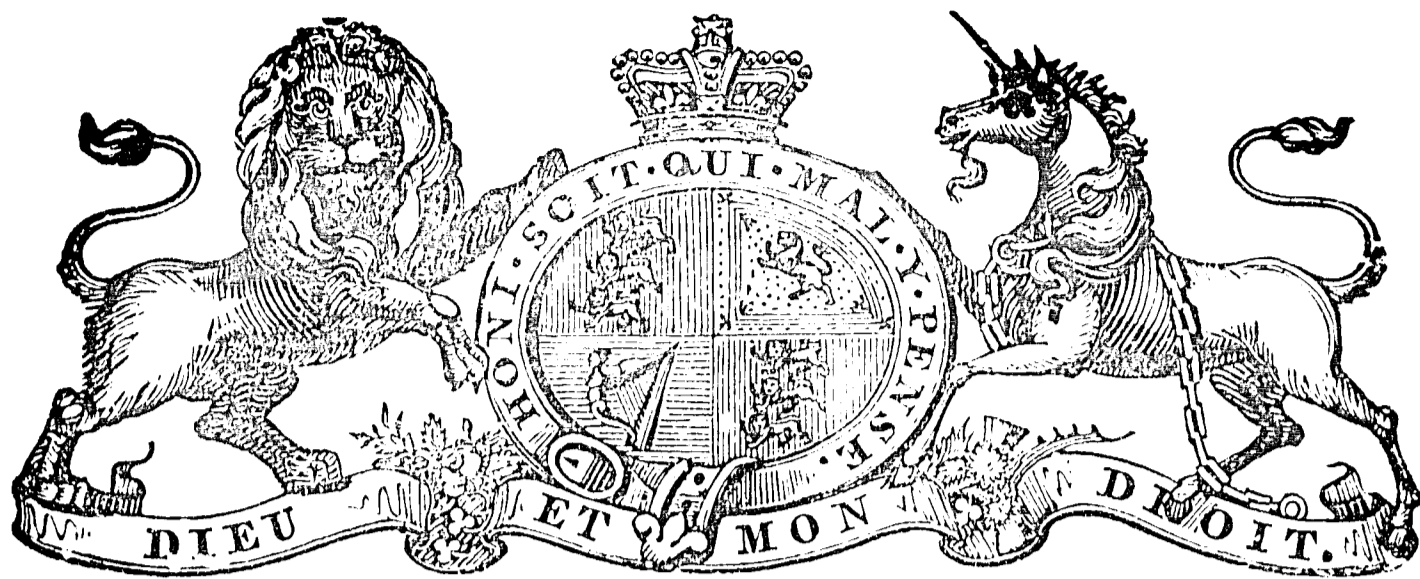


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

No. DCCXCIV.

An Act to provide for the Incorporation and Government of the Zoological and Acclimatisation Society of Victoria and for other purposes. [12th November 1884.]

WHEREAS in the year One thousand eight hundred and fifty-seven a certain Society was formed and is now carried on called and known as "The Zoological and Acclimatisation Society of Victoria" having for its objects the collection and maintenance of zoological specimens for exhibition or otherwise the introduction acclimatisation liberation and domestication of innoxious animals and vegetables and other kindred purposes and the said Society is supported partly by grants of money from the Crown and partly by voluntary subscriptions from the members of the said Society: And whereas by deed poll or grant from the Crown dated the sixth day of November A.D. One thousand eight hundred and seventy-six Her Majesty granted unto Theodotus John Sumner, Ferdinand von Mueller, John Pinney Bear, Thomas Black, Robert Brough Smyth, Clement Hodgkinson, David Moore, Robert Ramsay, Frederick Race Godfrey, Albert Purchas, Alexander Kennedy Smith, William Henry Archer, William Wilkinson Wardell, Alexander John Skene, James Service, and their heirs All that piece of land in the colony of Victoria particularly described in the First Schedule to this Act together with all the rights members privileges and appurtenances whatsoever to the same belonging or in anywise appertaining with certain reservations to Her Majesty her heirs and successors to hold the said land and premises unto the said trustees and to their heirs subject to the provisions conditions and declarations thereafter mentioned namely that the said land and the

Preamble.

