



ANNO SECUNDO

# EDWARDI VII REGIS.

A.D. 1902.

*Repealed by No. 986  
of 1909, §5. (But see  
Saving Clause, §5(2).)*

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No. 800.

An Act to further amend the Law relating to Institutes, and to facilitate the Establishment of Free Libraries under "The Free Libraries Act, 1898," and for other purposes.

[Assented to, November 13th, 1902.]

**B**E it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

**1.** This Act may be cited for all purposes as "The Institutes Further Amendment Act, 1902," and, except so far as inconsistent therewith, shall be incorporated and read as one with the "Public Library, Museum and Art Gallery Acts, 1883-4, 1885, and 1895," "The Institutes Amendment Act, 1888," "The Institutes Mortgage Act, 1898," and "The Free Libraries Act, 1898"; and shall be divided into three Parts, that is to say—

PART I.—Amalgamation of Institutes:

PART II.—Mortgages by Institutes:

PART III.—Transfer by Institutes of their property and effects to Corporations and District Councils under "The Free Libraries Act, 1898."

**2.** In the construction of this Act the words "Institute" or "Institutes" shall include all urban, suburban, and country Institutes (whether incorporated or not) now existing or hereafter established (including any Institute the real and personal estate of which may have been or shall hereafter be transferred to a Municipal Corporation

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tion or District Council under “The Institutes Amendment Act, 1888”), together with all the real and personal property belonging to or held in connection with any such Institute or Institutes, and the words “new Institute” shall mean an Institute formed by and the result of the amalgamation of two or more Institutes.

## PART I.

## PART I.

## AMALGAMATION OF INSTITUTES.

Amalgamation.

**3.** Any two or more Institutes may amalgamate upon such terms and conditions as may be mutually agreed upon, but no such amalgamation shall be made unless and until—

- (1) A resolution or resolutions approving of the proposed amalgamation and setting forth the terms and conditions thereof shall have been carried at a general meeting of the members of each of the Institutes seeking to amalgamate, and shall have been confirmed at a subsequent general meeting of the members of each of such Institutes, to be held not less than seven days nor more than one month after the day of the first meeting, and which general meeting shall have been specially called to consider the matter:
- (2) Notice of the proposed amalgamation has been given to the Public Library Board:
- (3) The Minister shall have approved of the resolution or resolutions carried and confirmed at the meetings mentioned in sub-paragraph (1):
- (4) And the Minister shall have signified to the Board his consent in writing to the proposed amalgamation upon the terms and conditions set forth in the aforesaid resolution or resolutions.

The meetings to be held under sub-section (1) shall be convened by a notice of not less than seven days nor more than one month sent to each member of the Institute, or by a notice given in the way prescribed for calling general meetings in the rules of the respective Institutes. All such notices shall contain a copy of the resolution or resolutions proposed to be submitted to such meeting for acceptance and passing, or for confirmation (as the case may be), and no other business shall be transacted at any such meeting.

The consent of the Minister required by sub-section (4) shall be applied for by the Board after the requirements of sub-section (1) have been complied with by each of the Institutes seeking to amalgamate, and after the Minister shall have approved of the resolution or resolutions referred to in sub-section (3).

Members' votes.

**4.** Each member of an Institute shall (if present) be entitled to one vote and no more at all meetings held in pursuance of this part of

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## PART I.

of this Act, and no member shall be allowed to be present, speak, or vote at any such meeting unless he or she shall have been a member of the Institute for six months previous to the day on which such meeting shall be held, and unless the subscription of such member shall have been paid up to the day of such meeting.

5. When all the provisions of this Act relating to the amalgamation of any two or more Institutes shall have been fully complied with to the satisfaction of the Minister, he may grant a certificate under his hand to the effect that the amalgamation of the Institutes therein named has been duly completed under the name of the new Institute. The certificate granted by the Minister under this section shall be published once in the *Government Gazette*. The original certificate or the *Government Gazette* containing a copy thereof shall be conclusive evidence that the amalgamation therein referred to has been duly effected.

Certificate of amalgamation.

6. Upon the Minister granting the certificate mentioned in section 5 the new Institute named therein shall become an "Institute" within the meaning of the "Public Library, Museum, and Art Gallery Act, 1883-4," and the Acts amending that Act; all the members of the amalgamated Institutes shall become members of the new Institute and pay the same subscription as theretofore until otherwise provided by the rules of the new Institute; and all the real and personal property of each of the amalgamated Institutes shall be transferred and handed over by each of such Institutes, or the trustees thereof, to the new Institute, or to the trustees thereof, and shall thereupon vest in such new Institute, or trustees (as the case may be), for the use and benefit of the new Institute, in accordance with the provisions of the "Public Library, Museum, and Art Gallery Act, 1883-4," and the Acts amending that Act.

Effect of amalgamation.

7. A general meeting of the members of the new Institute shall be held as soon as possible after the amalgamation has been effected, at which meeting a committee of management and, if necessary, trustees shall be appointed, and such other business transacted as the meeting may determine. Rules for the government of the new Institute may be made in the manner prescribed by section 5 of "The Public Library, Museum, and Art Gallery Act, 1885," at the first or any subsequent meeting of the new Institute, and in the meantime and until such rules shall be made and approved the new Institute shall be governed by the rules of such one of the amalgamated Institutes as shall be determined at the first meeting held under this section.

First meeting of new Institute.

