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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,
11th November, 1897.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. J. Hutcheson.

WELLINGTON CITY EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to confer Further Powers on the Corporation of the City of Wellington. 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 Wellington City Empowering Act, 1897." Short Title.

2. In this Act, unless inconsistent with the context, — Interpretation.

10 "City" means the Borough of the City of Wellington:

"Corporation" means the Mayor, Councillors, and Citizens of the said city:

"Council" means the Council of the said city:

15 "The said Act" means "The Municipal Corporations Act, 1886."

PART I.

OVERDRAFTS.

Council may borrow
to extinguish over-
drafts.

3. (1.) The Council is hereby empowered to borrow, at a rate of interest not exceeding four pounds per centum per annum, sums of money not exceeding in the whole thirty-six thousand pounds. Such moneys shall be raised by way of special loan within the meaning of the said Act, and by special order; but it shall not be necessary for the Council to take any poll on the proposals to so borrow. 5

(2.) Such sums of money shall be raised and expended exclusively for the purposes following, that is to say,— 10

(a.) In payment of the charges and expenses incurred in the raising of the loan or loans.

(b.) In extinction of the overdrafts of the Corporation owing, as on the thirty-first day of March, one thousand eight hundred and ninety-eight, to its bankers on the accounts mentioned in the *First* Schedule hereto. 15

(3.) After the extinction of the overdrafts, it shall not be lawful for the Corporation or the Council to owe to its bankers ~~an~~ *on* overdraft on any of its accounts, at the end of any financial year, any sum exceeding the amount of revenue for that year payable into such account, and then outstanding and uncollected. 20

(4.) The limit specified in this section shall not be interpreted to affect the right of any bank to be repaid out of the funds of the Corporation the moneys advanced by the bank to the Corporation or the Council: Provided that before any bank shall grant ~~such~~ *any* overdraft against the revenue outstanding and uncollected, as specified in the preceding subsection, it shall be imperative that every application for any such overdraft shall be accompanied by a statutory declaration made by the Town Clerk and Borough Treasurer, showing that ~~such~~ *moneys the amount of such proposed overdraft* can legally be borrowed. 25 30

Struck out.

Te Aro Baths.

4. If the proposal to borrow money under Part II. of this Act shall be rejected, then it shall be lawful for the Council, for the purpose of constructing or providing public baths at Te Aro, to overdraw its General Account to the extent of two thousand pounds over and above that to which the Council might otherwise lawfully overdraw such account, and in the same event the sum of thirty-six thousand pounds authorised to be borrowed in Part I. shall be increased by two thousand pounds. 35

PART II.

URGENT WORKS.

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Council may carry
out scheduled works,
and raise loan for
same.

5. (1.) Notwithstanding anything contained in any public or local Act, it shall be lawful for the Council to respectively construct, provide, and carry out all and singular the works described in the *Second* Schedule hereto, and all works and things necessary or incidental thereto respectively. 45

(2.) The Council may borrow by way of special loan under the said Act *any sum or sums not exceeding in the whole* the sum of thirty-six thousand pounds, to be appropriated to carrying out the said scheduled works, and to be allocated amongst them in the several sums set opposite thereto respectively in the said *Second* Schedule. 50

New Sub-clause.

(3.) It shall be competent for the Council to submit separate proposals from time to time for the construction of any one or more

of the said scheduled works exclusively of the others, but so always that the sum to be borrowed for any work shall not exceed the specific sum set opposite that work in the said *Second* Schedule.

PART III.

TOWN HALL.

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6. (1.) If the Council shall or shall contract to sell or let, or partly sell and partly let, its present Corporation Offices and Town Hall site bounded by Brandon, Featherston, and Panama Streets, and by the New Zealand Government Life Insurance premises, and being the land included in certificate of title, Volume 58, folio 186, then it shall be lawful for the Council to borrow by way of special loan under the said Act any sum or sums of money, not exceeding in the whole twenty-five thousand pounds, for the purpose of erecting a Town Hall and Corporation Offices, and any buildings in connection therewith respectively, upon any other land belonging to the Corporation, and to expend the moneys so borrowed accordingly.

Council may sell or lease present municipal site, and borrow to erect new Town Hall.

(2.) The net rents and profits derived from the said present premises, and from any part of the said new premises, and the city rates derived from the said present premises when sold or let, shall be applied towards meeting the interest or sinking fund on the said loan.

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(3.) If the Council shall sell the present premises, or any part thereof (which it is hereby authorised to do), the net purchase-moneys shall be applied towards erecting the said new building, and the amount of the special loan authorised to be raised shall be reduced accordingly.

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(4.) If the Council shall first let and then sell the present premises, or any part thereof (which it is hereby authorised to do), and the loan shall have been raised, then the net sale-moneys shall be applied in reduction of the capital moneys borrowed.

