

Al. ... 8395

From Whom

Place

Date

SUBJECT.

B.S. 855 / 22

BYE-LAWS

Connected Papers.

MINUTES.

First published in the Gazette 1879 Feb. 21st. p. 107
Secondly do. 1882 Nov. 2nd p. 1130
as Govt. Notification no. 467
Thirdly the current ~~rule~~ bye-laws of June, 19th, 1908

In all of them the first rule is the same.

Committee,

You instructed me to ascertain our position at law in regard to the closing of the Gardens. Please see the Attorney-General's letter within. We have the right to close our Gates.

My recommendation to you will be that we approach Govt. to get gates constructed in preparation for closing at night. This can come up in the next meeting.

Now offences are gaps bathing in the Lake at midnight and motor buses bringing visitors for joy rides

4.2.22 *W. H. ...*

See ... 9/8/22

W. H. ... 10/8/22

W. H. ... 9/8/22
W. H. ... 9/8/1922

W. H. ... 11/8/22

8.
X

Letter to C.S. 14-10-22

Registered on the 10-11-22

page 1521 No 1862

22

No Minutes should be written on this page. A separate half-sheet to
be used if required.



STRAITS SETTLEMENTS

(1920 Revision).

RAFFLES SOCIETIES.

Ordinance No. 177.

[ORDINANCE VII. OF 1878;
16th December, 1878.]

To confirm arrangements relating to the Agri-horticultural Society and the Raffles Museum and Library.

WHEREAS a Society was formed in Singapore in or about the year 1866, for the encouragement and improvement of agriculture and horticulture, and the said Society became possessed of a certain piece of land in the district of Tanglin, in Singapore Island, containing twenty-four acres, one rood and nineteen perches under a deed of sale dated the ninth day of March, 1866;

AND WHEREAS the then Government, in order to aid the said Society, on the twenty-seventh day of October, 1866, made to the Vice-President and Treasurer of the Society under the name of the Agri-horticultural Society a grant of fifty-five acres, three roods, and twenty-eight poles of Crown land in the same district, on the express condition that the said land should be used for public purposes, under the title and designation of "The Agri-horticultural Society's Gardens," with a proviso that if the land should not be used for the public purpose of an Agri-horticultural Garden or Gardens it should revert to the Crown;

AND WHEREAS the said Society for the purpose of procuring funds to build a dwelling-house for the Curator of the said Gardens, mortgaged the said lands for the sum of four thousand dollars;

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AND WHEREAS the Government contributed the sum of one thousand and two hundred dollars annually, for the purpose of carrying on the said Gardens, the rest of the funds having been raised by private subscription;

AND WHEREAS the said Society became unable, owing to the want of funds, to carry on the work at the said Gardens in such a way as to be useful to the public, and in the year 1874, applied to the Government for assistance, offering to make over the whole of the property of the Society to Government, for the use of the public, on condition of Government paying off the debts incurred by the Society, that is to say, the sum of four thousand dollars due on the mortgage above set out, and a further sum of five hundred and eighty-six dollars and twenty cents due to the Honorary Secretary for advances made by him for current expenses, and on the further conditions that the subscribers to the Gardens should continue to enjoy the privilege theretofore enjoyed by them of procuring plants and flowers from the Gardens when available, and that Government should carry on the works at the Gardens from the public funds, with such aid thereto as might be raised by voluntary subscriptions;

AND WHEREAS thereafter the debts of the said Society were paid off by the Government, and the title deeds of the property of the Society were made over to Government, and pending the passing of an Ordinance to legalise the transfer, the said Gardens have been managed by a Committee called "The Raffles Library, Gardens, and Museum Committee";

AND WHEREAS certain individuals in or about the year 1844 established a circulating Library under the name of the Singapore Library, for the use of themselves and of such persons as they admitted as subscribers, and in the year 1874, the proprietors of the said Library, being indebted for books furnished, and being unable any longer to support the Library in an efficient manner, offered to make over to Government the books and property of the Library, on condition of Government upholding a Public Library from the public funds, with such assistance as might be received from subscribers for the use of the books lent out, and on the further condition that the proprietors, on surrendering their property, should be entitled to the rights of subscribers during the period of

RAFFLES SOCIETIES.

their natural lives; and the said Library was thereafter taken over on the part of Government, and the debt was paid off by Government amounting to five hundred and sixty dollars and seventy-one cents;

AND WHEREAS a Museum has lately been established in the same building as the Library, at the cost of Government, aided by contributions from private individuals;

AND WHEREAS the expenditure for the said Gardens now amounts to upwards of ten thousand dollars yearly, of which all, except about five hundred dollars yearly, is paid by Government out of the public funds;

AND WHEREAS the expenditure of the said Library and Museum now amounts to upwards of seven thousand dollars yearly, all of which, except about seven hundred dollars yearly for subscriptions, is paid by Government out of the public funds;

AND WHEREAS it is expedient for the public service, that the said Agri-horticultural Gardens, and the said Library and Museum, should be supported at the public expense, aided by such voluntary contributions and subscriptions as may be received from the public; and that suitable arrangements should be made by law for confirming the transfer of the said Gardens, and Library, and Museum to the Government for the service of the Colony, and for providing a proper system of administering the funds to be expended by Government in future, and of managing the affairs of the said Gardens, and Library, and Museum:

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as Ordinance No. 177 (Raffles Societies). Short title.

