

Hon. Mr. Hall-Jones.

TIMARU PUBLIC LIBRARY.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for vesting in the Mayor, Councillors, and Burgesses of the Borough of Timaru a certain Parcel of Land in the said Borough, together with the Buildings thereon, and all other the Real and Personal Property belonging or appertaining thereto; and to empower the said Mayor, Councillors, and Burgesses to sell the said Land, Buildings, and other Real and Personal Property, or otherwise deal with them, and to apply the Proceeds of such Sale, or a Sum equivalent to the value of such Land, Buildings, and other Real and Personal Property, in the Purchase of Books, Periodicals, Scientific Apparatus, and Works of Art, for the Purposes of an Institute to be provided, equipped, and furnished in the Borough of Timaru by the said Corporation.

WHEREAS the parcel of land described in the *First* Schedule hereto is vested, together with the buildings and all other the real and personal property belonging or appertaining thereto, in the Trustees for the time being of the Timaru Mechanics' Institute upon trust for the purposes of such Institute: And whereas the present Trustees of such Institute and the subscribers thereto are desirous that the Timaru Borough Council shall assume control of such Institute and acquire the property thereof: And whereas the Timaru

Borough Council will provide the necessary accommodation for such Institute in buildings to be erected by such Council on another site, and will not therefore require to use such land or the buildings thereon as a site for the proposed new Institute: And whereas the present Trustees of the said Mechanics' Institute and the subscribers thereto are desirous that such land, buildings, and other real and personal property of such Institute shall be transferred to the Corporation, and the said land and buildings then sold by the Council or otherwise dealt with, and the proceeds of such sale, or a sum equivalent to the value of such land, applied by the Council as herein-after provided :

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. The Short Title of this Act is "The Timaru Public Library Act, 1906." 15
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
 "The Council" means the Timaru Borough Council :
 "The Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Timaru, as constituted under "The Municipal Corporations Act, 1900," as a borough incorporated before and existing at the time of the commencement of the said Act : 20
 "The said land" means the land described in the *First* Schedule hereto, together with all buildings, erections, and fixtures thereon, and all rights and easements appertaining thereto. 25
- Land to be vested in Corporation.** 3. After the completion of the buildings to be erected by the Corporation as mentioned in section *six* of this Act, the Trustees for the time being of the Timaru Mechanics' Institute shall convey to the said Corporation the fee-simple in possession of the said land, subject to the following provisions and trusts. 30
- Power given to Corporation to deal with land and execute assurances.** 4. The Corporation is hereby authorised—
 (a.) To sell or otherwise deal with the said land, either together or in lots, and either by public auction or public tender, for such price and upon such terms and conditions as to the Corporation shall seem meet : 35
 (b.) To execute under the seal of the Corporation the necessary conveyance and assurance of the said land or any part thereof to the purchaser or purchasers thereof, or other instrument dealing with the said land and buildings. 40
- Application of purchase-money.** 5. All purchase-moneys received by the Corporation for the sale of the said land and buildings, or an equivalent sum as provided by section *nine* hereof, shall be applied in the purchase of books, periodicals, scientific apparatus, and works of art for the purposes of such proposed library. 45
- Corporation to provide site and build, &c., library.** 6. The Corporation shall erect, out of funds to be provided by it for the purpose, on portion of the land described in the *Second* Schedule hereto a building to be used as a public library, and shall provide in such building a library, reading-rooms, and rooms for other purposes and amusements such as are usually associated with a public library, and shall properly furnish and equip the same, 50

and keep such library and other rooms so to be provided properly furnished and equipped. The portion of the land to be appropriated and set apart for the erection of the said building and other purposes in connection therewith shall not be of a less area than fifteen
5 perches.

7. The said library, reading and other rooms, together with the site on which they shall be so built, shall be inalienable, and shall not be devoted to any purpose other than as mentioned in the *last preceding* section. Library inalienable.

