate account; and that such Treasurer shall be, thereout, required to pay and allow such sum or sums only as the said Board of Governors for the time being shall direct and require to be paid for all or any of the purposes herein-mentioned.

9. The members of such societies or associations as 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, or to this Act, or to the statutes and rules Independent action of Incorporated Societies. in

in the Schedule thereto annexed, or 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.

10. The sums of money annually, half-yearly, or quarterly subscribed by the members of such societies or associations as 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 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 Institution or Body Corporate subscribing for the circulation of the books belonging to the public library thereof, shall be paid to, and receivable and recoverable by the said Board of Governors, and shall be by them paid and applied in the augmentation or to the purposes of the said public library.

Power of altering statutes and rules in Schedule.

11. It shall be lawful for the said Board of Governors from time to time, and at all times hereafter, to frame and suggest such alterations or amendments in the statutes and rules in the Schedules to this Act annexed, 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 that such alterations or amendments if approved by the Governor of the said Province, shall be by him laid upon the table of the Legislative Council or House of Assembly of the said Province during their Session, for the space of ten days, and that if, during that time, the said alterations or amendments be not objected to or disallowed by a resolution of the said Legislative Council or House of Assembly, then and thenceforward the said alterations or amendments shall be deemed to be, and shall be confirmed, and shall possess the same power, validity, and authority in all respects as if they had been embodied in the Schedule to this Act annexed: 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.

Act a public Act.

12. This Act shall be deemed a Public Act, and shall commence and take effect from the passing thereof.

SCHEDULE

SCHEDULE OF STATUTES AND RULES OF THE SOUTH AUSTRALIAN INSTITUTE.

1. The accounts of the Board of Governors shall be annually audited by the Auditor-General of the Province, and an abstract thereof, together with abstracts of the accounts of the several societies incorporated with the said Institute, after such accounts shall have been duly audited and signed by the auditors appointed by such several societies, shall be annually laid upon the table of the Legislative Council or House of Assembly of the said Province.

2. The library department of the Institute shall consist of at least two rooms—a reading-room, in which shall be kept all papers and periodicals for six months after their delivery to the Institute; 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 for the rooms to be closed by the said Board of Governors for any special purpose; but the aggregate number of such days and portions of days, taken together, shall not exceed days in one year.

4. Any person seeking admission to the reading-room shall previously be required to deposit with the Librarian, or other officer appointed for the purpose, 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; and such applicant shall thereafter be entitled to admission upon signing his name (if required), upon entering the room, in a book kept for the purpose: Provided always, that the Board of Governors shall be empowered to exclude persons so admitted if they are guilty of misconduct.

5. The public shall be admitted to read the books of the Institute, at such times as are hereinbefore appointed for admission to the reading-room, but subject to the following regulations, viz.:—

- i. Any person seeking permission to read the books of the Institute shall send in an application in writing (specifying his Christian and surname, rank or profession, and place of abode), to the Librarian, or other officer appointed for the purpose, who will either admit the applicant or lay his application before the next meeting of the Board of Governors, for them to decide upon it.
- ii. Every person so applying shall produce a recommendation satisfactory to a Governor or an officer of the Institute.
- iii. Permission shall be granted (subject to expulsion by the Board of Governors for misconduct) for twelve months, at the expiration of which time the Board of Governors shall, if they see fit, be empowered to require a fresh application for a renewal.
- iv. Persons so admitted shall not be allowed to take any book from the library or reading-room, nor to have more than one book at a time, except by special sanction given in writing by a Governor.

6. The Board of Governors shall be empowered to declare any books in the library to be books of reference, and such books shall, under no circumstance, be removed from the library, except by special permission of the said Board of Governors.

7. Persons whose names have been previously approved by the Board of Governors shall be allowed to become subscribers to the library of the Institute, on payments of an entrance fee of not less than Two Shillings and Sixpence or more than

Ten Shillings, and of a subscription by equal quarterly, half-yearly, or annual payments of not less than One Pound nor more than Two Pounds per annum; the amounts of such entrance fee and subscription to be from time to time determined by the said Board of Governors: Provided always, that the said Board of Governors shall be empowered to expel any subscriber for misconduct.

12. Subscribers to the library of the Institute shall be allowed to take out of the library one or more volumes of a single work at one time, for a fixed period, subject to a fine of not less than One Penny or more than Fourpence per day for every day exceeding such period, according as the length of such period and the amount of such fine shall from time to time be fixed by the Board of Governors: Provided that such work forms no part of the library of reference; 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 taken out, to ensure its return.

9. The public shall be admitted to the museum of the Institute on terms similar to those prescribed for admission to the reading-room; and the Board of Governors, shall be empowered to admit persons to the advantages of any other branch of the Institute at such times as they shall see fit, and either free of charge or upon payment of a certain sum, to be fixed by them as they shall from time to time determine.

10. The Board of Governors shall be 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, or 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 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 shall 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 become vested in the South Australian Institute, and shall be made accessible to the public, at such times and in such manner as to the said Board of Governors shall seem fit.