2. The Botanical Gardens of Singapore and the Raffles Library and Museum shall be managed as Government establishments by a committee or committees to be appointed by the Governor for the purpose, and subject to the regulations in force in the Colony as to the appointment of officers, payment of their salaries, and so forth. Gardens, library, and museum to be managed by committees.

3.—(1) Such sum as is voted by the Legislative Council for the service of the said gardens and library and museum, together with all sums to be received from Appropriations of revenue: subscriptions and donations how to be administered.

4
A.D. 1878.

Ss. 4-7.

RAFFLES SOCIETIES.

voluntary donations and subscriptions shall be administered by the said committee according to the terms of the several votes, donations and subscriptions for the different purposes, and subject to such rules and regulations as the Governor prescribes for the conduct of the business of the committee, and for the duties of the officers employed.

(2) The accounts of the committee shall be audited by the Auditor-General.

Committees
may frame
by-laws.

4.—(1) The respective committees may with the approval of the Governor make by-laws for the internal management and protection of their several institutions, and for the use of the same by the public, and for the manner in which, and to the extent in which the privilege of subscribers to the same shall be used and enjoyed.

(2) All such by-laws shall be published in the *Gazette*.

(3) Any person who infringes any such by-law shall be liable to a fine not exceeding fifty dollars.

Property to be
held to be
public
property.

5. The Botanical Gardens and the Raffles Library, and the Raffles Museum, together with all growing and dead plants, trees and flowers and other property in the said gardens, and all books, papers and manuscripts, and other property in the said Library, and all articles in the said Museum shall be deemed to be public property.

Contracts of
the
Committees
how signed
and enforced.

6. All contracts entered into by the committees to be appointed under this Ordinance shall be signed or executed by the President or Chairman for the time being of the committee, and shall be deemed to be Crown contracts under Ordinance No. 22 (Crown Suits).

Life
subscribers.

7. The following persons who were the proprietors of the late library shall be classed as subscribers to the Raffles Library, without payment, during the terms of their natural lives but without power to transfer their rights:—

Alexander Duff, Esquire;
Alexander Somerville Cumming, Esquire;
Jose d'Almeida, Esquire;
Christian Baumgarten, Esquire;
Thomas Shelford, Esquire;
Alexander Muirhead Aitken, Esquire;
Miss Jessie Little; and
Robert Campbell, Esquire.

Waterlow & Sons Limited, London Wall, London.

1920.

[Appointed by the Government of the Colony of the Straits Settlements the Government Printers
for the purpose of this Edition of Laws within the meaning of the Evidence
(Colonial Statutes) Act, 1907.]

Straits Settlements Government Gazette, June 19, 1908.

No. 690. The Following Bylaws framed by the Committee of the Botanical Gardens, Singapore, with the approval of His Excellency the Governor are published in accordance with the provisions of Section 7 Ordinance VII 1876.

1. The Botanical Gardens shall be open to the public daily from sunrise to sunset, and, on nights when the Band plays, to 11 P.M.
2. Carriages of all kinds are ~~admitted~~ admitted, but it is forbidden to feed the horses in the Gardens. A halt may only be made at the sides of the roads and where sufficient room can be left for other carriages to pass. No gharries or jinrikishas are allowed to ply for hire in the Gardens.
3. Driving or riding over the lawns is strictly prohibited.
4. Motor-cars must not pass through any part of the Gardens at a greater speed than ten miles an hour.
5. Walking or playing over the flower beds is prohibited.
6. It is forbidden to touch the plants or flowers, and the cutting or removal from the Gardens of any plant, or seed, or anything appertaining to the Gardens, will render any person so doing liable to expulsion and prosecution.
7. Fishing or bathing in the lakes is prohibited.
8. Dogs are not admitted, unless led by a short string or chain.
9. It is forbidden to enter or leave the Gardens except by the proper entrances and exits.
10. All animals found straying in the Gardens will be impounded or destroyed.
11. Shooting in the Gardens is prohibited.
12. Advertising or selling articles in the Gardens without permission from the Director is prohibited.

The By-Laws published as Government Notification No. 467 of the 2nd, Nov. 1882, are hereby cancelled.

Singapore 16th June, 1908.