10 8. The said library, and reading and other rooms, and the site on which they shall be so built, shall not be mortgaged except for the purpose of increasing the usefulness of the said library. Every mortgage so given shall contain the usual covenants and conditions set out in such instruments, except that the same shall not contain
15 any provision whereby the land shall be subject to any power of sale usually contained in mortgages on default by the mortgagor in payment of principle or interest; and every such mortgage shall be executed under the common seal of the Corporation. Mortgaging library.

20 9. The Corporation may, if it so chooses, retain possession of the said land and buildings of the Mechanics' Institute for municipal purposes, and in that case it shall provide out of its own funds for such books, periodicals, scientific apparatus, and works of art, and for the furnishing and equipment of the library and rooms to be provided by it, a sum of money equal to the value of the said
25 land and buildings transferred to it. Such valuation shall be made by two valuers, one to be appointed by the Trustees of the said Mechanics' Institute and the other by the Council, or by an umpire to be appointed by such valuers before they enter upon the consideration of the matters referred to them. Such reference to
30 valuation shall be deemed a reference to arbitration within the meaning of "The Arbitration Act, 1890," and the provisions of that Act shall, so far as applicable, apply thereto. Corporation may retain possession of land.

10. The said Corporation shall take over the liabilities of the Timaru Mechanics' Institute as at the date of the transfer of the said
35 land: Corporation to take over liabilities of Timaru Mechanics' Institute.

Provided, however, that the said liabilities shall not exceed the sum of *three* hundred pounds. The amount of such liabilities so to be taken over by the Corporation shall be deducted by it from the amount to be expended on books, periodicals, scientific apparatus,
40 works of art, furnishing, and equipment as before mentioned.

11. The library and rooms so to be provided, equipped, and furnished by the Council shall be managed by a Committee of Management consisting of seven members. Four members of the said Committee, one of whom shall be the Mayor, shall be appointed
45 from their number by the Timaru Borough Council annually in the month of May, and the remaining three members shall be elected from their number by the subscribers to such library at a meeting to be held for that purpose at the library in the month of May, one thousand nine hundred and *seven*, and thereafter in the month of
50 May in each year. Lady subscribers shall be eligible for election to the Committee of Management. Four members personally present shall constitute a quorum of such Committee of Management, and Committee of management.
Appointment and election.
Quorum.

Chairman.

the Mayor shall, *ex officio*, be the Chairman thereof, and shall have a casting-vote in the event of an equality of votes. In the absence of the Mayor, or in the event of any vacancy in that office, the members present shall elect a Chairman, who shall have a casting-vote as aforesaid. The members of the Committee of Management shall remain in office until their successors are appointed. 5

Committee to remain in office until their successors appointed.

Disqualification of members.

12. If any member of the Committee of Management shall cease to reside within the Borough of Timaru or the County of Levels for a period of six months, or shall, by writing under his hand, resign his office, or become bankrupt, or become lunatic, or be convicted of any indictable offence, or be absent without leave from the meetings of the said Committee of Management for three months, he shall immediately thereupon cease to be a member of the said Committee of Management. 10

Vacancy on Committee.

13. In the event of any vacancy occurring on the said Committee of Management for any of the reasons mentioned in the *last preceding* section, the Council shall appoint one of its members, or the subscribers to the said library shall elect one of their number, as the case may be, to fill the said vacancy for the period during which the person whose seat has become vacant would have held office. 15 20

Meetings of Committee and subscribers.

14. The Committee of Management shall hold meetings at such times as they may determine, and the secretary thereof shall, on giving not less than three days' notice thereof, call the said annual general meeting in the month of May, and any other general meeting of the subscribers to the said library that may be considered necessary for the purpose of discussing the affairs or furthering the interests of the said library. 25

Committee may make rules.

15. (1.) The Committee of Management may from time to time, subject to the approval of the Council, make rules in respect of the management, control, and use of the said library, and reading and other rooms; and, subject as aforesaid, may do so without restricting the generality of their provisions in respect of all or any of the matters next hereinafter mentioned; and they may from time to time, subject to the said approval, revoke or vary any such rules, that is to say,— 30 35

Subject-matter of rules.

