

NEW RIVER HARBOUR BOARD LOAN.

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A BILL INTITULED

AN ACT to grant further Borrowing Powers to the New River Harbour Board. Title.

BE IT 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 New River Harbour Board Loan Act, 1887." Short Title.

2. This Act shall be and be deemed to be a special Act within the meaning of "The Harbours Act, 1878," which Act and all Acts amending the same shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto. Act to be a special Act.

3. In this Act, if not inconsistent with the context,— Interpretation.

"The Board" means the New River Harbour Board.

"The Chairman" means the Mayor of the Borough of Invercargill for the time being.

"The said Act" means the "Harbours Act, 1878," and all Acts amending the same.

"Valuation-roll" means the valuation-roll made under the provisions of "The Rating Act, 1876."

"Rateable value" means rateable value as defined by the "Rating Act, 1876."

"Local body" has the meaning assigned to it by the "Regulation of Local Elections Act, 1876."

"The district" means the New River Harbour Rating District as constituted and defined by section six of this Act. Acts incorporated.

4. "The Rating Act, 1876," "The Regulation of Local Elections Act, 1876," and all Acts amending the same or passed in substitution thereof respectively, and for the time being in force, are incorporated with and shall be read as part of this Act.

Power to borrow.

5. The Board shall have power from time to time to borrow, in addition to any money already borrowed under the authority of any previous Act subject to the provisions of "The Harbours Act, 1878," and to the provisions of this Act, any sum or sums of money not exceeding in the whole twenty-five thousand pounds at any rate of interest not exceeding six pounds per centum per annum, to be applied in and about the purposes specified in the *First* Schedule to this Act. 5

Rating district constituted.

6. A district to be called "The New River Harbour Board Rating District" is hereby constituted and is described in the *Second* Schedule to this Act, and, for the purposes of "The Rating Act, 1876," shall be deemed to be a district divided into subdivisions, each of the wards of the Borough of Invercargill being a subdivision, and the part of the district not comprised within the limits of the said borough being another subdivision. 10 15

Chairman to convene meeting of ratepayers to consider proposal to borrow.

7. Before the said loan is raised the consent of the ratepayers in the district shall first be obtained in the mode hereinafter prescribed. The Chairman shall convene a meeting of the ratepayers, to be held within the district, and upon a day not more than ten days after the last publication of a notice, to be published as hereinafter mentioned, to consider the said proposal. Such meetings shall be convened by notice published once in each week for four consecutive weeks in a newspaper circulating in the district, and every such notice shall specify the time and place in the district at which such meeting is to be held, and also the following particulars, namely:— 20 25

(1.) The particular works proposed to be undertaken.

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

(3.) Any special rate or tolls which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the Government, or moneys theretofore pledged as security for any loan or appropriated to any special purpose. 30

Chairman to preside at meeting of ratepayers.

8. The Chairman shall preside at the said meeting, and, after due consideration and discussion of the proposal, shall give notice that a poll will be taken. 35

Special roll of voters to be made before taking poll.

9. After any such notice shall have been published, and before the poll shall be taken thereon, a special roll shall be made up by the Clerk to the Board, or other person appointed by the Board in that behalf, by combining the rolls of the several wards of the borough comprised in the district with the rolls of the other portions of the district, and setting opposite the name of each burgess or voter on such roll the number of votes to which he is entitled according to the scale set forth in the *eleventh* section of this Act in respect of his rateable property within the entire district. 40

How poll to be taken.

10. The poll shall be taken as follows:— 45

(1.) The Chairman shall publish a notice setting forth the day not less than one nor more than three weeks from the day of the said meeting on which the poll shall be taken.

(2.) The Chairman shall give notice to the Returning Officer requiring him to take the poll upon the day appointed. 50

(3.) There shall be only one polling-booth, at some central part of the district.

- 5 (4.) The Returning 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.
- 10 (5.) The voting-papers shall be printed in the form of the *Third* Schedule to this Act, and shall contain in full the notice mentioned in section *seven*, with the words, "I vote for the above proposal" and "I vote against the above proposal," legibly printed at the foot of each voting-paper.
- (6.) 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.
- 15 (7.) 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 of a poll on the proposal to raise a loan under this Act.

20 11. Every ratepayer within the district shall be entitled to vote according to the following scale, that is to say—

Number of votes to each ratepayer.

- (1.) If his rateable property, whether in one or more tenements, is valued on the valuation-roll at less than fifty pounds he shall have one vote.
- 25 (2.) If such property is so valued at not less than fifty pounds but less than one hundred pounds, he shall have two votes.
- (3.) If such property is so valued at not less than one hundred pounds but less than one hundred and fifty pounds, he shall have three votes.
- 30 (4.) If such property is so valued at not less one hundred and fifty pounds but less than three hundred and fifty pounds, he shall have four votes.
- (5.) If such property is so valued at three hundred and fifty pounds and upwards, he shall have five votes.

35 12. If a majority in number of the ratepayers vote in favour of the proposal, and the number so voting are entitled to more than one-half in number of the votes which can be exercised by the whole number of ratepayers, then and not otherwise the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is no such majority in favour of the proposal the resolution shall be deemed to be rejected, and the Board shall not so proceed.