First Schedule.

Published as a Supplement to the 'Victoria Government Gazette' of Friday, 14th November 1884.

the buildings for the time being thereon should be at all times thereafter maintained and used as and for a place for zoological and acclimatisation purposes and offices and conveniences connected therewith under and in accordance with such regulations as should from time to time be made for the management thereof and for the admission of the public on payment of a reasonable charge or fee to any part or parts thereof Provided also that if the trustees or the survivor or survivors of them should permit the said lands or premises or part or parts thereof to be used for any other purpose than as aforesaid or should alienate or allow to be alienated in fee-simple or for any less estate or interest the said land or premises or any part or parts thereof except under or in pursuance of some law thereafter to be enforced in the said colony of Victoria it should be lawful for Her Majesty her heirs and successors to re-enter upon the said land or any part thereof and to hold possession and enjoy the same as fully and effectually to all intents and purposes as if this grant had not been made And whereas a certain piece or parcel of Crown land situate at Gembrook in the said colony particularly described in the Second Schedule to this Act was and is permanently reserved under the provisions of "*The Land Act 1869*" unto and to the use of the said Zoological and Acclimatisation Society for the purposes hereinbefore set forth And whereas the said Society has expended considerable sums of money in improving the said lands and in furthering and promoting the objects and purposes of the said Society And whereas for the more effectual management of the affairs of the said Society and the better maintenance care and control of the property both real and personal of the said Society it is desirable that the said Society should be incorporated: Be it therefore enacted by the Queen's Most Excellent Majesty and by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say)—

Short title.

1. This Act may for all purposes be cited as "The Zoological and Acclimatisation Society Incorporation Act 1884."

Interpretation clause.

2. In this Act—

The term "Corporation" means the Zoological and Acclimatisation Society of Victoria by this Act incorporated.

The term "Council" means the Council for the time being of the Corporation.

The term "building" means any house outhouse stable shed cage fence or other building or erection of any description whatever standing or being or which may hereafter stand or be upon any land for the time being held by or vested in the Corporation.

Incorporation of the Society.

3. All persons who are now or may hereafter become members of the Society or Association of persons known as the Zoological and Acclimatisation

Acclimatisation Society of Victoria and hereinafter in this Act referred to as the "said Society" shall be a body politic and corporate by the name of "The Zoological and Acclimatisation Society of Victoria" and shall by that name have perpetual succession and shall adopt and have a common seal and shall by the same name sue and be sued plead and be impleaded answer and be answered unto in all courts and places whatsoever and shall have power to compound or to prove in any competent court all debts due to the Corporation and shall be capable in law of taking purchasing and holding all goods chattels and personal property whatsoever and shall also be able and capable in law of taking purchasing and holding for zoological and acclimatisation purposes lands tenements and hereditaments of all kinds whatsoever and wheresoever situate and as regards such lands tenements and hereditaments not included in the First and Second Schedules hereto shall have power and be capable in law of selling exchanging granting demising letting or otherwise disposing of the same or any part thereof.

4. All real and personal property chattels and effects which at the time of the passing of this Act are held by the said Society or by any person or persons in trust for the same including the land described in the First and Second Schedules hereto shall be and the same are hereby transferred to and vested in the Corporation for the purposes of this Act but notwithstanding such transfer the lands described in the said schedules of this Act shall be held upon and subject to the same trusts limitations and restrictions as those to which the lands described in the First Schedule are now subject.

Real and personal property to vest in the Corporation.

First and Second Schedules.

5. The Corporation shall be governed by a Council of twelve members to include a President two Vice-Presidents and an Honorary Treasurer. Nine of the members of the said Council shall be elected by the members of the Corporation. Three of the members of the said Council shall be appointed by the Governor in Council. The time of election term of office resignation and all matters relating to the office of the elected members of the council shall subject to the provisions of this Act be provided for by the regulations of the Corporation made as hereinafter provided but no elected or appointed member shall hold office for a longer period than three years but shall be eligible for re-election. The members of the Council of the said Society acting as such at the time of the passing of this Act shall be the Council of the Corporation until the annual meeting of the members of the Corporation which shall be held in the month of February One thousand eight hundred and eighty-five.