- (a.) For conducting the election of members of the Committee of Management by the subscribers to the said library, and for regulating all matters connected with any such elections, and for determining the validity of disputed elections; 40
- (b.) For prescribing the fees to be charged for lending out books or periodicals belonging to the said library;
- (c.) For prescribing as to the care of the books, periodicals, scientific apparatus, and works of art belonging to the said library, reading or other rooms, or other matters or things belonging or appertaining thereto; 45
- (d.) For prescribing the fees to be charged for the use of any room connected with the library for the purpose of meetings other than the general meetings of subscribers and of the Committee of Management; 50

(e.) For the maintenance of order, decency, and cleanliness among subscribers or visitors using or frequenting the said library, reading or other rooms, and of preventing disorderly behaviour in or upon the premises of the said library, reading or other rooms, by any persons ;

(f.) For prohibiting smoking in, or the introduction of intoxicating liquors into, the library or reading or other rooms ;

(g.) For prescribing the duties of the librarian, custodian, or other persons appointed by the Committee of Management and employed in that behalf ; and

(h.) For prescribing the fines payable by subscribers or other persons contravening such rules and the mode of recovery thereof.

(2.) One or more copies of the rules shall, as soon as conveniently may be after the approval thereof as aforesaid, be affixed and maintained in some conspicuous place in the said library.

Rules to be posted in library, &c.

16. The Committee of Management shall on their first coming into office, and thereafter before the last day of March in each year, ascertain the estimated gross cost of maintenance of the said library, reading and other rooms, together with the estimated income from all sources of such library, reading and other rooms, for the twelve months next following, and shall transmit such estimates to the Council, together with a requisition to such Council for a contribution for the support of such library, reading and other rooms, to the amount of the difference between the estimated gross cost of maintenance and the estimated revenue ; and the Council shall make all such contributions as may be reasonable :

Committee to estimate their expenditure, and to apply to Council for grant.

Council shall make contributions.

Provided, however, that the Committee of Management shall not have power to incur any liabilities in excess of the amount for the time being levied by the Council by way of library rate without having first obtained the sanction of the Council.

17. The Committee of Management shall be at liberty to enter into contracts for the supply of books, periodicals, scientific apparatus, works of art, or other matters or things for the said library or reading or other rooms, and may appoint a librarian, custodian, or other persons to act in that behalf, and such other officers as they may think necessary, and fix and pay their remuneration (if any), and also appoint a treasurer and secretary to fill such offices, and to open and operate in the name of the Committee of Management on any banking account, in such manner as they shall think fit.

Powers of Committee.

18. All fines incurred or subscriptions due may, subject to the before-mentioned rules (if any), be enforced in the manner prescribed by section twelve of "The Public Libraries Powers Act, 1875."

Fines and subscriptions, how enforced.

19. In the event of there being no subscribers to the said library from whom to elect the three members of the Committee of Management as prescribed by section eleven hereof, the whole management and control of the library and reading and other rooms, and all other powers hereby conferred on the said Committee, shall devolve on the Council, who shall be invested with all the powers vested in such Committee by this Act, and may enforce the same in the name of the Corporation.

When management to devolve on Council.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land containing 1 rood, more or less, situate in the Town of Timaru, being the eastern part of Reserve No. 203, in red, and numbered 131 on the map of the Chief Surveyor setting out and describing the Town of Timaru; being bounded on the north by North Street, a distance of 100 links; on the east by Section No. 130, a distance of 250 links; on the south by Section No. 143, a distance of 100 links; and on the west by Section No. 132, being also part of the before-mentioned Reserve No. 203, in red, a distance of 250 links.

SECOND SCHEDULE.

ALL those pieces or parcels of land containing together 1 rood 36.5 perches, more or less, situate in the Borough of Timaru, being the lots numbered 1, 2, and 3 on the plan deposited in the Land Transfer Office at Christchurch as No. 1490; being bounded on the north by George Street, a distance of 251.6 links; on the east by lots numbered 161 and 163 on the plan deposited in the Land Transfer Office at Christchurch as No. 1, a distance of 190 links; on the south by lot numbered 4 on the said deposited plan numbered 1490, a distance of 251.6 links; and on the west by Latter Street, a distance of 190 links.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1906.