

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
30th November, 1877.*

Mr. Travers.

Te Aro Reclamation.

ANALYSIS.

Title.	18. Application of mortgage moneys.
Preamble.	19. Accumulated funds of benefit societies may be invested under this Act.
1. Short Title.	20. Account to be kept of all moneys borrowed and expended.
2. Interpretation.	21. Te Aro Reclaimed Land Account.
3. Land in grant part of Borough.	22. "Municipal Corporations Act, 1876," to apply to accounts.
4. Corporation may reclaim land, and enter into contracts for such purpose.	23. Land and annual revenues thereof primarily chargeable.
5. Power to borrow money for undertaking.	24. Power to sell and lease.
6. May issue debentures.	25. Council to appoint officers.
7. Time and place of payment.	26. Suits against Council.
8. Coupons.	27. False oath perjury.
9. Debentures and coupons transferable by delivery.	28. Offences.
10. Agents for raising loans.	29. Penalties.
11. Hypothecation.	30. <i>Certiorari</i> taken away.
12. When debentures due, Corporation may borrow again.	31. Limitation of proceedings.
13. Register of debentures to be kept.	32. Application of penalties.
14. Special rate may be made.	33. Offender not exonerated.
15. Special rate to continue until moneys paid off.	34. Right of Crown saved.
16. Provisions of "Municipal Corporations Act, 1876," to apply.	Schedules.
17. Limit of rates extended.	

A BILL INTITULED

AN ACT to provide for the Reclamation of Land in Wellington Harbour, and to enable the Corporation of Wellington to raise One Hundred Thousand Pounds for that purpose. Title.

5 **W**HERAS by a grant under the Seal of the Colony of New Zealand and under the hand of the Right Honourable Sir James Fergusson, Baronet, Governor of the said colony, dated the twenty-fourth day of June, one thousand eight hundred and seventy-four, the piece of land described in the Schedule to this Act was granted to the Mayor, Councillors, and Citizens of the City of Wellington, upon trust for reclamation and purposes of public utility: Preamble.

And whereas the said land is situated below high watermark, and the greater part thereof is usually covered by water, and the Corporation is desirous of reclaiming the same :

And whereas, for the purpose of enabling the Corporation to carry out such proposed reclamation, it is expedient that they should be empowered to raise money as hereinafter mentioned : 5

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 shall be “The Te Aro Reclamation Act, 1877.” 10
- Interpretation. 2. In the construction of this Act the words “the Corporation” and “the Council” shall respectively mean the Mayor, Councillors, and Citizens of the City of Wellington incorporated under “The Municipal Corporations Act, 1876;” the words “the undertaking” shall mean the works to be carried out under the provisions of this Act, and any necessary work in connection therewith; and the words “the revenues” shall mean the land reclaimed under the provisions of this Act, and all moneys received by the Corporation upon the sale of or by way of rent for or otherwise howsoever in respect of the said land or any part thereof, and also the special rate authorized by section *fourteen* of this Act. 15 20
- Land in grant part of Borough. 3. The land comprised in the said grant shall be deemed to be and to have been part of the Borough of the City of Wellington since the first day of January, one thousand eight hundred and seventy-seven. 25
- Corporation may reclaim land, and enter into contracts for such purpose. 4. The Corporation may from time to time fill up and reclaim any part of the land comprised in the said grant, and may for that purpose enter into any contract or contracts with any person or persons upon such terms and conditions as may seem to them fit and expedient, and may also from time to time carry out all such other works as may be necessary in connection with and for the purposes of such reclamation. 30
- Power to borrow money for undertaking. 5. The Council may for defraying the cost of the undertaking from time to time borrow and take up at interest any sum or sums not exceeding altogether the sum of one hundred thousand pounds. 35
- May issue debentures. 6. In respect of the moneys to be raised as aforesaid, and of the interest for the same, the Corporation may from time to time issue debentures charged upon the revenues; and every such debenture shall be in the form in Schedule A to this Act, and shall be numbered consecutively, but so that no separate debentures shall at any time bear the same numbers, and each such debenture shall be for a sum not less than twenty or more than one thousand pounds. 40
- Time and place of payment. 7. Every debenture shall be repayable, both as to principal and interest, at a place or places within or without the colony named in the debenture, and at a time or times named therein, but not longer than thirty years from the issue thereof, and shall state on the face thereof the funds upon which the principal and interest are secured. 45
- Coupons. 8. The interest on every debenture shall not exceed seven per centum on the amount thereof, and shall be payable half-yearly or otherwise, and separate coupons for each sum so payable, in the form in Schedule B to this Act, and numbered consecutively for each debenture, shall be attached thereto. 50
- Debentures and coupons transferable by delivery. No such debenture shall be sold at such a price as to produce to the purchaser an interest of more than seven per centum on the price paid. 55
9. Debentures and coupons respectively shall be transferable by delivery, and payment to any person in possession of any such debenture or coupon of the sum named therein shall discharge the Corporation of all liability in respect of such debenture or coupon.