Executive officers of the Corporation.

6. All rules and regulations of the said Society in force at the time of the passing of this Act shall be and be deemed to be rules and regulations of the Corporation until the same are repealed by regulations made in pursuance of the provisions of this Act.

Existing rules and regulations to remain in force.

7. The said Council shall have the sole and entire management of and superintendence over the affairs concerns income and property of

The Council to have the management of the Corporation.

of the Corporation for the use purposes and benefits thereof subject to the regulations of the Corporation and shall have full power to appoint and dismiss all officers and servants of the Corporation and to prescribe their respective salaries and duties and shall perform such acts as may be requisite to carry out the objects of the Corporation and of this Act.

Power to make regulations.

8. The majority of the whole Council for the time being at any meeting assembled shall have power from time to time to make repeal alter and re-enact such regulations as they think fit for the purpose of providing for:—

- (1.) The election of a Council and the conduct of the proceedings thereof.
- (2.) The election or admission of members into the Corporation and the expulsion of members therefrom.
- (3.) The due management of the affairs of the Corporation in its several departments and for regulating all matters concerning or connected with the property both real and personal by this Act vested in or hereafter to be acquired by the Corporation.
- (4.) The times of admission or exclusion of the public or the admission or expulsion of any individual to and from the premises and grounds of the Corporation and the rates or charges to be paid for such admission.

All such regulations shall be reduced to writing and the Common Seal of the Corporation having been affixed thereto shall be submitted for the approval of the Governor in Council and if approved they shall be published in the "*Government Gazette*" and thereupon shall be of full force and effect.

Disallowance of regulations.

9. The Governor in Council may at any time revoke any of such regulations. And every order by which any such regulation shall be revoked shall be published in the "*Government Gazette*" and shall take effect from the time of such publication.

Public notification of regulations.

10. A copy of all regulations made under this Act for the time being in force shall be painted on boards or printed on paper or other material and posted on boards and hung up and affixed and continued in some conspicuous place at or near the principal entrance to the said grounds or lands of the Corporation so as to give public notice thereof to the parties interested therein or affected thereby and such boards or notices shall from time to time be renewed as often as the regulations thereon or any part thereof are obliterated or destroyed and no penalty imposed by any such regulation shall be recoverable unless the same have been published and kept published in manner aforesaid.

Regulations to be binding on all parties.

11. Such regulations when so published and affixed shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same and for proof of the publication

publication and exhibiting on boards as required by this Act it shall be sufficient to prove that a printed paper or other material or painted board containing a copy of such regulations was affixed and continued in manner by this Act directed and in case of its being afterwards displaced or damaged then that such paper or other material or board was replaced within a reasonable time.

12. Any person offending against any regulation made under or by virtue of this Act shall forfeit for every such offence any sum not exceeding ten pounds to be imposed by such regulation as a penalty for such offence and such penalty may be recovered by information or complaint before any two Justices and such information or complaint may be made by any officer of the Corporation Crown Lands Bailiff or Police Constable.

Offences against regulations.

13. Whoever shall wilfully obstruct or impede any officer servant or agent of the Corporation in the execution of his duty upon any land or premises for the time being belonging to or vested in the Corporation or in or upon any building or premises connected therewith or who shall wilfully trespass upon any such land building or premises or remove or wilfully injure any animal building enclosure tree plant shrub or vegetable walks turf or ground or any notice board or other property whatsoever belonging to the Corporation shall on conviction thereof before any two Justices forfeit and pay for every such offence over and above the amount of the injury done any sum not exceeding ten pounds.

Obstructing officers of the Corporation and trespassing on grounds and property.

As to destruction or defacement of boards of regulations.

14. The Corporation may demand recover and receive such tolls fees and charges as may be prescribed by any regulation made as herein provided from any person coming in or upon the lands held by or vested in the Corporation or any part thereof or into or upon any building standing or being upon the said lands. Provided that the Council may in and by such regulations provide that subscribers to the funds of the Corporation shall be exempt either wholly or to such extent as such regulation shall specify from the payment of all or any such tolls fees and charges.

