

Wellington City Empowering Act 1897

Local Act 1897 No 14
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An Act to confer Further Powers on the Corporation of the City of Wellington.

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

- 1 Short Title**
The Short Title of this Act is The Wellington City Empowering Act 1897.
- 2 Interpretation**
In this Act, unless inconsistent with the context,—
City means the Borough of the City of Wellington
Corporation means the Mayor, Councillors, and Citizens of the said city
Council means the Council of the said city
The said Act means The Municipal Corporations Act 1886.

Part 1 Overdrafts

3 Council may borrow to extinguish overdrafts

- (1) The Council is hereby empowered to borrow, at a rate of interest not exceeding four dollars per centum per annum, sums of money not exceeding in the whole seventy-two thousand dollars. Such moneys shall be raised by way of special loan within the meaning of the said Act, and by special order; but it shall not be necessary for the Council to take any poll on the proposals to so borrow.
- (2) Such sums of money shall be raised and expended exclusively for the purposes following, that is to say,—
 - (a.) In payment of the charges and expenses incurred in the raising of the loan or loans.
 - (b.) In extinction of the overdrafts of the Corporation owing, as on the thirty-first day of March, one thousand eight hundred and ninety-eight, to its bankers on the accounts mentioned in Schedule 1 hereto.
- (3) After the extinction of the overdrafts, it shall not be lawful for the Corporation or the Council to owe to its bankers on overdraft on any of its accounts, at the end of any financial year, any sum exceeding the amount of revenue for that year payable into such account, and then outstanding and uncollected.
- (4) The limit specified in this section shall not be interpreted to affect the right of any bank to be repaid out of the funds of the Corporation the moneys advanced by the bank to the Corporation or the Council:

Provided that before any bank shall grant any overdraft against the revenue outstanding and uncollected, as specified in the preceding subsection, it shall be imperative that every application for any such overdraft shall be accompanied by a statutory declaration made by the Town Clerk and Borough Treasurer, showing that the amount of such proposed overdraft can legally be borrowed.

The references to “four dollars”, and “seventy-two thousand dollars” were substituted, as from 10 July 1967, for references to “four pounds”, and “thirty-six thousand pounds” pursuant to section 7(1) and (2) Decimal Currency Act 1964 (1964 No 27).

Part 2

Urgent works

4 Council may carry out scheduled works, and raise loan for same

- (1) Notwithstanding anything contained in any public or local Act, it shall be lawful for the Council to respectively construct, provide, and carry out all and singular the works described in Schedule 2 hereto, and all works and things necessary or incidental thereto respectively.
- (2) The Council may borrow by way of special loan under the said Act any sum or sums not exceeding in the whole the sum of seventy-two thousand dollars, to be appropriated to carrying out the said scheduled works, and to be allocated amongst them in the several sums set opposite thereto respectively in the said Schedule 2.
- (3) It shall be competent for the Council to submit separate proposals from time to time for the construction of any one or more of the said scheduled works exclusively of the others, but so always that the sum to be borrowed for any work shall not exceed the specific sum set opposite that work in the said Schedule 2.

The reference to “seventy-two thousand dollars” was substituted, as from 10 July 1967, for a reference to “thirty-six thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Part 3

Town Hall

5 Council may sell or lease present municipal site, and borrow to erect new Town Hall

[Repealed]

Section 5 was repealed, as from 6 October 1899, by section 7(3) Wellington City Empowering Act 1899 (1899 No 12(L)).

Part 4

Water-supply

6 Council may provide supply for higher levels

It shall be lawful for the Council to expend the whole or part of the balance at credit, as on the thirty-first day of March, one

thousand eight hundred and ninety-eight, of the Waterworks Account of the Corporation in and towards the provision of a supply of water to the lands and buildings situated upon the higher levels of the city.

Part 5

Widening and extending streets

7 Power to improve streets and acquire lands, and borrow moneys, and sell or lease surplus lands

[Repealed]

Subsection (3) was amended, as from 6 October 1899, by section 6(2) Wellington City Empowering Act 1899 (1899 No 12(L)), by substituting the words “special order under the Act” for the words “special loan under the said Act or this Act,”.

Subsections (2) to (5) were repealed, as from 10 October 1908, by section 11 Wellington City Empowering Act 1908 (1908 No 39).