No stamp duty shall be payable in respect of any such debenture or coupon.

10. The Corporation may appoint any joint stock company or any such company, and one or more persons or two or more persons, Agents for raising loans.
 5 within or out of the colony, to be agents for raising and managing the loan authorized to be raised under this Act or any part thereof, and such agents shall have full power to raise such loan by bonds, debentures, or otherwise in such manner, and either at once, or such times, in such parts, and upon such terms and conditions as the Corporation shall
 10 direct.

All such bonds or debentures shall be signed by the Mayor, and countersigned by the Treasurer, or shall be signed by the agents (if any) for raising the loan.

11. Pending the raising of any such loan, the Council or such agents Hypothecation.
 15 as aforesaid may borrow any sum or sums of money not exceeding the whole amount authorized to be borrowed by the hypothecation or mortgage of any debentures hereby authorized to be issued; but all moneys so borrowed shall be a first charge upon and shall be repaid out of the loan when raised, and the rate of interest on moneys so borrowed
 20 shall in no case exceed seven per centum, and the moneys to be borrowed shall be applied in like manner as the moneys authorized to be raised by sale of the debentures.

12. At the time appointed by any debentures for the payment of the principal money secured thereby, the Corporation may, if they When debentures due company may borrow again.
 25 think fit, borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of such principal money, and for that purpose issue and sell debentures under the provisions of this Act, which shall be secured upon the revenues, and have the same force and effect as the debentures for the payment of which the money
 30 is to be so borrowed.

13. There shall be kept at the office of the Corporation a register of all debentures from time to time issued under the authority of this Act, and within four months after the issue of any debenture an entry shall be made in the register of the number and date thereof as Register of debentures to be kept.
 35 stated in the debenture, and every such register shall be open to public inspection during office hours at the said office without fee or reward; and any clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding twenty pounds.

14. The Corporation may, for the purpose of repaying all or any part of the moneys secured by any debentures issued under the provisions of this Act, make a special rate upon all rateable property in the city not exceeding in any one year the sum of one shilling in the pound of the annual value of such property, and such special rate Special rate may be made.
 40 shall as nearly as practicable be in the form prescribed in respect to special rates in "The Municipal Corporations Act, 1876."

15. Every such special rate shall be payable at such intervals, not exceeding one year, as the Corporation shall in and by the special order for making such rate appoint; and every such special rate Special rate to continue until moneys paid out.
 50 shall, without any further proceeding by the Corporation or otherwise, be and continue to be an annual recurring rate during such period as aforesaid upon every rateable tenement at any time situated within the area composing the borough at the time of the making of such special rate, according to the annual value of each such tenement
 55 as appearing by the valuation last made affecting such tenements.

16. Save where it is herein otherwise expressly provided, or there is something in the context repugnant thereto, all the provisions contained in "The Municipal Corporations Act, 1876," and any Act Provisions of "Municipal Corporations Act, 1876," to apply.

or Acts amending or substituted for the same relating to special rates, shall apply to every such special rate as aforesaid.

Limit of rates extended.

17. Notwithstanding anything contained in "The Municipal Corporations Act, 1876," to the contrary, the limit of rates to be made and levied within the borough as fixed by the said Act may be exceeded by the Council for the purposes of this Act to the extent authorized by this Act. 5

Application of mortgage moneys.

18. All moneys from time to time borrowed under the authority of this Act for the purposes of the undertaking shall be applied in defraying the cost of the same, and of all works and conveniences connected therewith. 10

Accumulated funds of benefit societies may be invested under this Act.

19. Notwithstanding anything contained in any Act relating to building or other benefit societies in New Zealand, or in the rules of any such society to the contrary, it shall be lawful for the governing body of any such society to invest in any mortgage to be made under this Act any accumulated funds which, under the provisions of any Act relating to building or other benefit societies or any rules thereof, may be invested in real or Government securities. 15

Account to be kept of all moneys borrowed and expended.

20. The Council shall cause a separate account to be kept of all sums of money borrowed and expended by them for the purposes of the undertaking, and of the matters and things for which sums of money shall have been disbursed and paid, and such account shall be balanced once in every year at least, and a balance-sheet in respect thereof exhibiting a true statement of the credits and property of every description belonging to and of the debts due by the Council relating to the undertaking at the date of making such balance-sheet, together with a distinct separate statement of the profit or loss which shall have arisen in respect of the undertaking during the period to which such account shall extend or relate, shall also at least once in every year be prepared and made out, and both of such accounts shall be audited in like manner as other accounts of the Council, and shall be examined by the Council, and signed by the Mayor for the time being. 20 25 30

Te Aro Reclaimed Land Account.

