

**MALVERN WATER-
RACE TRANSFER ACT
1878 AMENDMENT.**

Preamble.

AN ACT to amend "The Malvern Water-race Transfer Act, 1878," and to confer upon the Council of the County of Selwyn special Rating and Borrowing Powers in respect of the said Water-race. [1st September, 1880.]

WHEREAS it is expedient to amend "The Malvern Water-race Transfer Act, 1878," and to confer upon the Council of the County of Selwyn, in respect of the said water-race, special powers of rating and borrowing :

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 Malvern Water-race Transfer Act 1878 Amendment Act, 1880."

Interpretation.

2. In this Act—

"The said Act" means "The Malvern Water-race Transfer Act, 1878 ;"

"District" means and includes the lands described in the Schedule :

"Council" means the Council of the County of Selwyn.

**Special rate may be
levied as security for
loan.**

3. The Council, by special order, may make and levy a special rate not exceeding one shilling in the pound on all rateable property within the district, for the purpose of securing the repayment of the moneys to be borrowed, as hereinafter mentioned, with interest.

**County of Selwyn
may borrow £35,000
for construction of
Malvern Water-race.**

4. The Council, from time to time, as occasion may require, may borrow and take up at interest any sum or sums of money, not exceeding in the whole the sum of thirty-five thousand pounds, on the security of the said rate, for the purpose of constructing, completing, extending, enlarging, repairing, and maintaining the said water-race and the works connected therewith, and of otherwise carrying into effect the provisions of the said Act, and for paying all expenses incidental to the raising and borrowing of such moneys.

**Notice of special loan
to be published.**

5. The Council shall publish in the district once in each week, for four consecutive weeks, a notice setting forth,—

(1.) The particular work proposed to be undertaken ;

(2.) The sum proposed to be borrowed for such purpose ;

(3.) Any special rate, or tolls, or the rents and profits of any property which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government, or moneys theretofore pledged as security for any loan, or appropriated to any special purpose.

**Chairman to call
meeting of ratepayers
to consider proposal
to borrow.**

6. The Chairman of the County of Selwyn shall call a meeting of the ratepayers of the district, to be held within the district upon a day not less than ten nor more than twenty days after the last publication of such notice, to consider the said proposal ; and every such notice shall be published in a newspaper circulating in the district, and shall specify the time and place in the district at which the meeting is to be held.

7. The Chairman shall appoint one of the members of the Council elected for the riding included, or partly included, in the district to preside at each meeting, if such member shall be willing to act; and if no such member is willing to act, or becomes incapacitated from acting for any cause, then such person as the Chairman thinks fit.

Chairman to appoint person to preside.

The member or person so appointed shall be called the "Presiding Officer," and he shall be chairman of the meeting to be held in the district, and shall act as such at the taking of any poll, as hereafter provided.

After due consideration and discussion of the proposal, the presiding officer may give notice that a poll will be taken.

8. The poll shall be taken as follows:—

How poll to be taken.

- (1.) The Chairman shall publish a notice setting forth the day, not less than one week nor more than three weeks from the day of the said meeting, on which the poll will be taken.
- (2.) The Chairman shall give notice in writing to the presiding officer, requiring him to take the poll upon the day appointed.
- (3.) The presiding officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll.
- (4.) The voting papers shall be printed in the form in the Second Schedule, setting forth the notice mentioned in the fifth section, with the declaration in such form set forth, and the words "I vote for the above proposal," and "I vote against the above proposal," legibly printed at the foot of each voting paper.
- (5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased.
- (6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking a poll on the proposal to raise a special loan.

Second Schedule.

9. If the number of votes given for the proposal within the district taken together exceeds the number given against it by one-fifth or more than one-fifth of the latter, the resolution in favour of the proposal shall be deemed to be carried, and the Council may proceed with the proposal accordingly; but if there is not such a majority in favour of the proposal, the resolution shall be deemed to be rejected, and the Council shall not so proceed.

When resolution deemed to be carried.

10. As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected, as the case may be.

Chairman to declare numbers polled.

