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(Mr. O'Rorke.)

Public Libraries Powers Bill.

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A BILL INTITULED

AN ACT to confer Powers on Public Libraries and Mechanics' Institutes. Title.

WHEREAS it is expedient to declare that certain powers shall attach to public libraries, mechanics' institutes, museums, and other such like literary or scientific bodies : Preamble.

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 Public Libraries Powers Act, 1875." Short Title.

2. Any number of persons, not less than ten, having subscribed or holding together not less than twenty pounds in money or money's worth for the use of their intended institution, may make and sign a declaration (in duplicate) of their intention to establish a public library or mechanics' institute, or both; as the case may be, at some place to be named in such declaration, in which they shall also state,— Contents of the declaration.

1. The corporate name of the institution.
2. Its purpose.
3. The amount of money or money's worth subscribed by them respectively, or held by them for the use thereof.

4. The names of those who are to be the first trustees for managing its affairs.

5. The mode in which their successors are to be appointed and new members of the corporation admitted, or the mode in which by-laws are to be made for such appointment or admission, or for other purposes.

6. Generally such other particulars and provisions as they may think necessary, not being contrary to this Act or to law.

Duplicate declaration, how disposed of.

3. One duplicate of such declaration shall be filed in the office of the Registrar of the Supreme Court of the province by one of the subscribing parties, who shall, before such Registrar, acknowledge the execution thereof by himself, and declare the same to have been executed by the other parties thereto or by their attorneys. 5

The Registrar to file one and deliver the other.

4. The Registrar shall keep the duplicate so filed, and deliver the other to the person who filed it, with a certificate of the same having been so filed and of the execution having been attested before him, and such duplicate, or any copy thereof certified by such Registrar, shall be *prima facie* evidence of the facts alleged in such declaration and certificate. 10

When to become incorporated.

5. When the formalities aforesaid have been complied with, the persons who signed such declaration, or the directors or the office-bearers, and the committee for the time being of any such institution, and their successors, shall be a body corporate and politic, and shall have the powers rights and immunities vested in such bodies by law, with power to such corporation, in their corporate name, from time to time to acquire and hold to them and their successors, for the uses of such corporation, any messuages lands tenements or hereditaments situate within the province. 15

What existing institutions may do.

6. In case of a mechanics' institute or public library (or both united) established or in existence when this Act comes into operation, the directors, trustees, or the office-bearers, and committee thereof, for the time being, may make and sign a declaration of their wish or determination to become incorporated according to the provisions of this Act, stating in such declaration the corporate name to be assumed by such institution; and also with such declaration file, in the manner hereinbefore provided, a copy of the constitution and by-laws of such institution, together with a general statement of the nature and amount of all the property, real or personal, held by or in trust for such institution. 20

Directors and trustees.

7. The affairs of every such corporation shall be managed by the directors or trustees thereof for the time being, appointed as hereinafter or by any by-law of the corporation provided, who, or a majority of whom, may exercise all the powers of the corporation and act in its name and on its behalf and use its seal (if any), subject always to any provisions limiting the exercise of such powers in the declaration aforesaid or in any by-law of the corporation. 25

By-laws.

8. Such trustees, or a majority of them, may make by-laws binding the members and officers thereof, and all others who agree to be bound by them, for all purposes relative to the affairs and business of the corporation, except as to matters touching which it is provided by the declaration that by-laws shall be made in some other manner. 30

Officers.

9. The members of every such corporation may, at their annual meeting, to be held on the day appointed by a by-law of the corporation, choose from among themselves a president, and may appoint (except if be otherwise provided in the declaration or by-laws) a librarian, treasurer, and secretary, or such other officers as they think necessary, and fix and pay their remuneration (if any), and may also choose a board of directors or trustees of such corporation, who shall hold office for one year or such further time as may be hereinafter limited or permitted. 35

Failure to elect provided.

10. A failure to elect trustees on any day appointed for that purpose by the declaration or by any by-laws shall not effect the dissolution of the corporation, but the trustees then in office shall remain in office until their successors are elected, which they may be (if no other provision be made therefor by the declaration or by-laws) at any meeting of the corporation at which a majority of such members are present in whatever way such meeting may have been called. 40

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11. Every such corporation may by its by-laws impose a fine not exceeding one pound on any member contravening the same, or on any person not being a member of the corporation who has in writing agreed to obey the by-law for the contravention whereof it is imposed. What fines may be imposed.
- 5 12. Any such fine, if incurred, and any subscription or other sum of money which any member or other person may have agreed to pay to the corporation for his subscription to the funds of the corporation for any certain time, or for the loan of any book or instrument, or for the right of entry to the rooms of the corporation, or for any other How enforced.
- 10 privilege or advantage afforded to him by the corporation, may be recovered by the corporation by action in any Court of competent jurisdiction, on allegation and proof of the signature of defendant to some writing by which he has undertaken to pay such subscription or to obey such by-law, and of the breach of such undertaking, which
- 15 breach, as regards a promise to pay any sum of money, shall be presumed until the contrary is shown, and as regards the contravention of any such by-law may be proved by the oath of any one credible witness.
- 20 13. In any action to which the corporation may be a party, any member or officer of the corporation shall be a competent witness, and a copy of any by-law bearing the signature of the defendant, or being certified as a correct copy of such by-law by the president or other two officers of the corporation, shall be *prima facie* evidence of such by-law. Witnesses.
- 25 14. Any fine incurred may be recovered in like manner as a subscription or other sum of money, and all fines so recovered shall belong to the corporation for the use thereof. Application of fines.
- 30 15. If it be provided in the declaration or by the by-laws of the corporation that the shares of the members in the property of the corporation shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration or in the by-laws of the corporation, if by such declaration such transfers are to be regulated by them. When shares transferable.
- 35 16. All such shares shall be personal property, and by the declaration or by-laws permission may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description or resident within some certain locality. Shares to be personal property.
- 40 17. Provision for the dissolution of such corporation may be made by the declaration, or it may be therein provided that such provision may be made by the by-laws of the corporation, but no such dissolution shall take place until the liabilities of the corporation are discharged. Dissolution provided for.