21. The Council shall also keep a separate account to be called "The Te Aro Reclaimed Land Account," and all moneys received or payments made in respect of the lands comprised in the said recited grant, or from any source whatever connected with or relating thereto, or to the undertaking other than as mentioned in the last preceding section, shall be carried to such account, and shall be applied and disposed of in manner directed by this Act. 35

"Municipal Corporations Act, 1876," to apply to accounts.

22. All provisions of "The Municipal Corporations Act, 1876," relating to accounts shall, so far as the same are not repugnant to or inconsistent with the provisions of this Act, apply to all accounts to be kept by the Council under the provisions of this Act. 40

Land and annual revenues thereof primarily chargeable.

23. Notwithstanding anything in this Act contained, the land comprised in the said recited grant, and the moneys which shall from time to time be receivable in respect thereof, either upon the sale thereof or of any part thereof, or by way of annual or other revenue, or otherwise, shall, as between the Council and the ratepayers of the city, be the primary security for the payment of the moneys raised under the provisions of this Act, and the interest to become payable in respect thereof, and when, and so soon as, and so long as the annual or other revenue derivable from the said land shall be sufficient to pay the interest upon any moneys borrowed under the provisions of the said Act, the special rate authorized to be made and levied under this Act shall cease to be levied. 54 50 55

Power to sell and lease.

24. On completion of the undertaking or any part thereof, the Council may from time to time, at their discretion, sell all or any part or parts of the said land, for such price or prices in money as they shall determine, and upon payment of the purchase-money for the same the Council may convey the same to the purchaser or purchasers. 60

And every such conveyance made as last aforesaid shall vest the land comprised therein in such purchaser or purchasers, absolutely freed and discharged from all debentures made and issued for the payment of any moneys borrowed by the Council under this Act; and the

5 Council may also from time to time demise or let all or any part or parts of the said land, for such term of years in possession not exceeding forty-two years and at such annual rent or rents as they shall determine, but every such sale, demise, or letting shall be by public auction only, such auction to be subject to the like conditions where not

10 inconsistent with this Act, and so far as the same may be applicable as are mentioned in section one hundred and seventy-seven of "The Municipal Corporations Act, 1876."

25. The Council may, by any instrument under the seal of the Council, appoint any officers or persons whom they shall think necessary

15 for the purpose of carrying out or conducting the undertaking, and every person so appointed shall have and possess, and may exercise as far as may be necessary for the purposes of the undertaking, all the powers and authorities of this Act given to the Council.

Council to appoint officers.

26. No writ or process shall be sued out against the Council or

20 any member thereof, or any officer or person whomsoever appointed as aforesaid, and acting under the direction of the Council, for anything done or intended to be done under the provisions of this Act, until the expiration of one month next after notice in writing shall have been delivered to him or left at their or his office or usual place of abode,

25 clearly and explicitly stating the cause of action, and the name and place of abode of the intended plaintiff and of his attorney or agent in the action; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice; and unless such notice be

30 proved the jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards, and shall be tried in the jurisdiction where the cause of action occurred and not elsewhere; and the defendant shall be at liberty to plead a general denial of

35 the material allegations in the declaration (hereafter called "the general issue"), and give this Act and all special matter in evidence thereunder; and any person to whom such notice of action is given as aforesaid may tender amends to the plaintiffs, his attorney or agent, at any time within one month after service of such notice, and in case the same be

40 not accepted may plead such tender in bar (by leave of the Court) with the general issue or other plea or pleas; and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant, or if the plaintiff be nonsuited or discontinued, or if judgment be given for the defendant, then the defendant shall be entitled to the

45 full amount of costs of defence, and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amount tendered be insufficient, the defendant may, by leave of the Court, at any time before trial, pay into Court under plea such sum of money as he may think proper, and by the like leave may plead the

50 general issue or other plea or pleas, any rule of Court or practice to the contrary notwithstanding.

Suits against Council.

27. Every person who upon any examination on oath under the provisions of this Act shall wilfully or corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of

55 wilful and corrupt perjury.

False oath perjury.

28. The following shall be deemed to be offences against this Act, in addition to any other offences therein specified:—

Offences.

Wilfully or carelessly breaking or injuring any of the property

or works belonging to or under the management or control of the Council, or of any contractor with the Council under this Act:

Generally the doing or permitting or suffering to be done any act or thing whatsoever whereby the undertaking or any works connected therewith shall be injured: 5

And every person guilty of any such offence shall for every such offence be liable to a penalty not exceeding fifty pounds, and a further penalty not exceeding ten pounds for each day whilst the offence is continued.