855/22

28th. July

1922

Sir,

I am desired by the Gardens' Committee to consult you regarding the possibility of closing the Gardens at night as appears to have been the intention of their first By-law - which is

The Botanic Gardens shall be open to the Public daily from sunrise to sunset and on nights when the Band plays to 11 p.m.

It is a ridiculous by-law in that it imposes conditions on the management of the Gardens whereas its context shows that it was intended to impose conditions on the public who use the Gardens: I mean that it orders the Gardens to be open, and does not do more than imply that they are closed at other times.

This, coupled with the fact that there never have been gates to the Gardens since (it appears) sometime about 1882, seems to render it possible that the public could insist on the Gardens being open at all hours within the twenty four: and it is your view of this that I am to request.

The rule that I have quoted dates from 1879, Govt. Gazette of February 21st. in that year p. 107, and was repeated in the revised By-laws of the Government Gazette ~~1881~~ No. 3 1882 p. 1130, and Govt. Gazette of June 19th. 1908 p. 1096. It is and has been continuously advertised in the Gazette and at the Gardens' gates.

You are doubtless aware that the Gardens were the property

of the Agric. Horticultural Society in their first years, and gate money was collected from visitors. Then the ~~Government~~ Government took over the Gardens and passed Ordinance No. VII of 1873 to make them a Trust. The rule ~~was~~ quoted was the work of the first Committee of management under the ~~VI~~ ordinance: and it appears that at the time the gates stood, as before its passing. The main gate, office gate, Myersal gate and Dalvey road gate ^{have} ~~been~~ all been reconstructed since: and the Cluny Lake gate constructed. I do not know of alterations to the Rogie gate.

If you look around in Singapore you will find that private property is only shut in by gates exceptionally: the gateless gateposts of the Gardens are therefore usual. Moreover when they were set up, there were 2½ miles of unlighted solitary roads between the Gardens and town which formed a barrier and prevented undue use. The spread of the town and the coming of the motor car have altered these conditions and many cars pass into the Gardens at night, in many cases making of the roads a thoroughfare only: and while the few visitors at night of the past rarely did any damage, there are now increased by visitors who do real damage in various ways, and the watch which is maintained is inadequate to control them. It has ~~been~~ consequently become desirable to close the Gardens, as other Botanic Gardens through the world are closed: but by the lapse of rights we may be forced to keep them open. In that case it might be permissible to close, say, 4 of the 6 gates, so as to prevent the use of them as a thoroughfare, upon which second point could you also be so good as to advise?

I have the honour to be,
Sir,
Your obedient Servant,

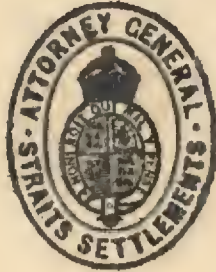
J. H. G.

Director of Gardens

The Attorney General

Government Offices

Singapore



855/22
2-8-22

It is requested that the following number be quoted in the reply to this letter.

ATTORNEY-GENERAL'S CHAMBERS,

No. 161-1922

SINGAPORE, 1st August, 1922.

Sir,

Referring to your letter dated 28th July, 1922, you are entitled to close all the gates between sunset and sunrise (band nights 11 p.m.)

If you intend to prosecute persons who enter the gardens in prohibited hours it would be as well to amend by-law No. 1 and to draw attention to the penalty, also to advertise the fact that after the gates will be closed at sunset etc.

I have the honour to be,

Sir,

Your obedient servant,

Ag. Attorney General,
Straits Settlements.

The Director of Gardens,

SINGAPORE

DRAFT.

Fair Copy signed by

2-8-22

To
A.F.
S.S.

SIR,

I have the honour to acknowledge
 the receipt of your letter no.
 161-1522 dated 1st Aug. 1922
 and to thank you very best
 thanks for the advice
 kindly ~~given~~ given.
 I remain,
 Yours

- a. Closing time is put one hour later. (By law 1)
- b. ~~Police~~ mention is made of police control (by law 2), for when the Band plays the control of the traffic has since 4.13 been put into the hands of the Police.
- c. Buses and lorries are excluded (by law 2) on account of the way in which ~~the~~ heavy vehicles are used on the roads. Such vehicles were unknown in Singapore until recently.
- d. It is made clear who decides when vehicles may halt. (By law 3).
- e. The purpose of prohibiting fishing, shooting, trapping, killing & hunting is made clear (by law 4) and provision is made for helping birds & animals.
- f. Acts which damage the water plants are prohibited (by law 6 iii).
- g. The pace for driving is raised to 15 miles per hour (by law 6 v.).
- h. The by laws are rearranged, and at the suggestion of the Attorney General the maximum penalty is fixed. Name J.S.

