

Mr. Hudson.

MOTUEKA BOROUGH COUNCIL LIBRARY.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to vest certain Lands in the Mayor, Councillors, and Burgesses Title.

5 *Corporation of the Borough of Motueka upon the Trusts set out in Deed of Conveyance, Volume 2d No. 647, Nelson Registry as an Endowment for the Purposes of a Public Library, and also to vest in the said Mayor, Councillors, and Burgesses authorize the Motueka Borough Council to receive certain Funds derived from the aforesaid Lands, and to apply the Same to the Cost of the*
 10 *Erection of a Public Library and Reading-room and the Purchase of Books and Literature therefor.*

WHEREAS by a deed of conveyance bearing date the twenty-third Preamble.
 day of January, eighteen hundred and fifty-seven, registered in the Deeds Registry Office at Nelson under No. _____, Volume 2D No. 647, and made between Edward Fearon, of Motueka, Gentleman, of the
 15 one part and Charles Parker, Richard Sutcliffe, Thomas Poole, James Robinson (all therein described), and the said Edward Fearon, of the other part (hereinafter termed "the trustees"), all that piece or parcel of land situate in the Borough of Motueka containing one-quarter of an
 20 acre and being part of Section 155 on the public map of the Motueka Survey District was conveyed to the trustees upon trust for a site for an institution to be called the "Motueka Literary Institute," for the purposes of a public library and reading-room for the use of the community of Motueka and for encouraging and promoting mutual
 25 instruction and the general cultivation of literature and science by and among the said community: And whereas Edmund Parker, of Motueka, farmer, Frederick Walter Huffam, and Gerard Scudamore Huffam, both of the same place, mechanics, Samuel Biggar Canavan, of the same place, storeman, and Albert Isaac Manoy, of the same

place, merchant (hereinafter termed the "present trustees") are the present trustees of the aforesaid trust: And whereas they have accumulated a fund of seven hundred and sixty-three pounds fifteen shillings and ninepence out of revenue derived from the said trust lands from which there is payable on presentation the aggregate amount owing on outstanding bearer debentures issued by the trustees estimated at approximately one hundred and five pounds: And whereas the present trustees are desirous of retiring from and of being discharged and released from the said trusts and of having the Mayor, Councillors, and Burgesses of the Borough of Motueka appointed in their stead, and of having the said fund subject to the aforesaid outstanding liabilities and the said lands vested in the Mayor, Councillors, and Burgesses of the Borough of Motueka, who intend to erect a public building on certain perpetual leasehold lands situate in High Street, Motueka, and comprising part of Section 162, Block IV, Motueka Native Reserves, which building shall include a public library and reading-room (the present lands and buildings of the aforesaid trust being unsuitable for the purpose and objects of the trust): And whereas the said Mayor, Councillors, and Burgesses of the Borough of Motueka desire to apply the surplus of the said fund, after payment of the said outstanding debentures, towards the cost of acquiring books and other literature, library and reading-room, furniture, fittings, and equipment to be lodged, housed, and kept in the public library room in the aforesaid public buildings upon the said part Section 162; and also of applying fifty per centum of the net annual revenue hereafter to be derived from the aforesaid trust lands towards the annual sinking fund and interest payable upon a proposed loan for the erection of the aforesaid public building on the said part Section 162 until the said proposed loan be wholly repaid:

Struck out.

Burgesses of the Borough of Motueka appointed in their stead, and of having the said fund subject to the aforesaid outstanding liabilities and the said lands vested in the Mayor, Councillors, and Burgesses of the Borough of Motueka, who intend to erect a public building on certain perpetual leasehold lands situate in High Street, Motueka, and comprising part of Section 162, Block IV, Motueka Native Reserves, which building shall include a public library and reading-room (the present lands and buildings of the aforesaid trust being unsuitable for the purpose and objects of the trust): And whereas the said Mayor, Councillors, and Burgesses of the Borough of Motueka desire to apply the surplus of the said fund, after payment of the said outstanding debentures, towards the cost of acquiring books and other literature, library and reading-room, furniture, fittings, and equipment to be lodged, housed, and kept in the public library room in the aforesaid public buildings upon the said part Section 162; and also of applying fifty per centum of the net annual revenue hereafter to be derived from the aforesaid trust lands towards the annual sinking fund and interest payable upon a proposed loan for the erection of the aforesaid public building on the said part Section 162 until the said proposed loan be wholly repaid:

New.

handing over the said lands and the said fund to the Motueka Borough Council (hereinafter referred to as the Council) to be held and applied as hereinafter set out for the purposes of a public library to be erected by the said Council on certain perpetual leasehold lands situate in High Street, Motueka, and comprising part of Section 162, Block IV, Motueka Native Reserves:

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

Short Title.

1. This Act may be cited as the Motueka Borough Council Library Act, 1928.

Land to vest in Borough Council in trust.

2. (1) The aforesaid part Section 155, containing one-quarter of an acre, and more particularly described in the aforesaid deed of conveyance, Volume 2D No. 647, is hereby vested in the Mayor, Councillors, and Burgesses of the Borough of Motueka in fee simple upon the trusts set out in the aforesaid deed of conveyance, Volume 2D No. 647, without the necessity of any conveyance thereof from the said present trustees; and the District Land Registrar at Nelson is hereby authorized and empowered to issue a certificate of title of the said lands to the Mayor, Councillors, and Burgesses of the Borough of Motueka.

