

# Botanic Garden.

(*Mr. Ludlam.*)

## ANALYSIS.

Title.	Account" and accounted for to Parliament.
Preamble.	Proviso.
1. Short Title.	7. Owner of animals trespassing liable for damages.
2. Power to Governor to grant reserve to Governors of Botanic Garden.	8. Penal clause.
3. Name and government.	9. Disposal of fund in hands of Robert Stokes and Jonas Woodward.
4. Board of Governors.	10. Repeal of "Public Domains Acts Extension Act 1868" in part.
5. Powers of Board of Governors. Appointment of officers. Proviso.	Schedule.
6. Moneys to be paid to "Botanic Garden	

## A BILL INTITULED

AN ACT to establish and regulate an Institution called Title.  
"The Botanic Garden of Wellington."

**W**HEREAS the land described in the Schedule hereto has been Preamble.  
reserved as and for a Botanic Garden and it is expedient to provide  
for the permanent support and management thereof

BE IT THEREFORE ENACTED by the General Assembly of New  
Zealand in Parliament assembled and by the authority of the same as  
follows—

1. The Short Title of this Act shall be "The Botanic Garden Act Short Title.  
1869."

2. It shall be lawful for the Governor on behalf of Her Majesty Power to Governor  
to grant Reserve to  
Governors of Botanic  
Garden.  
to grant to the Governors of the Botanic Garden and their successors  
all that piece of land described in the Schedule to this Act upon trust  
to keep and maintain the same as a Botanic Garden for the purposes of  
this Act.

3. The said reserve shall be called "The Botanic Garden of Name and govern-  
ment.  
Wellington" and shall form and after a grant shall be made of such  
Reserve under the preceding section be managed by a Board of  
Governors consisting of the Governors for the time being of the New  
Zealand Institute.

4. 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  
and shall hold in trust all lands buildings and other property of what-  
soever nature dedicated to or given up for the purposes of or in anywise  
belonging to the said Institution.

Powers of Board of  
Governors.

5. The 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 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 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 granted to the said Botanic Garden out of the public revenues of the Colony or of the Province of Wellington or be received as voluntary contributions 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 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 labour appertaining to such animals Provided that the sum so expended on account of animals 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 Council upon special cause being shown for such augmented expenditure and also shall have full power with the consent of the Governor in 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 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 the General Assembly Provided also that a copy of such orders and by-laws shall be laid before the General Assembly as soon as may be after the same have been approved by the Governor in Council.

Appointment of  
officers.

Proviso.

Moneys to be paid to  
"Botanic Garden  
Account" and ac-  
counted for to Parlia-  
ment.

6. Every sum of money which shall be voted for the purposes of this Act by the General Assembly or the Provincial Council of Wellington or received as voluntary contributions shall be paid into such Bank in Wellington 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 the General Assembly 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 such person or persons as the Governor in Council shall appoint in that behalf.

7. In case of any injury to or the destruction of any animal or 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 pay a penalty of not more than two pounds in addition to the value of the animal or plant so injured or destroyed and such penalty and value may be recovered in a summary way on the complaint of the Board of Governors or their Secretary.

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 be liable to a penalty of not more than ten pounds and shall also be liable to pay the amount of any damage done by such person which penalty and damage may be recovered in a summary way on the complaint of the said Board or their Secretary.

9. And whereas the Honourable Robert Stokes Doctor of Medicine and Jonas Woodward Esquire the Assistant Treasurer both of Wellington are possessed of a sum of money amounting to

consisting of certain moneys placed in their hands for the purpose of forming a Botanical Garden in the said reserve and of the accumulations of interest thereon. It is hereby enacted that it shall be lawful for the said Robert Stokes and Jonas Woodward or the survivor of them or the executors or administrators of such survivor to pay over all the said sum of money and all accumulations of interest then accrued thereon to the said Governors of the Botanic Garden and the same when so paid over shall be dealt with in all respects in the same manner as if the same were moneys voted by the General Assembly for the purposes of this Act. And the said Robert Stokes and Jonas Woodward and their respective heirs executors and administrators immediately upon paying over all the said sum of money and accumulations in manner aforesaid shall be freed released and for ever discharged from all actions suits informations costs charges damages and expenses for and in respect of the said sum of money and accumulations and for and in respect of their management investment and dealing of and with the same and for and in respect of all breaches of trust by them committed in and about the trusts of the said sum of money and accumulations.

10. "The Public Domains Acts Extension Act 1868" so far as the same relates to the piece of land described in the Schedule hereto is hereby repealed.

#### SCHEDULE.

ALL that parcel of land in the City of Wellington known as the Botanical Garden Reserve comprising thirteen (13) acres three (3) roods and thirty-six (36) perches more or less bounded on the West by a line starting from the north-west corner of the Upland Farm two hundred and seventy-five (275) links long to the Karori Road (being a production until they meet of the south-west boundary lines of that farm and a Native Reserve) and thence by thirty-one (31) chains along that road to the south-west corner of the Wesleyan College Reserve abutting on the Karori Road thence on the North by three hundred and thirty-nine (339) links along that reserve and from that point on the East by twenty-eight (28) chains seventy-five (75) links along the north-west boundary line of the same reserve to the Upland Farm and thence on the South by three hundred and forty-eight and a half (348½) links along the north boundary of that farm to the point of commencement.