

New Zealand.



ANALYSIS.

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1899, No. 2.--Local.

AN ACT to empower the City of Christchurch to borrow Thirty-five Thousand Pounds. Title.
[16th September, 1899.]

WHEREAS it is desirable that the indebtedness of the City of Christchurch, represented by its bank overdraft, should be paid off by means of a loan at a lower rate of interest, and further to provide funds for the Council to carry out the following necessary works: The purchase of a central yard and erection of necessary buildings thereon (including a morgue); erection of three bridges, at Antigua Street, Colombo Street, and East Belt; and payment for the purchase of a site for a fire-brigade station and erection of necessary buildings thereon for housing of the firemen, horses, and engines: 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 is "The Christchurch City Borrowing Act, 1899." Short Title.

2. In the interpretation of this Act the following expressions shall have the meanings hereby assigned to them:— Interpretation.

"The Corporation" shall mean the Corporation by the name of "The Mayor, Councillors, and Citizens of the City of Christchurch":

“The Council” shall mean the Council of the said city, and for carrying out the provisions of this Act it shall have and exercise all the powers of the Corporation :

“The Agents” shall mean the Agents appointed or acting under the provisions of this Act, and such Agents may be any bank, company, or person or persons :

“The Court” shall mean the Supreme Court of New Zealand. The debentures authorised by this Act to be issued shall be termed “Christchurch City Debentures, 1899” ; and the security and remedies therefor shall extend to the coupons thereto attached :

“Public notice” and “publicly notify” and similar expressions shall mean and have reference to a publication in some newspaper in general circulation in the City of Christchurch :

“The said Act” shall mean “The Municipal Corporations Act, 1886.”

BOBROWING.

Power to Corpora-
tion to borrow
£35,000.

3. The Corporation is hereby empowered to borrow, at such rate of interest not exceeding four per centum per annum as it shall think fit, such sums of money, not exceeding in the whole the sum of thirty-five thousand pounds, as may from time to time be authorised by resolution of the Council, and thereafter approved by a vote of the ratepayers at a poll to be taken under the provisions of the said Act.

Modification of
manner of taking
poll.

4. For the purposes of such a poll the provisions of section one hundred and eighty-two of the said Act shall not apply, but in lieu thereof it is hereby enacted—

If a majority of the votes given upon the taking of any poll under the authority of this Act shall be in favour of the proposal upon which the poll shall be taken, then and in such case the said 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.

Purposes for which
loan raised.

5. Such loan shall be raised and expended exclusively for the purposes herein specified, that is to say,—

(1.) In payment of such commissions, charges, and expenses, including the cost of obtaining this Act, as the Council shall determine to have been actually incurred in connection with such loan ;

(2.) Repayment of the existing overdraft at the Bank of New Zealand of about thirteen thousand pounds, and for the construction of the following works—namely, the purchase of a central yard, which includes the necessary buildings and a public morgue ; the erection of three bridges over the River Avon, at Antigua Street, Colombo Street, and East Belt : Provided that after payment of the aforesaid overdraft the balance of the moneys so raised shall be allocated to and expended on the several works and purposes as provided by the Second Schedule to this Act.

Proviso.

6. The following provisions shall apply to the loan to be raised under the powers herein contained:—

- (1.) The debentures issued under the provisions of this Act shall have a currency not exceeding thirty years from the date of issue. Currency of debentures.
- (2.) No debenture issued under this Act shall be sold at a price that will produce to the purchaser a greater interest than five per centum per annum. Limit of interest on debentures.
- (3.) Such debentures and the coupons attached thereto shall be in the form or to the effect set forth in the First Schedule hereto, with such modifications as to the Council seems desirable; and the same need not have the corporate seal attached thereto, and may be signed either by the Mayor and Treasurer or by the Agents, and they shall be numbered consecutively, and the signatures to any coupon may be made by lithography or any other process; and the sum secured by any such debenture shall, both as to principal and interest, be payable at a place or places to be determined by the Council, and stated in such debenture and coupon; and the place for the payment of coupons need not be the same as for the payment of the principal sum of the debenture. Form of debenture.
- (4.) At the maturity of the said debenture the Corporation may, without taking the vote of the ratepayers, reborrow such sum or sums as may be required for the repayment of the loan represented hereby, and the provisions of this Act shall apply to such reborrowing and all successive reborrowings. Council may re-borrow at maturity of debentures.
- (5.) Sections numbered from two hundred and four to two hundred and seventeen, both inclusive, of the said Act shall not apply to the loan raised under the provisions hereof. Sections of 1886 Act re sinking fund not to apply.
- (6.) The provisions of this Act shall, so far as this loan is concerned, be paramount to prevail over the provisions of the said Act, and all Acts amending the same or passed in substitution therefor, and all other general Acts. Part IX. of 1886 Act re loans subject to provisions of this Act.
- (7.) The production of a copy of the resolution of the Council authorising the raising of a loan under the authority hereof, purporting to be authenticated by the seal of the Corporation, shall be conclusive evidence that such loan has been duly authorised, and may be raised, and a certificate of the Council similarly authenticated shall be conclusive evidence of the appointment of any Agent or Agents. Copy of resolution to be evidence of authorisation of loan.

7. It is hereby further enacted that after sufficient money has been borrowed under the above authority to pay off the said overdraft, the amount of the overdraft mentioned in section two hundred and one of the said Act shall be further limited by the amount of thirteen thousand pounds mentioned in subsection two of section five hereof. Limitation of bank overdraft.

SECURITY.