Struck out.

Burgesses of the Borough of Motueka in fee simple upon the trusts set out in the aforesaid deed of conveyance, Volume 2D No. 647, without the necessity of any conveyance thereof from the said present trustees; and the District Land Registrar at Nelson is hereby authorized and empowered to issue a certificate of title of the said lands to the Mayor, Councillors, and Burgesses of the Borough of Motueka.

New.

is hereby vested in the Corporation of the Borough of Motueka released from the original trusts pertaining thereto and set out in the aforesaid deed of conveyance, but in trust to apply the revenues therefrom as hereinafter set out.

(2) The Council shall have the same powers of letting or leasing the land hereby vested in it and any buildings thereon as it has in respect of any other land and buildings vested in it for municipal purposes.

3. *Subject to the provisions of the next succeeding section*, the present trustees aforementioned and each of them are hereby discharged and absolutely released from the trusts of the said deed of conveyance and from all acts, deeds, matters, and things heretofore done or permitted by them or any of them thereunder respectively, including any acts and deeds contrary to the express terms or the spirit of the said trust.

Release of existing trustees.

Struck out

4. The aforesaid fund of seven hundred and sixty-three pounds fifteen shillings and ninepence is hereby vested in the Mayor, Councillors, and Burgesses of the Borough of Motueka subject to the payment of the amount due on all outstanding debentures issued by the trustees for the time being of the aforesaid trust; and the said Mayor, Councillors, and Burgesses of the Borough of Motueka are hereby authorized and empowered to expend the surplus of the said fund in the purchase of books and other literature, library and reading-room, furniture, fittings, and equipment, and to house, lodge, and keep the same in the proposed public building to be erected on the said leasehold part Section 162, situate in High Street, Motueka, and to charge, levy, and recover a reasonable yearly fee from all persons using the said books and literature; the net revenue from such yearly fee or charge to be applied in the purchase of books and literature for the said library, but no charge shall be made for the use of the said library as a reading-room only.

Funds to vest in Borough Council subject to payment of outstanding debts. Expenditure of surplus funds.

5. The said Mayor, Councillors, and Burgesses of the Borough of Motueka (hereinafter termed the "Motueka Borough Council") are hereby authorized and empowered to apply the net annual revenue derived from the aforesaid trust lands comprising part Section 155 in manner following—namely, fifty per centum thereof towards payment of the annual sinking fund and interest payable on any loan raised for the purpose of erecting the aforesaid public buildings on said Section 162, and the balance of the said net revenue shall be expended in the purchase of books and other literature for the said library and reading-room in the said public building on said part Section 162.

Expenditure of annual revenue.

6. For the purposes of carrying into effect the objects and provisions of this Act the Motueka Borough Council may, in respect of the aforesaid freehold and leasehold lands respectively and any buildings thereon, including such portion of the buildings to be hereafter erected on the said perpetual leasehold lands as shall be used for a public library and reading-room and the books and literature housed and kept therein and the use thereof by the public, and of and incidental to any of the aforesaid matters, make by-laws for any of the following purposes:—

By-laws.

(a) Good rule and government of the said lands, buildings, library, reading-room, books, and literature, and the use thereof by the public.

Struck out.

- (b) The annual charge or fee payable by the members of the public using the said buildings respectively, and in particular the said library, reading-room, books, and literature. 5
- (c) Regulating the days and nights and the hours when the said library, reading-room, books, and literature shall be open and available to the public.
- (d) More effectually carrying out any of the objects of this Act.
- (e) Regulating any of the subject-matters of this Act.
- (f) Protecting from damage or injury any property vested in the Motueka Borough Council or controlled by it under the provisions of this Act. 10
- (g) Preventing danger from fire.

New

Trustees to pay to Council accumulated fund.

4A. The present trustees shall pay to the Council the aforesaid fund of seven hundred and sixty-three pounds fifteen shillings and ninepence, and accrued funds, with interest (if any) accrued to the date of payment, and the Council shall hold the same in trust to be applied as follows:— 15

- (a) In payment of the amount due on all outstanding debentures issued by the trustees of the aforesaid trust: 20
- (b) As to the balance of the aforesaid fund remaining after paying the amount due on outstanding debentures or after setting aside a sufficient sum to pay the amount when due, in the purchase of books and other literature, library and reading-room furniture, fittings, and equipment for the public library to be erected by the Council as hereinbefore recited. 25

Application of revenue from trust lands.

4B. The Council shall apply the net annual revenue derived from the aforesaid trust lands comprising part of section one hundred and fifty-five in the manner following:—

- (a) As to fifty per centum thereof, towards the payment of interest and sinking-fund charges on any loan raised for the purpose of erecting the public library hereinbefore mentioned, or any public buildings of which the library forms part: 30
 Provided that the excess (if any) of revenue so available, and the whole of such revenue on the repayment of the loan, shall be applied as set out in the *next succeeding* paragraph: 35
- (b) As to the balance thereof, in the purchase of books and other literature for the public library hereinbefore mentioned.