Section 7 was repealed, as from 6 November 1924, by section 10 Wellington City Empowering and Amendment Act 1924 (1924 No 19).

8 Rents and sale-moneys to be applied to loans

[Repealed]

Section 8 was repealed, as from 10 October 1908, by section 11 Wellington City Empowering Act 1908 (1908 No 39).

9 How and when this Part of Act to come into force

[Repealed]

Section 9 was repealed, as from 6 November 1924, by section 10 Wellington City Empowering and Amendment Act 1924 (1924 No 19).

Part 6

Basin Reserve

10 Part of Basin Reserve thrown into adjoining street

The portion of the Basin Reserve in the city described in Schedule 3 hereto is hereby converted into and declared to be a public street, for the purpose of widening the public streets abutting on such portion of reserve.

Part 7

General provisions

11 Special rates may be struck for loans

The Council may pledge as security, or as additional security for the interest or interest and sinking fund in respect of every or any loan authorised to be raised by this Act, any special rate or special rates within the meaning of the said Act; and every such special rate may, for the purpose of better security, be in excess of the estimated annual amount required to meet the interest, or interest and sinking fund, as the case may be.

12 Majority on polls

If a majority of three-fifths of the votes given upon the taking of any poll of citizens required to be taken under the authority of this Act and the said Act read together on any proposal to raise a loan, or on any other proposal, shall be in favour of the proposal upon which the poll shall be taken, then and in such case the proposal shall be deemed carried, and the Council may proceed with such proposal accordingly; but if not, then the said proposal shall be deemed rejected. Section one hundred and eighty-two of the said Act shall not apply.

Any poll taken under the authority of this Act may be taken at one or at several polling-booths situate within the city, at such convenient place or places as the Returning Officer shall appoint, anything in subsection three of section one hundred and eighty-one of the said Act notwithstanding.

13 Miscellaneous

Provisions in any Schedule hereto shall take effect as parts of this Act.

It is expressly declared that section one hundred and eighty-four of the said Act shall apply to every special loan and to every poll on any proposal whatever authorised to be raised or taken by this Act.

Schedule 1
Corporation overdrawn accounts

General Account.

City Reserves and Botanical Gardens Account.

Library Account.

Te Aro Reclamation Account.

Old Drainage Account.

Cemetery Account.

Hospital and Charitable Aid Account.

Schedule 2

URGENT WORKS.

	\$
1. Additions to Destructor, four new cells ..	4,000
2. Providing or constructing public baths at Te Aro.....	4,000
3. Erecting fire-brigade station on Reclaimed Land.....	6,000
4. Providing fire-brigade station at Newtown.....	2,000
5. Constructing new storm-water culverts in Grey Street, Hunter Street, and Reclaimed Land.....	4,000
6. Lowering and widening Adelaide Road, south of Luxford Street	3,000

URGENT WORKS.

7. Widening and improving Clyde Quay, and Esplanade on Oriental Bay	4,000
8. Completing Thorndon Quay to full width	3,000
9. Completing, levelling in, and enlarging Kelburne Park, and approaches thereto.....	10,000
10. Providing or constructing recreation-ground at Thorndon.....	16,000
11. Constructing crematorium, either in the Wellington Public Cemetery, in the Borough of Karori, or at any place in the City of Wellington	4,000
12. Constructing or providing and establishing abattoirs, and buildings in connection therewith, and acquiring land for abattoir purposes, which abattoirs may be erected and established either within the city or at any place whatever within any other borough or other district, with the consent of the local authority thereof; and if established outside the city shall be deemed to be within the same, and shall be under the sole control and supervision of the Wellington City Council	12,000
Total.....	\$72,000

All references to dollars were substituted, as from 10 July 1967, for references to pounds pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Schedule 3 Basin Reserve

ALL that area in the city of Wellington being that portion of the recreation-ground, known as the Basin Reserve, lying between Ellis and

Dock Streets, the eastern side of which runs along the whole of the eastern side of the said Basin Reserve for its full length of 594 ft, and the western side of which runs parallel to the said eastern side for a length of 462 ft at a distance of 16½ ft therefrom, the northern and southern terminations of the said western side being a curved line of a length of 103 ft 7 in, having a radius of 1 chain, connecting respectively with the northern and southern sides of the said Basin Reserve.