- I. The Botanic Gardens shall be open ~~MMMM~~ to the Public daily from Sunrise to Sunset, and, on nights when the Band plays to 11 p.m. A penalty for trespass at other hours may be enforced.
2. Light vehicles, bringing visitors, shall be admitted between the hours above named provided that no ~~MMMM~~ special and gazetted police orders to the contrary are in force. Buses and lorries are not light vehicles in the meaning of these byelaws and are not allowed in the Gardens.
3. The Vehicles may be halted at the side of the roads where ^{there} is adequate room for other vehicles to pass. Authority to decide that there is adequate room rests with the Gardens staff and/ or the Police.
4. The Gardens are a sanctuary for wild life. Fishing shooting, trapping, killing or hunting animals is strictly forbidden. To scientists, such as Entomologists, permits to catch insects may be issued and if desired should be applied for at the Gardens' Office.
5. All domestic animals found straying in the Gardens will be impounded or destroyed. Dogs are only admitted on a lead.
6. It is forbidden:-
 - i. To drive or ride over the lawns.
 - ii. to step onto or run over the flower beds.
 - iii. to bathe, ~~fish~~ or do any acts in the Lakes and pools calculated to damage the plants in there.
 - iv. to pick flowers, to take seeds or to take cuttings.

v. to drive at a greater pace than 10 miles an hour.

to enter or leave the Gardens except by the authorised gates

to feed horses in the Gardens.

to advertise or sell articles in the Gardens without the written permission of the Director.

to enter the Gardens with any vehicle seeking fares.

The maximum penalty for infringement of the above byelaws shall be a fine of \$ 50 = with the alternative of imprisonment.

- I. The Botanic Gardens shall be open to the Public daily from Sunrise to Sunset, and, on nights when the Band plays to 11 p.m. A penalty for trespass at other hours may be enforced.
2. Light vehicles, bringing visitors, shall be admitted between the hours above named provided that no special and gazetted police orders to the contrary are in force. Buses and lorries are not light vehicles in the meaning of these byelaws and are not allowed in the Gardens. Vehicles neither bringing nor calling for visitors already in the Gardens, will be excluded.
3. The vehicles may be halted at the side of the roads where there is adequate room for other vehicles to pass. Authority to decide that there is adequate room rests with the Gardens staff and/ or the Police.
4. Horses may not be fed in the Gardens.
5. No vehicles shall be allowed under any circumstances to seek fares within the Gardens.
6. Driving at greater pace than 10 miles is prohibited.
7. Driving or riding over the lawns is strictly prohibited.
8. The Gardens are a sanctuary for wild life. Fishing, shooting, trapping, killing or hunting animals is strictly forbidden. To scientists, such as Entomologists, permits to catch insects may be issued and if desired should be applied for at the Gardens' Office.
9. All domestic animals found straying in the Gardens will be impounded or destroyed. Dogs are only admitted on a lead.
10. Bathing and other acts calculated to damage water plants in the lake and pools, are forbidden.

- II. Stepping or running onto the flower beds is prohibited.
- I2. ~~Entering~~ ^{Entering} or leaving the Gardens except by the authorised gates is prohibited.
- III.
- I3. Advertising or selling articles in the Gardens without permission from the Director is prohibited.
- I4. It is forbidden to touch the plants or flowers, and the cutting or removal from the Gardens of any plant or seed, or anything appertaining to the Gardens, will render any person so doing liable to expulsion and prosecution.
- I5. The maximum penalty for infringement of the above bye laws shall be a fine of \$ with the alternative of imprisonment.

1

Bye-laws of 2nd, November, 1882 see Govt. Gazette notification
467 p. 1130

1 The Botanic Garden shall be open to the Public daily from sunrise to sunset and on nights when the Band plays to 11 p.m.

2. Carriages of all kinds are admitted, but it is forbidden to feed the horses in the Gardens. A Mt can only be made at the side of the walks abs where sufficient room can be left for other carriages to pass.

3. Driving or riding over the lawns is strictly prohibited.

4. Walking or playing over the flower beds is prohibited.

5. It is forbidden to touch the plants and flowers and the cutting or removal from the Gardens of any plant or seed or anything appertaining to the Gardens will render those so doing liable to expulsion and prosecution.

6. Fishing and bathing in the Lakes is prohibited.

7. Dogs are not admitted unless led by a short string or chain.

8. It is forbidden to enter or leave the Gardens except by the proper entrances or exits.

9 All animals found straying in the Gardens will be impounded or destroyed.

10 Shooting in the Gardens is prohibited.

The earlier Bye-laws of 1879 are fewer.

1 is as i above

2 is against walking over the flower beds, plucking flowers and cutting slips

3 says that no hack carriage may enter the Gardens except by the permission of the Committee through one of its members

4 says no dogs are allowed in the Gardens

next follow rules of the privileges of members of the Agri-Hort. Soc.