Corporation may demand and recover tolls.

15. The Council may subject to any provisions herein contained from time to time borrow and take up at interest on the credit of the rents and charges or other revenue of the Corporation any sum or sums of money provided that the total amount received on loan and not repaid shall not at any time exceed ten thousand pounds and the money so borrowed shall be applied in the permanent improvement of the said lands for Zoological or Acclimatisation purposes or in the erection maintenance or repair of buildings or the planting of trees or shrubs upon the said lands but no person lending or advancing any money under the provisions of this Act shall be bound to see to the application or be answerable for the loss or misapplication thereof or to see that the Corporation has not exceeded its borrowing limit.

Power to borrow money.

16. For

- Power to mortgage.** **16.** For securing the repayment of the sums so borrowed together with such interest as aforesaid the Council may assign by way of mortgage in the form in the Third Schedule to this Act or to the like effect to the person or persons lending or advancing the same the whole or any part of the rents and profits tolls charges and other revenue of the Corporation.
- Third Schedule.**
- Officers to give security.** **17.** Before any person entrusted with the custody or control of moneys whether treasurer collector or other officer of the Corporation shall enter upon his office the Council shall take sufficient security from him for the faithful execution of his office.
- Accounts to be kept.** **18.** The Council shall cause full and accurate accounts to be kept of all sums of money received or expended on account of the Corporation and of the matters and things for which such sums of money shall have been received or expended.
- Appointment of auditors.** **19.** The Board of Land and Works may from time to time appoint an auditor for the purpose of auditing the accounts of the Corporation and ascertaining that the balance sheet of the Corporation is correct. Such auditor shall be paid such reasonable sum as remuneration as the said Board of Land and Works may appoint and such sum shall be paid by the Corporation and the Board of Land and Works such auditor may from time to time remove at pleasure.
- Books to be balanced and audited.** **20.** The accounts of the Corporation shall before the twenty-first day of January in each and every year be balanced up to and inclusive of the thirty-first day of December in the year preceding and forthwith on the accounts being so balanced an annual account shall be made up which shall exhibit a true statement of the total receipts and expenditure respectively of the Corporation during the year immediately preceding with the statement of the balance of such account and all books accounts and vouchers of the Corporation shall be examined and audited by the auditor so to be appointed as aforesaid and the balance and account shall be certified by two members of the Council and by such auditor as aforesaid.
- Copy of annual account to be sent to Registrar-General.** **21.** A copy of such annual account audited and certified as aforesaid shall be transmitted by the Council free of charge to the Registrar-General on or before the thirty-first day of January in each year and in case the same be not so transmitted a penalty of five pounds for each and every day on which the same is not so transmitted after any such thirty-first day of January may be recovered by the Registrar-General or by any person authorized by him from the Corporation and may be recovered by summary process and such account shall be open at all reasonable hours for the inspection of the public on payment of a fee of one shilling.

SCHEDULES.

THE FIRST SCHEDULE.

Section 4.

