

New Zealand

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Validating existing loan and security.
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1894, No. 23.—*Local.*

AN ACT to set at Rest Doubts concerning the Validity of the Title.
Security held by the Government Insurance Commissioner for
a Loan of Eighteen Thousand Pounds to the Hastings Borough
Council, and to authorise the said Borough Council to raise a
further Loan of Seven Thousand Pounds.

[29th September, 1894.]

WHEREAS in the month of December, one thousand eight hundred Preamble
and eighty-six, the Council of the Borough of Hastings obtained the
sanction of the ratepayers of the said borough to the raising of a loan of
twenty-five thousand pounds for the purpose of carrying out a scheme
for the drainage of the Borough of Hastings on the security of a special
rate of one shilling in the pound sterling on the rateable value of the
rateable property within the said borough; and in the said month of
December the said borough executed two hundred and fifty debentures
for one hundred pounds each, payable on the first day of
December, one thousand nine hundred and eleven: And whereas
the said Borough Council obtained from the Bank of New South
Wales advances to the extent of eighteen thousand pounds on
the hypothecation of the said debentures: And whereas in the
month of February, one thousand eight hundred and ninety-two, the
said Borough Council applied to the Government Insurance Com-
missioner for a loan of eighteen thousand pounds, to be applied in
paying off the advances made by the Bank of New South Wales:
And whereas on the treaty for the said loan it was agreed that
the debentures to be issued to secure the same should be charged
on a special rate of one shilling and sixpence in the pound sterling on
the rateable value of the rateable property within the said Borough of
Hastings: And whereas, on the making of the said loan by the
Government Insurance Commissioner, it was assumed that by the
said advances so made by the Bank of New South Wales the said
loan authorised by the ratepayers had been raised to the extent
of eighteen thousand pounds, and that therefore, under section one

hundred and eighty-nine of "The Municipal Corporations Act, 1886," no poll of the ratepayers of the borough was necessary thereon, and that the said Borough Council could, under section one hundred and forty-six of the said Act, increase the special rate authorised to be pledged from one shilling to one shilling and sixpence: And whereas eighteen debentures of one thousand pounds each, payable on the first day of August one thousand nine hundred and twelve, with forty interest coupons to each debenture, covering interest during the currency of the debentures, were issued by the said borough, expressing themselves to be issued for paying off a special loan of eighteen thousand pounds theretofore raised, and to be secured on a special rate of one shilling and sixpence in the pound sterling on the rateable value of the rateable property within the Borough of Hastings; and the Government Insurance Commissioner advanced and paid to the said Borough Council the sum of eighteen thousand pounds: And whereas doubts have arisen as to the validity of the said loan, and the security on which the said debentures and interest are charged, and as to the power of the said Borough Council to borrow the unraised portion of the said loan of twenty-five thousand pounds, and it is expedient to remove such doubts:

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 Hastings Borough Loan Validation and Empowering Act, 1894."

Validating existing loan and security.

2. The debentures numbered one to eighteen inclusive, dated the first day of August, one thousand eight hundred and ninety-two, each for the sum of one thousand pounds, payable on the first day of August, one thousand nine hundred and twelve, together with the coupons attached thereto, contracting for the payment of interest on the said debentures during the currency of the said debentures, shall be and are hereby declared valid and validly charged and secured on a special rate of one shilling and sixpence in the pound sterling, leviable on the rateable value of the rateable property within the Borough of Hastings; and the said special rate of one shilling and sixpence in the pound sterling shall be and is hereby declared to be a special rate validly made by the said Borough Council for the purpose of providing the interest on the said debentures in accordance with the terms of the said coupons: And the said special rate is hereby declared to be an annually-recurring rate, payable by equal half-yearly instalments on the first day of June and the first day of December in every year until the said debentures are paid off: And the provisions of "The Municipal Corporations Act, 1886," shall be incorporated herein and apply and extend to the said special rate in the same manner and to the same extent as if the same had been a valid special rate of one shilling and sixpence in the pound sterling duly made by special order by the said Borough Council.

Authorising further loan.

3. It shall and may be lawful for the said Borough Council to raise, for the same or similar purposes as or to those for which the said loan was authorised to be raised, a further special loan of seven thousand pounds without taking any poll thereon, and to charge the said sum of seven thousand pounds and interest thereon on

the said special rate of one shilling and sixpence in the pound sterling: And the said special rate of one shilling and sixpence in the pound sterling may be validly pledged and levied for the purpose of providing the interest on such sum of seven thousand pounds: And the provisions of "The Municipal Corporations Act, 1886," shall be incorporated herein and apply and extend to such further special loan, and the charge or pledge thereof on the said special rate, in the same manner as if the said further loan had been a loan duly authorised and raised under the said Act without the special authority conferred by this Act.