



ANNO VICESIMO TERTIO ET VICESIMO QUARTO

VICTORIÆ REGINÆ.

A.D. 1860.

No. 8.

An Act to establish and regulate an Institution called "The Botanic Garden of Adelaide."

[Assented to, 17th October, 1860.]

WHEREAS a Public Garden, known as the Botanic Garden, Preamble.
has been laid out and established in the City of Adelaide,
and it is expedient to provide for the permanent support and
management thereof—Be it therefore Enacted, by the Governor-in-
Chief of the Province of South Australia, with the advice and
consent of the Legislative Council and House of Assembly of the
said Province in this present Parliament assembled as follows:

1. The Garden so laid out and established, and all additions thereto, Name and Govern-
ment.
shall be called "The Botanic Garden of Adelaide," and shall
be managed by a Board of Governors consisting of eight persons,
five to be appointed by the Governor, with the advice and consent
of the Executive Council, and three to be members *ex officio*, namely
—the persons who for the time being shall be the Mayor of
Adelaide, the Speaker of the House of Assembly, and the Chairman
of the South Australian Agricultural and Horticultural Society:
Provided always, that no person shall be appointed to, or hold a Proviso.
seat at the said Board, who shall be a nurseryman, seedsman, or in
any manner connected with the public sale of plants in this Colony
either by himself or by an agent.

2. The said Board shall be called "The Governors of the Botanic Board of Governors.
Garden," and by that name shall have perpetual succession, and shall
and may sue and be sued, implead and be impleaded, grant and
receive,

receive, and shall hold in trust all lands, buildings, and other property of whatsoever nature, dedicated to, or given up for, the purposes of, or in anywise belonging to, the said Institution.

Present Governors.

3. The present Committee of Management, namely — John Claudius Paisley, Esquire; William Wyatt, Esquire; Honorable Charles Davies; George Strickland Kingston, Esquire; Honorable George Charles Hawker; Richard Davies Hanson, Esquire; Edward Bootle Wilbraham Glandfield, Esquire; and Edward William Andrews, Esquire, shall be the first Board of Governors, and shall continue to hold such office until their successors be appointed, as hereinafter provided.

**Retirement and
reappointment of
Governors.**

4. On the twenty-fourth day of March, one thousand eight hundred and sixty-one, and on every twenty-fourth day of March in each succeeding year, the two members of the said Board of Governors, not being *ex officio* members 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 reappointment; and 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, disqualification, or incapacity of any member or members, the successors or successor of such retiring members, or of such members dying, resigning, or becoming disqualified or incapable, shall be appointed by the Governor.

**Powers of Board of
Governors.**

5. The Board of Governors, of whom three shall form a quorum, shall have full power and authority in the name of the said Board to hold and retain all lands granted to, or now occupied by, or which may hereafter be granted to, or legally occupied by the said Botanic Garden; unless any part thereof be diverted from such purpose by Legislative Enactment, in which case they shall have the same power over the part not so diverted; nevertheless the said Board may, by and with the consent of the Governor-in-Chief and of the Executive Council, augment, diminish, or alter the boundaries of the said garden, and shall also have full power and authority to receive, pay, apply, and dispose of all such moneys as shall be annually granted to the said Botanic Garden out of the public revenue of the said Province, and all such moneys as shall, from time to time, be granted to the said Botanic Garden for building or other special purpose; and to enter into all such contracts, and to do all such other acts, deeds, matters, or things as may be requisite or proper to be done in the purchasing or otherwise collecting of plants, seeds, roots, implements, ornaments, materials, botanical books, and specimens, or erecting or completing of suitable conservatories, lodges, fences, summer houses, and other buildings for the reception and safe custody of the library and other effects appertaining

appertaining to the said Botanic Garden, and for all such other purposes as the said Board may decide to be required to carry into effect the objects of the said Botanic Garden; and for the purchase, exchange, and otherwise collecting of animals, the construction of aviaries, cages, places of shelter and restraint, enclosures, and food and labor appertaining to such animals, and also to form and afterwards maintain a botanical and natural history museum in connection with the said garden: Provided that the sum so expended on account of animals and museum in any one year shall not exceed one-sixth part of the yearly income given for the support of the said garden, except by permission of the Governor-in-Chief and of the Executive Council, upon special cause being shown for such augmented expenditure; and also shall have full power, with the consent of the Governor and Executive Council, to direct and order at what times, in what manner, and under what restrictions and conditions the public shall be admitted to the said Botanic Garden, and shall have full power, with the like consent, to make by-laws for the safety and preservation of the public property therein contained, for the distribution by gift, exchange, or public sale of any spare plants, seeds, specimens, and animals; for the repressing such impropriety in the conduct of visitors, as may tend to immorality, profanity, injury, a breach of the peace, or the discomfort of other visitors, and otherwise for the more regular and efficient government of the said garden; and rescind and alter such by-laws, times, restrictions, and conditions, or any of them, from time to time, with the like consent, and make others in their stead; and, also, to do, manage, transact, and determine all such other acts, deeds, matters, and things as shall to them appear necessary for effecting and properly carrying out the purposes of this Act and of the said Botanic Garden; but so, nevertheless, that the same shall be in accordance with this Act; and shall, also, have power to appoint and remove a Director, Secretary, and other officers appertaining to the said Botanic Garden, and, from time to time, to fix and determine the salary and emoluments to be paid to such officers: Provided that all salaries paid by the said Board shall be annually submitted to Parliament: Provided also, that a copy of such orders and by-laws shall be laid before Parliament as soon as may be after the same have been approved by the Governor and Executive Council.

Appointment of officers.

Proviso.

6. Every sum of money which shall be voted for the purposes of this Act by the House of Assembly of the said Province shall be paid into such Bank in Adelaide as the Board of Governors may appoint, to be held as a distinct account, called "The Botanic Garden Account," and to be withdrawn only by cheques signed by two of the said Governors, and countersigned by the Secretary: Provided that there shall be annually submitted to Parliament a full and true account of all moneys received and paid by the said Board; and the accounts of the said Board shall be annually audited by the Auditor-General of the said Province.

Moneys to be paid to "Botanic Garden Account," and accounted for to Parliament.

Proviso.

7. In case of any injury to, or the destruction of any animal or plant

Owner of animals trespassing liable for damages.

plant belonging to the garden, by any dog, goat, fowl, or other animal trespassing within the garden, the owner of such dog, goat, fowl, or other animal shall, on conviction before any Justice of the Peace for the said Province, pay a fine of not more than Two Pounds in addition to the value of the animal or plant so injured or destroyed, and in default of payment may be imprisoned for any period not exceeding one calendar month, unless such payment be sooner made.

Penal clause.

8. Any person who shall commit any offence against any of the regulations, orders, or by-laws made and approved as aforesaid, shall, on conviction before any Justice of the Peace for the said Province, be liable to a fine of not more than Ten Pounds, and to be imprisoned with or without hard labor, for any term not exceeding three calendar months; and shall, also, be liable to pay the amount of any damage done by such person, and in default of payment of such amount of damage to be further imprisoned with or without hard labor for any period not exceeding three calendar months, unless such amount shall be sooner paid.

Commencement of Act.

9. This Act shall take effect from the passing thereof.

Short title.

10. This Act may be cited as the "Botanic Garden Act."