All that piece of land in the said colony containing 55 acres 1 rood 1 perch more or less county of Bourke city of Melbourne commencing at a point bearing south 2 degrees 20 minutes east 4 chains 55 links and south 66 degrees 27 minutes west 79 links from the intersection of the south-western side of the Park road with the western side of the Sydney road bounded thence by the Royal Park 10 chains 17 links in an arc of a circle whose chord bears north 30 degrees 22 minutes west 10 chains 5 links and whose centre lies north-easterly 19 chains 59 links, thence bearing north 15 degrees 30 minutes west 5 chains 9 links thence 9 chains 10 links and $\frac{1}{2}$ link in an arc of a circle whose chord bears north 42 degrees 19 minutes west 8 chains 77 links and whose centre lies south-westerly 9 chains 72 links thence 5 chains 2 links and $\frac{1}{2}$ link in an arc of a circle whose chord bears north 79 degrees 50 minutes west 4 chains 99 links and whose centre lies southerly 13 chains 65 links thence bearing south 89 degrees 38 minutes west 1 chain 30 links thence 6 chains 16 links and $\frac{1}{2}$ link in an arc of a circle whose chord bears north 68 degrees 14 minutes west 6 chains and $\frac{1}{2}$ link and whose centre lies north-easterly 7 chains 97 links thence 7 chains 84 links in an arc of a circle whose chord bears north 19 degrees 56 minutes west 7 chains 57 links and whose centre lies north-easterly 8 chains 59 links thence 1 chain 35 links in an arc of a circle whose chord bears north 22 degrees 2 minutes east 1 chain 33 links and whose centre lies easterly 2 chains 49 links thence bearing north 37 degrees 34 minutes east 2 chains 87 links and north 52 degrees 23 minutes west 1 chain 67 links and $\frac{1}{2}$ link the boundary as above described being the western boundary of the road for access to the Gardens thence still by the Royal Park bearing south 37 degrees 37 minutes west 15 chains 10 links north 52 degrees 6 minutes west 6 chains 34 links north 23 degrees 34 minutes west 12 chains 41 links thence 29 chains 5 links in an arc of a circle whose centre bears north 66 degrees 26 minutes east 11 chains 1 link from the commencement of the arc thence bearing south 52 degrees 1 minute east 11 chains 91 links thence south 37 degrees 37 minutes west 10 chains 49 links thence in a series of straight lines and curves parallel to and concentric with and 1 chain distant from those hereinbefore described as the western boundary of the road for access to the Gardens to the Sydney road thence by the Sydney road bearing south 2 degrees 20 minutes east 39 links and thence by Park street bearing south 66 degrees 27 minutes west 79 links to the point of commencement be the said several measurements a little more or less.

THE SECOND SCHEDULE.

Section 4.

633 acres 3 roods 31 perches in the county of Evelyn (formerly supposed to be and described as being in the county of Mornington) parish of Gembrook, commencing at the southern angle of the site being a point bearing south 23 minutes east 65 chains 87 links and north 39 degrees 34 minutes east 1 chain 29 links from the north-east angle of allotment A, bounded thence by a road bearing north 23 minutes west 63 chains 68 links north 89 degrees 37 minutes east 12 chains 75 links and north 23 minutes west 56 chains 80 links, thence by a line bearing north 89 degrees 37 minutes east 65 chains 39 links, and thence by roads bearing respectively south 23 minutes east 60 chains 68 links and south 79 degrees 48 minutes west 12 chains 91 links south 74 degrees 14 minutes west 12 chains 62 links south 60 degrees 1 minute west 12 chains 92 links south 12 degrees 46 minutes west 4 chains 67 links south 4 degrees 26 minutes east 15 chains 61 links south 24 degrees 50 minutes west 20 chains 15 links south 75 degrees 51 minutes west 33 chains 9 links and south 39 degrees 34 minutes west 2 chains 14 links to the point of commencement.

THE

THE THIRD SCHEDULE.

Section 16.

THE ZOOLOGICAL AND ACCLIMATISATION SOCIETY OF VICTORIA.

Mortgage No. £

By virtue of "*The Zoological and Acclimatisation Society Incorporation Act 1884*," the Corporation in consideration of the sum of
 paid to the said Corporation by
 of do subject to the prior
 mortgage or mortgages (if any) notified hereunder assign unto the said
 his executors administrators and assigns all the
 rents and profits tolls charges and other revenue of the Corporation present and future
 arising by virtue of the said Act And all the estate right title and interest of the
 Corporation in the same To Hold unto the said
 his executors administrators and
 assigns until the said sum of
 together with interest for the same at the rate of
 for every one hundred pounds by the year be satisfied. The
 principal sum to be repaid on the day of 18
 and interest to be paid for the said principal sum on every

during the continuance of this security, the first payment of interest to be made on
 the day of 18 .

PRIOR MORTGAGE OR MORTGAGES (IF ANY) ABOVE REFERRED TO.

Dated the day of 18 .

The Common Seal of the Zoological
 and Acclimatisation Society of
 Victoria was affixed hereto in
 the presence of }

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.