Special rate may be levied as security for loan.

8. The Council shall, by special order, make and levy, as security for any such loan, such special rate as it may deem necessary, and may pledge the same as security for any such loan, and in so doing its authority shall not be limited to the making and pledging of a special rate estimated as sufficient to cover the interest of such loan, but it may make and pledge a rate of a greater amount: Provided that it shall not be required to levy more in any year during the currency of such loan than shall be sufficient to provide such interest, so long as such interest shall be punctually paid.

Power to Council to amend any special rate.

9. The Council shall have power from time to time to amend any special rate made by it under the provisions hereof by increasing or diminishing the same; but no special rate shall be diminished by the Council under the powers herein contained unless the Controller and Auditor-General shall, previously to such reduction, in writing approve thereof, and such reduction shall only continue for so long a period as he shall approve.

DEFAULT.

Provisions in case default made in payment of interest or principal.

10. In every case in which default shall be made in the payment of any interest on any of the debentures issued under the provisions hereof, and in every case in which default shall be made in the payment of any principal secured by any of such debentures, the following provisions shall have effect:—

- (1.) The Court or any Judge thereof shall have power, by order, to direct the Council to make and levy a special rate or special rates upon all lands, buildings, and other rateable property within the said city, according to the annual rateable value thereof, for the purpose of meeting such interest or repaying such principal, as the case may be, and in so doing to determine the amount required to be levied to produce such interest, and the amount which shall annually be levied for the purpose of repaying such principal:

Provided that, if there shall happen to be no valuation of such rateable property applicable to the power hereby given, the Court or Judge may order one to be made.

- (2.) Every such order for the making of a rate shall take the place and have the effect of a special order under section eight hereof.
- (3.) The Court or any Judge thereof shall have power, by order, to vest such rate in any Receiver who may be appointed under the powers hereof.
- (4.) Any person to whom such principal or interest is overdue may apply, *ex parte*, by petition, or similarly by motion or summons in any action, or by originating summons, to the Court or any Judge thereof for relief under this Act; and any Court or Judge may, if satisfied of the truth of any of the matters alleged in support of such application, appoint, upon such terms as to security and remuneration as it or he thinks fit, a Receiver of any rate liable

for the payment of such principal or interest; and the said Court or Judge shall have full power and jurisdiction to make such orders from time to time that complete justice shall be done to all parties interested, and to determine and direct in what manner and to what extent such rate shall be collected and received and applied in payment of the principal and interest secured by the debentures issued hereunder.

- (5.) All powers and remedies for the recovery of any such rate shall, after the same shall have been so vested in the Receiver, and upon the order so vesting the same being publicly notified, cease to be exercised by the Council, and shall be exercisable by the Receiver.

11. Moneys received by the Receiver in respect of rates under the powers hereof shall be applied,—

Moneys received by Receiver, how applied

- (1.) In payment of the expenses of the application and order;
- (2.) In payment of the Receiver's remuneration, fixed as aforesaid, and his reasonable and necessary expenses;
- (3.) In payment of the sums then overdue which are secured by such rate;
- (4.) The residue, after payment of the above, to the Corporation.

12. When all sums overdue in respect to the said debentures and interest are paid, it shall be lawful for the Court or Judge to make an order declaring that the office of the Receiver with reference to the said loan is at an end; and thereupon the said rate shall revert to the Corporation.

When sums overdue are paid, rate to revert to Corporation.

MISCELLANEOUS.

13. No Judge shall, solely on account of his liability to pay rates, be deemed to be interested in any proceedings in which he is judicially concerned.

Judge not deemed interested on account of liability for rates.

14. No objection shall be allowed in any Court to any rate which the Council or Receiver shall purport to strike, make, or levy under the provisions of this Act, or which shall or may form the security for the debentures or coupons issued hereunder; and no informality or irregularity, whether in form or substance, or in the making, striking, or levying of such rate, or in the election or appointment of any body or person acting in connection therewith, shall be allowed by any Court as a defence to any action or proceeding for the recovery of such rate, or be entertained as a ground for questioning such rate or restraining the recovery thereof.

Objection to rate struck not allowed as a defence.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

FORM OF DEBENTURE.

Loan of £35,000, City of Christchurch.

Christchurch City Debentures (1899) Loan. Secured by Special Rate.

DEBENTURE for £ , payable at Christchurch on the day of ,
 19 , issued by Council of the City of Christchurch, New Zealand, under
 "The Christchurch City Borrowing Act, 1899."

ON presentation of this debenture at the Christchurch City Council Office on or after
 the day of , 19 , the bearer thereof will be entitled to receive
 £ . Interest on this debenture will cease after the day when the payment
 falls due, unless default is made in payment.

N.B.—The holder of this debenture has no claim in respect thereof upon the
 Government of the Colony of New Zealand, or the revenues of such colony

Issued under the corporate seal of the City of Christchurch, the day of
 , 19 .

C.D., City Treasurer.

A.B., Mayor.

FORM OF COUPON.

DEBENTURE No. of the City of Christchurch, New Zealand. Issued under
 "The Christchurch City Borrowing Act, 1899." Secured by Special Rate.

ON presentation of this coupon at the City Council Office, Christchurch, on or after
 the day of , 19 , the bearer thereof will be entitled to receive
 £

C.D., Treasurer.

A.B., Mayor.

SECOND SCHEDULE.

Purchase of central yard and erecting necessary buildings thereon	£ 13,000
Erection of bridges	7,500
Contingencies	... 1,500
	<u>£22,000</u>