

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE AUGUST 21ST, 1889.]

Major Steward.

WAIMATE PUBLIC LIBRARY.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Short Title.</p> <p>2. Library reserve vested in Corporation of Waimate.</p> <p>3. (1) Books, furniture, and other property of Library transferred to Corporation. (2.) Debts, claims, and liabilities of Library to be debts, &c., of Corporation. (3.) Moneys due to Library to be paid to Corporation.</p> <p>4. Statement of accounts. Trustees discharged from trust.</p> | <p>5. Council may sell Reserve 2599 and Lots 2 and 3.</p> <p>6. Library Account.</p> <p>7. Copy of Library Account to be forwarded to Auditor-General annually.</p> <p>8. Powers of Council with regard to Library.</p> <p>9. Council to provide suitable accommodation and shall be Trustees.</p> <p>10. Power to separate Library from borough.</p> <p>11. By-laws. Schedule.</p> |
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A BILL INTITULED

AN ACT for the Transfer of the Public Library Reserve at Waimate, in the Waimate County, to the Corporation of the Borough of Waimate, and for empowering the Corporation to act as Trustees of the Library. Title.

WHEREAS by a certificate of incorporation, dated the twenty-fifth day of May, in the year one thousand eight hundred and eighty-two, the Waimate Public Library became incorporated under "The Public Libraries Powers Act, 1875," and by an Order in Council of the eleventh day of February, in the year one thousand eight hundred and eighty-four, a certain reserve, numbered two thousand five hundred and ninety-nine (in red), in the Borough of Waimate, as described in the Schedule hereto, was vested in the said Corporation as a site for a public library: Preamble.

And whereas the Trustees of the said Library purchased, upon certain conditions, subdivision lots two and three, part of an educational reserve numbered seven hundred and eighty, with the buildings thereon, but, being unable to complete the said purchase, requested the Council of the Borough of Waimate (herein referred to as "the Council") to complete the said purchase, and take over the control of the said Library with all its assets and liabilities:

And whereas the aforesaid proposal was submitted to a poll of the ratepayers of the said borough, and, being assented to, the Council completed the purchase of subdivision lots number two and three of

the said reserve number seven hundred and eighty, together with the buildings thereon, and a certificate under the Land Transfer Act was issued to the Corporation of the said borough for the same :

And whereas the Municipal Corporations Act does not provide for the Council of a borough acting in the capacity of trustees :

And whereas it is expedient to transfer the reserve number two thousand five hundred and ninety-nine herein first mentioned to the Corporation of the borough, together with all other property of the said Library :

And whereas it is considered by the said Council advisable to obtain power to sell the above-mentioned reserve number two thousand five hundred and ninety-nine :

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 Waimate Public Library Act, 1889." It shall come into operation on the *first* day of *October* next after the passing thereof.

Library reserve vested in Corporation of Waimate.

2. On the day of the commencement of this Act the land described in the Schedule hereto shall, without any conveyance, be and the same is hereby vested in the Corporation of the Borough of Waimate.

Books, furniture, and other property of Library transferred to Corporation.

3. On and after the aforesaid commencement—

(1.) All books, furniture, moneys, and other property of every kind held by the Trustees of the Waimate Public Library on behalf of the said Library are hereby transferred to, and from the aforesaid day shall belong to, the aforesaid Corporation ; and

Debts, claims, and liabilities of Library to be debts, &c., of Corporation.

(2.) All debts, claims, and liabilities of every kind of the aforesaid Trustees on account of the said Library shall be the debts, claims, and liabilities of the said Corporation, and shall be discharged by the Borough Council on behalf of the Corporation.

Moneys due to Library to be paid to Corporation.

(3.) All moneys due, or to be due, to the aforesaid Trustees (if any) shall be payable to and be paid by the several persons owing the same to the Borough Council of Waimate.

Statement of accounts.

4. The Trustees of the aforesaid Library forthwith after the commencement of this Act shall prepare a balance-sheet showing their assets and liabilities on account of the said Library on the day of the commencement of this Act, which shall be under their seal, and shall submit the same to the Borough Council of Waimate, and at the same time shall pay to the said Council all moneys (if any) in their hands belonging to the said Library ; and, on approval of the said balance-sheet by the Borough Council, and on payment of the aforesaid moneys (if any), the said Trustees shall be and are hereby discharged and exonerated from their trust.

Trustees discharged from trust.

Council may sell Reserve 2599 and Lots 2 and 3.

5. The said Council may at any time after the commencement of this Act sell the said reserve two thousand five hundred and ninety-nine and lots number two and three of reserve number seven hundred and eighty, or any part of the same, and hold the moneys derived therefrom in manner hereinafter provided.

New Clauses.

- 5 6. The Council shall, on behalf of the said Corporation, keep a separate and distinct account, to be called "The Waimate Public Library Account," showing in detail all moneys and income received. and all sums expended on account of the said Library, as from the date of the commencement of this Act. Library Account.
- 10 7. A copy of such account with a balance-sheet shall be transmitted annually to the Controller and Auditor-General by the Borough Treasurer at the time of forwarding the yearly balance-sheet and statements of the Council. Copy of Library Account to be forwarded to Auditor-General annually.
- 15 8. The Council shall duly maintain and support the said Library, and shall entirely appropriate to such maintenance all interest on the purchase moneys of any lands sold hereunder, and all other moneys and revenue received for or in respect of the said Library or in respect of the lands aforesaid. Powers of Council with regard to Library.
- 9. 6. The Borough Council shall hold all the property acquired as aforesaid, and shall provide sufficient suitable accommodation in the buildings purchased aforesaid, or elsewhere, for the Waimate Public Library, and shall be the Trustees thereof under "The Public Libraries Powers Act, 1875." Council to provide suitable accommodation, and shall be Trustees.
- 10. 7. If at any future time it shall appear expedient to separate the said Library from the Borough control, the subscribers to the Library may, and on the requisition of the Borough Council shall, appoint a Committee to arrange and settle terms of transfer with the Borough Council, and any decision come to between the parties and reduced to writing shall be binding on both parties. Power to separate Library from borough.
- In case of any disputes between the parties, the same shall be decided by an umpire, who shall be agreed upon by both parties before entering upon the business. If either party shall refuse or neglect to proceed as herein provided, the willing party may consider and determine the matter *ex parte*, and its decision shall be final and binding.
- 11. 8. Any by-laws which the Trustees, under section eight of the aforesaid Act, are empowered to make may be made by the Council under "The Municipal Corporations Act, 1886." By-laws.

SCHEDULE.

Schedule.

ALL that parcel of land in the Provincial District of Canterbury containing by admeasurement one rood, more or less, being Section No. 2599 (in red), situate in the Town of Waimate. Bounded towards the north-west by Queen Street, 150 links; towards the north-east by Victoria Terrace, 250 links; towards the south-east by a line parallel to north-west boundary, 50 links; and towards the south-west by a line bearing N. 109° 50' 25" E., 269 links: be all the aforesaid linkages more or less. As the same is delineated on plan deposited in the District Survey Office, Christchurch.