11. When any such resolution is carried, the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*, and such notice so gazetted shall be evidence that the raising of the loan to which it refers has been duly authorized under the provisions of this Act.

And send result of polling to Colonial Secretary.

12. The repayment of such moneys, with interest, shall be secured to the lender or lenders thereof, upon or by debentures to be issued in manner provided by Part IX. of "The Counties Act, 1876."

Debentures.

13. The net proceeds of the said rate shall be paid and applied by the Council in manner following, that is to say:—

Application of rates.

Firstly, in payment of the interest on the sum or sums of money to be borrowed;

Secondly, in providing a sinking fund of not less than one pound per centum per annum upon such sum or sums as shall from time to time be raised under the authority of this Act for the repayment of the principal of such moneys.

Proceeds of special rate to be paid into separate account.

14. The rate to be levied under this Act shall be a special rate within the meaning of sections one hundred and twelve, one hundred and thirteen, and one hundred and fourteen of "The Counties Act, 1876;" but the proceeds of such rate shall not be paid into nor form part of the County Fund of the County of Selwyn, and shall be paid into a separate account, to be called "The Malvern Water-Supply Account."

County of Selwyn not liable for loan.

15. The County Fund of the County of Selwyn shall not nor shall any property of the county be liable for the repayment of the loan hereby authorized to be raised or any part thereof.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area of land situate in the Provincial District of Canterbury, and estimated to contain by admeasurement 89,525 acres, bounded as follows: Commencing at the south corner of Rural Section 4708, thence along the eastern boundary of Rural Section 4708 to the lower Waimakariri Road, thence along the southern boundary line of the road to the north-east corner of Rural Section 15744, thence along the eastern boundary of the said section to the north corner of Rural Section 17637, thence along the northern boundary of Rural Section 17637 and southern boundary of Rural Section 14865 to the Racecourse Hill and Bleakhouse Road, thence along the southern boundary of the road to the north-west corner of Rural Section 14866, thence along the western boundary of Rural Section 14866 to the northern boundary of Rural Section 18489; thence along the northern boundaries of Rural Section 18489, Reserve 1329, Rural Sections 10233, 14691, 14970, 16237, 12285, 12289, 14854, 14517, 8995, 9135, 10181, 3743, and the eastern boundary of Rural Section 3743 to the Homebush Road; thence along the northern boundary of the Homebush Road to the Kirwee Road, thence along the eastern boundary of the Kirwee Road to the north-west corner of Rural Section 8894; thence along the northern boundaries of Rural Sections 8894, 8866, 8989, 6721, to the public road; thence along the northern boundary line of the public road to the south-west corner of Rural Section 5782, thence along the eastern boundary of the Sandy Knolls Road to the south-west corner of Rural Section 6467, thence along the northern boundary of the road to the south-west corner of Rural Section 20658, thence along the eastern boundary of the road to the south-west corner of Reserve 1455, thence along the south-western boundary of Reserve 1455 and Rural Section 22647, thence along the east side of the public road to the north corner of Rural Section 7743, thence along the south-western boundary of Reserve 720 and Rural Sections 8163 and 7795; thence along the south-eastern boundary of 7795 and 7569, and the north-eastern boundary of Rural Section 4962, to the north side of the Railway Reserve; thence along the northern boundary of the Railway Reserve to the east corner of Rural Section 4256; thence along the southern boundary of the public road up the bank of the Selwyn River, to the south-east corner of Rural Section 15024, and thence along the southern boundary of the road to the north corner of Rural Section 16011; thence along

the eastern boundary of the road to the bank of the River Hawkins, thence along the left bank of the River Hawkins to the west corner of Rural Section 4460, thence along the northern boundary of Rural Section 4460 and western and northern boundaries of 15106⁶ to the Malvern Railway Reserve, thence along the western boundary of the Railway Reserve to a point opposite to the commencing point, and thence across the reserve to the commencing point.

SECOND SCHEDULE.

FORM OF VOTING PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special Loan, upon which a poll will be taken on the day of _____, 18 ____.

[Insert the notice required by the eighth section of the Act.]

1. I vote FOR the above proposal.
2. I vote AGAINST the above proposal.