PART IV.

WATER-SUPPLY.

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7. It shall be lawful for the Council to expend the whole or part of the balance at credit, as on the thirty-first day of March, one thousand eight hundred and ninety-eight, of the Waterworks Account of the Corporation, in and towards the provision of a supply of water to the lands and buildings situated upon the higher levels of the city.

Council may provide supply for higher levels.

PART V.

WIDENING AND EXTENDING STREETS.

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8. For the purpose of widening, diverting, altering the course of, or extending any street in the city, the Council shall have the following powers:—

Power to improve streets and acquire lands, and borrow moneys, and sell or lease surplus lands.

(1.) To take, under "The Public Works Act, 1894," or purchase, or otherwise acquire the land required for widening, diverting, altering the course of, or extending the street, together with land to any depth on either or both of the sides of such widened, diverted, or altered street, or of such extension of street.

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(2.) To extend any street; but in so extending any street it shall not be lawful for the Council to make the width of such extension less than sixty-six feet.

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(3.) To borrow, from time to time, for any of the purposes aforesaid, any moneys by way of special loan under the said Act

and by special order, but without on any occasion taking any poll or this Act.

- (4.) Either to sell and convey all or any of the surplus lands left after effecting such widening, diverting, altering, or extension; or to lease all or any of the same under the provisions of "The Public Bodies' Powers Act, 1887," or of section two hundred and twenty-four of "The Municipal Corporations Act, 1886."

- (5.) The foregoing powers shall extend to any private streets and rights-of-way, if the Council shall make them respectively at least sixty-six feet wide and take them over as public streets, which the Council is hereby empowered to do.

Rents and sale-moneys to be applied to loans.

9. The powers conferred by the last preceding section are to be subject to the following conditions:—

- (1.) That the net rents of all lands leased as aforesaid shall be applied exclusively towards meeting the interest and sinking fund on the loan raised for the purposes of widening, diverting, altering, or extending the particular street, private street, or right-of-way in connection wherewith the lease lands shall have been acquired as aforesaid.

- (2.) That the net sale moneys of any land sold as aforesaid shall be applied exclusively towards meeting the principal moneys so raised.

Limit of special rates.

- (3.) That the total amount of the special rate or special rates levied in connection with any such loan or loans as aforesaid shall not at any time exceed in the aggregate twopence half-penny in the pound upon the annual rateable value of all rateable property in the city.

How and when this part of Act to come into force.

10. This part of this Act shall come into force if and when a proposal to bring the same into force shall be carried by a poll of the citizens, to be taken in as nearly as may be the manner provided in Part IX. of the said Act, and section *fifteen* of this Act shall apply upon taking such poll.

PART VI.

BASIN RESERVE.

Part of Basin Reserve thrown into adjoining street.

11. The portion of the Basin Reserve in the city described in the *Third* Schedule hereto is hereby converted into and declared to be a public street, for the purpose of widening the public streets abutting on such portion of reserve.

Struck out.

PART VII.

MIRAMAR.

Power to acquire portion of Miramar Peninsula for a public park, and to raise special loan.

12. (1.) The Council may take a poll of the citizens in as nearly as may be the manner provided in Part IX. of the said Act, on a proposal to acquire, for the purpose of a public park, some definite and stated portion or portions to be determined by the Council of the Miramar Peninsula, and section *fifteen* of this Act shall apply upon taking such poll.

(2.) If the proposal shall be carried, the Council shall be and be deemed to be authorised—

- (a.) To take such stated portion or portions under "The Public Works Act, 1894," for the purpose aforesaid.

(b.) To borrow by way of special loan, without any further poll, a sum equal to that assessed by the Compensation Court as the compensation for the land taken, *plus* expenses of survey, taking, and assessing compensation.

(3.) The parts of Miramar Peninsula so taken shall be deemed to be within the limits of the city, and the park shall be under the control and management of the Council, who may regulate the use thereof by by-laws in that behalf.

PART VIII.

TOWN BELT.

13. If the proposal to acquire part of the Miramar Peninsula shall be carried—

(1.) The Council may take a poll of the citizens on a proposal to lease in sections of not less than half an acre (with the condition that no more than one house, with the necessary outbuildings thereto, shall be erected on each section) all or any part or parts of the portion of the Town Belt of the City of Wellington described in the *Fourth* Schedule hereto.

(2.) The carrying of such proposal last aforesaid shall authorise the Council to survey, lay off, and make roads upon the said scheduled land, and to grant leases thereof under "The Public Bodies' Powers Act, 1887," or section two hundred and twenty-four of "The Municipal Corporations Act, 1886," and to borrow, by way of special loan, without any further poll, the moneys necessary to provide the expenses of such survey, laying off, and making of roads.