Penalties.

29. All penalties imposed by this Act may be sued for and recovered in manner for the time being provided by law for the recovery of penalties by any Act of the General Assembly of New Zealand, but no such penalty shall be recovered at the suit of any person, other than a party aggrieved or the Council, without the consent in writing of the Attorney-General of New Zealand first had and obtained. 10 15

Certiorari taken away.

30. No proceeding under or in pursuance of this Act shall be quashed or vacated for want of form, nor shall the same be removed by *certiorari* or otherwise into the Supreme Court. 15

Limitation of proceedings.

31. No penalty imposed by this Act shall be recovered unless proceedings for the recovery thereof shall have been commenced within six months after the commission or occurrence of the offence upon which the penalty attached. 20

Application of penalties.

32. The Court, by which any penalty under this Act shall be imposed on any person, shall in all cases award one-half of the same to be paid to the Council, to be by them placed to the Te Aro Reclaimed Land Account hereinbefore mentioned, and the other half shall be paid to Her Majesty, and be applied in manner provided by law for the application of penalties of the like nature. 25

Offender not exonerated.

33. Notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. 30

Right of Crown saved.

34. Nothing in this Act contained shall prejudice, or be deemed to prejudice or affect, any right, title, or interest of Her Majesty, her heirs and successors, or of any person or persons claiming water frontage, and the claims of all persons claiming or entitled to water frontage shall, in default of agreement between them and the Council be settled in manner provided by "The Public Works Act, 1876," in relation to land taken for public works. 35

Schedules.

SCHEDULE.

ALL that parcel of land in the Provincial District of Wellington, and the Colony of New Zealand, containing by admeasurement seventy (70) acres, more or less, situate in the Harbour of Port Nicholson, and being the reserve marked "K" on the plan of the City of Wellington. Bounded towards the North-east by land included in a Crown grant to His Honor the Superintendent of Wellington, dated June twentieth, one thousand eight hundred and sixty-two, one hundred and sixty (160) links; and by other parts of the said Harbour of Port Nicholson one thousand two hundred and two (1202) links, one thousand two hundred and two (1202) links, one thousand two hundred and two (1202) links, and one thousand two hundred and two (1202) links; towards the East by other parts of the said harbour nine hundred and seven (907) links; towards the south-east by Clyde Quay nine hundred and forty-one (941) links, and by Sections of numbers two hundred and twenty-two (222), two hundred and twenty-three (223), two hundred and twenty-four (224), and two hundred and twenty-five (225), eight hundred and sixteen (816) links; towards the South-west by Sections numbered two hundred and eighteen (218), two hundred and nineteen (219), two hundred and twenty (220), and two hundred and twenty-one (221), eight hundred (800) links, by Sections numbered two hundred and twelve (212), two hundred and thirteen (213), two hundred and fourteen (214), two hundred and fifteen (215), two hundred and sixteen (216), and two hundred and seventeen (217), and by Reserve numbered nine (9), one thousand four hundred and thirty-five (1435) links, by Sections numbered two hundred and eight (208), two hundred and nine (209), two hundred and ten (210), and two hundred and eleven (211), eight hundred and fifty-four (854) links, and by Sections numbered two hundred and five (205), two hundred and six (206), and two hundred and seven (207), five hundred and

fifty (550) links; and towards the North-west by land reclaimed by Sir George Grey six hundred and thirty-six (636) links, by said land granted to his Honor the Superintendent of Wellington one thousand eight hundred and seventy-three (1873) links, and by other part of the said harbour five hundred and thirty-two (532) links; except always the piece of land one hundred and fifty (150) links wide thereby reserved.

SCHEDULE A.

FORM OF DEBENTURE.

City of Wellington.

£

Loan of [*State loan or fund on which secured*].

Debenture for £

Payable at [*State place of payment*] on

Issued by the Municipal Corporation of the City of Wellington, New Zealand, under the provisions of "The Te Aro Reclamation Act, 1877."

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.

ON presentation of this Debenture at [*State place of payment*] on or after the day of 18 the bearer thereof will be entitled to receive £

Interest on this Debenture shall cease after the day when the payment falls due.

Issued under the corporate seal of the City of Wellington, the day of

18

A. B., Mayor.

[Or] E. F. } Agents.
G. H. }

C. D., Treasurer.

SCHEDULE B.

FORM OF COUPON.

Debenture No. of the City of Wellington, New Zealand, issued under "The Te Aro Reclamation Act, 1877," secured on [*State loan or fund on which secured*].ON presentation of this Coupon at [*State place of payment*], on or after the day of 18, the bearer hereof will be entitled to receive £

A. B., Mayor.

[Or] E. F. } Agents.
G. H. }

C. D., Treasurer.