When resolution deemed to be carried.

45 13. 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.

50 14. 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 final that the raising of the loan to which it refers has been duly authorized under the provisions of this Act, notwithstanding any omission or

And send result to Colonial Secretary. Gazette notice final.

irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876."

Board may rate district to provide for interest.

15. The Board, after the passing of this Act, shall, if the resolution in favour of the proposal be carried as aforesaid, make and levy a rate upon all rateable property in the New River Harbour Rating District, and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loans to be raised under this Act. 5

Amount to be raised by rate.

16. The amount to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of interest on the aggregate amount for which debentures shall at that time be issued, after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of interest on the loan hereby authorised to be made. 10

Sums available from revenue to be applied in payment of interest.

17. Any such sum available from the revenue of the Board for the previous year shall be placed to the credit of the Board on a separate account, and the balance required for interest on the loan shall then be levied in manner hereby provided. 15

No rate to be quashed.

18. No rate made under this Act shall be capable of being set aside or of being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same. 20

Board to have power of local body for levying rates.

19. For the purpose of making valuation-rolls, and of making, levying, and recovering the rates hereby authorised to be made and levied, the Board shall have and may exercise within the district all the powers of making valuation-rolls, and of making, levying, and recovering rates which a local body has under the provisions of "The Rating Act, 1876." 25

If debenture or coupon not paid when due, Receiver may be appointed.

20. When and so often as the Board shall fail to pay at the proper time and place for so paying either the principal sum secured by the debentures to be issued under this Act, or the coupons for interest payable thereon, then, immediately on default being made, any person to whom any such sum is owing may apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a Receiver of the rate hereby authorised to be levied. 30 35

Rate to vest in Receiver.

21. From and after the date of such appointment, and upon its being advertised by publication in the *Gazette* and in the newspapers circulating in the district for such time as the said Judge shall order, the said rate shall vest in the Receiver, and shall cease to be vested in the Board. 40

Powers of Board exercisable by Receiver.

22. All powers vested in the Board for the making, levying, and recovering the said rate shall, after the appointment of the Receiver and upon its being publicly notified in such manner as directed by the *previous* section of this Act, cease to be exercised by the Board, and shall be exercised by the Receiver. 45

Application of money by Receiver.

23. All moneys received by the Receiver shall be applied—

(1.) In payment of the costs of the application and order. 50

(2.) In payment of the Receiver's remuneration, to be fixed as aforesaid.

(3.) In payment *pro rata* of the sums then overdue by the Board which are secured by the said rate.

(4.) The residue (if any) to be paid to the Board.

5 And the Receiver shall account for all moneys received by him in such manner as the Judge shall direct.

24. When all sums overdue are paid, or at any time on the application of the Board, a Judge of the Supreme Court may order the powers of the Receiver to cease, and he shall thereupon pay over to the Board any moneys then in his hands, and the Board shall again 10 be capable of exercising the powers of which the appointment of Receiver had deprived them.

When loan is paid off, Receiver's powers to cease.

25. The debentures to be issued under this Act, and the interest thereon, shall be a first charge on the rates hereby authorised to be levied and on the revenue of the Board, subject, however, with regard 51 to such revenue, to the priority of all existing charges thereon, whether by way of debentures or otherwise.

Priority of debentures.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

In payment of the bank overdraft of the Board incurred by the Board in carrying into execution the provisions of "The Harbours Act, 1878," the sum of £2,500.

In the purchase of a dredge and plant, the sum of £3,150.

In dredging the channel of the harbour of the New River, in planting the sand-hills on the northern shore of the said harbour with bent grass; in repairing the jetty, and in the construction and carrying out of such other works as are defined by the words "Harbour Works" in the interpretation clause of such Act as shall be by the Board considered necessary for the requirements of the said harbour; and also in the erection and construction of all such cranes, sheds, and works for the improvement of the said harbour as shall be judged necessary and proper by the Board for the safety, convenience, or reception of vessels resorting to the said harbour; and for the more convenient loading and unloading of such vessels, or for the safety and protection of any works constructed or proposed to be constructed by the Board, and for defraying the costs and expenses of, and incidental to, the raising of the loan authorized by this Act, the sum of £19,350.

SECOND SCHEDULE.

ALL that area or district in the Provincial District of Otago, comprising—

1. All that parcel of land comprised within the limits of the Borough of Invercargill, as constituted by the "Municipal Corporations Act, 1886."

2. All that strip or belt of land in the provincial district aforesaid, comprising the foreshore and margin of the Waihopai and New River estuaries extending on the eastern and southern margins of these estuaries from the mouth of the Waihopai Creek to Steep Head, the boundaries whereof are set forth in the Schedule to "The New River Harbour Endowment and Borrowing Act, 1878."

3. Also, all that other strip or parcel of land comprising the Western foreshore and margin of the said estuaries extending from the mouth of the Waihopai Creek to the most southerly point of New River Hundred, the boundaries whereof are set forth in the said Schedule to the said "The New River Harbour Endowment and Borrowing Act, 1878."

THIRD 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 , 1887. [Insert notice required by section seven.]

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