

Mr. Jones.

SUMNER PUBLIC WORKS.

ANALYSIS.

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Preamble.	4. Act deemed special Act.
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A BILL INTITULED

AN ACT to authorize the Construction of certain Works within the Sumner Town District, and to authorize a Loan for the Purpose.

WHEREAS the creek which drains the Sumner Valley flows through the Town District of Sumner in a very tortuous course, and the owners of the land through which it passes are desirous of having the same diverted: And whereas the said creek is likely, if allowed to remain in its present condition, to become dangerous to the public health, and it is expedient that the Town Board of Sumner should be authorized to divert the said creek and to conduct it out to the low-water mark of the sea in a direct course from the point where the creek enters the said district:

AND WHEREAS the said Town Board is desirous of providing a water-supply for the Town District of Sumner, and is also desirous of acquiring extended powers for other special works:

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 Sumner Public Works Act, 1887."

2. The diversion of the creek running through the Town District of Sumner, and the carrying the same out to sea, in such a manner as the Town Board of Sumner shall deem best, shall be deemed to be a special public work for the benefit of the owners of the land through which the aforesaid creek passes in its course through the Sumner Town District, and may be executed by the aforesaid Town Board under the provisions of section thirty-nine of "The Town Districts Act, 1881," as a public work under "The Public Works Act, 1882."

- (1.) For the purpose of carrying out the aforesaid work, the Town Board may, on the security of the separate rates levied in respect of the said work, borrow such moneys as shall be necessary for or towards the complete execution of such work.
- (2.) The said Board shall not be liable to pay compensation to any person in respect of his being deprived, by the diversion of the aforesaid creek, of the water flowing therein, or of the right to such water.
- (3.) The said Board may contract separately with the owner or owners of any land along the course of the creek for the filling in and levelling of the bed thereof, after diversion of the water therefrom, at the expense of the said owner or owners.

Board may borrow  
£2,000 for water  
supply.

3. For the purpose of providing a supply of water for the Town District of Sumner, the Town Board of the said district is hereby authorized to raise a special loan not exceeding two thousand pounds in amount.

Act deemed special  
Act.

4. This Act shall be deemed to be a special Act for the purpose of authorizing the borrowing of the moneys hereinbefore mentioned, in manner as provided in "The Town Districts Act 1881 Amendment Act, 1883," and "The Municipal Corporations Act, 1886," respectively, subject as follows:—

The consent of the ratepayers of the particular portion of the town district to the borrowing of money as aforesaid for the benefit of such portion, and the consent of the ratepayers of the entire town district to the raising of the special loan aforesaid for a water-supply, shall be deemed to have been obtained in either case if the number of votes given at the poll against the proposal to borrow such money or to raise such special loan respectively does not amount to one-third of the total number of votes given at such poll for and against such proposal.

5. Sections thirty-nine and forty of "The Town Districts Act, 1881," shall cease to have operation within the Town District of Sumner from and after the passing of this Act, and the provisions following shall be in force therein in lieu of the said sections; that is to say,—

Separate rates may  
be levied for works  
in particular portion  
of district.

- (1.) Where it appears that any work which the Board is authorized to execute is for the special benefit of any particular portion of the town district, the Board may, for defraying the expenses incurred in executing such work, by special order distinctly defining such portion, make and levy a separate rate on such part of the district, and such separate rate may be an annual recurring rate until such work or improvement is paid for; but the total amount of all such separate rates made for any one year in any part of the district shall not exceed one shilling in the pound.

Such rate to be  
made on petition.

- (2.) No such special order shall be made unless a petition shall be presented to the Board, praying that a separate rate

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may be made and levied, signed by three-fifths of the ratepayers having a majority of votes in such portion of the district liable to be rated to such separate rate.

- (3.) The Board shall apply the moneys collected and received from any such portion of the district respectively by virtue of any such separate rate or rates towards the expense of such works as herein mentioned or towards recouping the District Fund the expense of such works which may have been commenced before such separate rate was resolved on.

Application of  
proceeds.