(3.) The said poll shall be taken in the manner mentioned and with and subject to the provisions contained, in Part VII. hereof.

(4.) The net rents and profits derived from such leasing as aforesaid shall be appropriated exclusively—

(a.) Towards payment of the interest and sinking fund on the said Miramar loan under Part VII.

(b.) Subject thereto, towards payment of the interest and sinking fund on the loan under the present Part VIII.

(c.) Subject to subclauses (a.) and (b.), towards laying out and maintaining and improving the parks and recreation-grounds of the city.

If Miramar proposal carried, portion of Town Belt may be leased, and money borrowed for roading and survey.

PART IX.

GENERAL PROVISIONS.

14. The Council may pledge as security, or as additional security, for the interest or interest and sinking fund in respect of every or any loan authorised to be raised by this Act, any special rate or special rates within the meaning of the said Act; and every such special rate may, for the purpose of better security, be in excess of the estimated annual amount required to meet the interest, or interest and sinking fund, as the case may be.

Special rates may be struck for loans.

Majority on polls.

15. If a majority of *three-fifths* of the votes given upon the taking of any poll of citizens required to be taken under the authority of this Act *and the said Act read together* on any proposal to raise a loan, or on any other proposal, shall be in favour of the proposal upon which the poll shall be taken, then and in such case the proposal shall be deemed carried, and the Council may proceed with such proposal accordingly; but if not, then the said proposal shall be deemed rejected. Section one hundred and eighty-two of the said Act shall not apply. 5

Polling-places.

Any poll taken under the authority of this Act may be taken at one or at several polling-booths situate within the city, at such convenient place or places as the Returning Officer shall appoint, anything in subsection three of section one hundred and eighty-one of the said Act notwithstanding. 10

Miscellaneous.

16. Provisions in any Schedule hereto shall take effect as parts of this Act. 15

It is expressly declared that section one hundred and eighty-four of the said Act shall apply to every special loan and to every poll on any proposal whatever authorised to be raised or taken by this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

CORPORATION OVERDRAWN ACCOUNTS.

General Account.
City Reserves and Botanical Gardens Account.
Library Account.
Te Aro Reclamation Account.
Old Drainage Account.
Cemetery Account.
Hospital and Charitable Aid Account.

SECOND SCHEDULE.

URGENT WORKS.

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1. Additions to Destructor, four new cells	2,000
2. Providing or constructing public baths at Te Aro	2,000
3. Erecting fire brigade station on Reclaimed Land	3,000
4. Providing fire brigade station at Newtown	1,000
5. Constructing new storm-water culverts in Grey Street, Hunter Street, and Reclaimed Land	2,000
6. Lowering and widening Adelaide Road, south of Luxford Street ...	1,500
7. Widening and improving Clyde Quay, and Esplanade on Oriental Bay ...	2,000
8. Completing Thorndon Quay to full width	1,500
9. Completing, levelling in, and enlarging Kelburne Park, and approaches thereto	5,000
10. Providing or constructing recreation-ground at Thorndon	8,000
11. Constructing crematorium either in the Wellington Public Cemetery, in the Borough of Karori, or at any place in the City of Wellington ...	2,000
12. Constructing or providing and establishing abattoirs, and buildings in connection therewith, and acquiring land for abattoir purposes, which abattoirs may be erected and established either within the city or at any place whatever within any other borough or other district, with the consent of the local authority thereof; and if established outside the city shall be deemed to be within the same, and shall be under the sole control and supervision of the Wellington City Council	6,000
Total	£36,000

THIRD SCHEDULE.

BASIN RESERVE.

ALL that area in the City of Wellington being that portion of the recreation-ground, known as the Basin Reserve, lying between Ellice and Dock Streets, the eastern side of which runs along the whole of the eastern side of the said Basin Reserve for its full length of 594 ft., and the western side of which runs parallel to the said eastern side for a length of 462 ft. at a distance of 16½ ft. therefrom, the northern and southern terminations of the said western side being a curved line of a length of 103 ft. 7 in., having a radius of 1 chain, connecting respectively with the northern and southern sides of the said Basin Reserve.

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Struck out.

FOURTH SCHEDULE.

TOWN BELT.

ALL that portion of the Town Belt in the City of Wellington, lying on the eastern side of the city, and comprised in the following sections:—

Section B, containing	A.	R.	P.
3	"	"	"	18	0	19
4	"	"	"	18	0	19
5	"	"	"	16	0	25
6	"	"	"	17	3	5
7	"	"	"	30	2	1
8	"	"	"	32	3	39
9	"	"	"	25	2	9
10	"	"	"	18	0	18
11	"	"	"	15	3	4
17	"	"	"	10	3	10
18	"	"	"	25	0	15
Total	"	"	"	254	0	19