8. The Minister shall have power to determine any question or matter in difference which may arise between Institutes which are desirous or have agreed to amalgamate, whenever such matter or question may arise, and generally to settle, if requested so to do, the terms and conditions on which any proposed amalgamation shall be effected and carried out.

Powers of the Minister.

9. The

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This part retrospective as to amalgamation of Port Adelaide and Semaphore Institutes.

**9.** The provisions of this part of this Act shall be retrospective in effect, so far as relates to the Port Adelaide Institute, Incorporated, and the Semaphore Institute, which have already agreed to amalgamate.

**PART II.**

Restriction on the power of Institutes to mortgage their property.

**PART II.****MORTGAGES BY INSTITUTES.**

**10.** Notwithstanding the provisions of "The Institutes Mortgage Act, 1898," no Institute which has received any subsidy from the Government towards the erection of its building or buildings shall raise funds by mortgage of its real estate or any part thereof without first obtaining a report in writing from the Board, which shall be submitted to the Minister Controlling Education when application is made for his consent to mortgage, but this provision shall not invalidate or affect any existing mortgage of an Institute lawfully made pursuant to the said Act.

**PART III.**

Power of Institutes to give or sell their property for free libraries.

**PART III.**

**TRANSFER BY INSTITUTES OF THEIR PROPERTY AND EFFECTS TO CORPORATIONS AND DISTRICT COUNCILS UNDER "THE FREE LIBRARIES ACT, 1898."**

**11.** Any Institute or, in case there may be trustees, the trustees of any Institute may give, sell and transfer the same, and all the real and personal estate of such Institute, to the Municipal Corporation or District Council of the locality in which such Institute is situated, to be held by such Municipal Corporation or District Council for the purposes of a free library within the meaning of "The Free Libraries Act, 1898": Provided that no such gift, sale, or transfer shall be made without the written consent of the Minister duly notified to the Institute, nor unless a resolution approving of such gift, sale, or transfer shall have been carried at a meeting of the members of the Institute specially called to consider the matter, and confirmed at a subsequent meeting to be held not less than seven days nor more than one month after the day of the first meeting, to consider and, if thought proper, to confirm the resolution carried at the previous meeting: Provided also that a written report from the Board shall be submitted to the Minister when application is made for his consent to give, sell, or transfer.

Voting.

**12.** Each subscriber shall (if present) be entitled to one vote at any meeting held in pursuance of this part of this Act, subject nevertheless to the restrictions imposed by section 4 of this Act.

Purchase-money.

**13.** The purchase-money payable under any sale of the real and personal estate of an Institute to a Corporation or District Council under

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under this part of this Act shall be paid to the Minister and applied for such purposes and in such manner as the Minister may determine.

14. Notwithstanding section 8 of "The Free Libraries Act, 1898," no free library established under that Act shall be entitled to participate in any grant by Parliament (whether general or special) voted in aid of Institutes, unless and until such free library shall have complied with the provisions of section 31 of the "Public Library, Museum, and Art Gallery Act, 1883-4," to the satisfaction of the Minister, as if such free library were an Institute within the meaning of that Act.

Free libraries sharing in grant in aid of Institutes.

15. The Board, with the consent of the Minister, shall have power from time to time to make, repeal, alter, and re-enact rules and regulations for carrying into effect the objects of this Act or any of them, in the same way and manner and subject to the same restrictions as are prescribed in respect of rules and regulations made under section 16 of the "Public Library, Museum, and Art Gallery Act, 1883-4," and such rules and regulations shall have the same force and effect as rules and regulations made under that section.

Rules and regulations.

16. Sub-section vi. of section 7 of the Act 296 of 1883-4 shall be read as if the word "three" were struck out and the word "five" inserted in lieu thereof.

Amendment section 7, Act 296 of 1883-4.

17. After the first day of October, one thousand nine hundred and three, sub-section i. of section 7 of Act 296 of 1883-4 shall be read as if the word "eight" were struck out and "six" inserted in lieu thereof.

Amendment of sub-section i. of section 7 of Act 296 of 1883-4.

18. Whenever the subscribers to any Institute shall have carried and confirmed a resolution, as provided in section 3 of Act number 434 of 1888, to transfer the real estate of such Institute to the Corporation of the locality in which such Institute is situated, the Secretary of the Institute shall forward to the Minister a copy of such resolution and a certificate in writing stating that such resolution had been duly carried and confirmed at meetings held in conformity with the provisions of the aforesaid Act.

Resolution of subscribers *re* transfer to be forwarded to Minister.

19. Whenever at any meeting of ratepayers of any Corporation held in pursuance of and for the purposes of Act number 434 of 1888 a resolution shall have been carried approving the purchase of the real estate of any Institute, the Town Clerk of such Corporation shall forward to the Minister a copy of such resolution and a certificate in writing that such resolution had been carried in conformity with the provisions of Act number 434 of 1888.

Resolution of ratepayers approving purchase to be forwarded to Minister.

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Minister may transfer  
real estate.

**20.** Whenever the Minister shall receive resolutions and certificates as set out in the two preceding sections he shall forward the same to the Registrar-General to be filed, and the Minister may, notwithstanding the provisions of "The Real Property Act, 1886," at any time thereafter transfer the real estate mentioned in such resolutions to the Corporation referred to, and he is hereby authorised to effect such transfer notwithstanding that the property to be transferred is vested in trustees.

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

S. J. WAY, Lieutenant-Governor.