

## New Zealand.



### ANALYSIS.

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### 1889, No. 18.—*Local.*

AN ACT to enable the Mayor, Councillors, and Burgesses of the Borough of Brunner to make, raise, and levy Special Rates to provide for the Interest and Sinking Funds on certain Loans under "The Local Bodies' Loans Act, 1886," for the Erection of a Bridge within the said Borough, and for improving a certain Road within the said Borough. Title.

[16th September, 1889.]

WHEREAS the Chairman, Councillors, and inhabitants of the County of Grey (hereinafter called "the said County Council"), being a body corporate constituted under "The Counties Act, 1876," did, in accordance with the powers vested in it by virtue of "The Counties Act, 1886," and "The Local Bodies' Loans Act, 1886," raise a loan of two thousand five hundred pounds for the purpose of constructing a bridge from Wallsend to Taylorville, both towns then being in the said county, and of improving the main Grey Valley Road between Dobson, then in the said county, and the railway-tunnel in Brunnerton, then in the said county: And whereas the said County Council, under the powers vested in it by virtue of "The Counties Act, 1886," and "The Local Bodies' Loans Act, 1886," prepared a special roll as required by law, and struck a special rate within the said special district described in the Schedule hereunder written for the purpose of providing for the interest and sinking fund on the said loan of two thousand five hundred pounds, but have not collected any portion of the said rate: And whereas His Excellency the Governor did, by Proclamation in the New Zealand Government *Gazette*, declare a certain portion of the County of Grey, and being nearly the whole of the said special district, to be the Borough of Brunner: And whereas, the said works being situated Preamble.

within the said Borough of Brunner, it is expedient to vest the control and management of the construction thereof in the Mayor, Councilors, and burgesses of the said borough (hereinafter called "the said borough"), and to place the liabilities, duties, and obligations imposed upon the said County Council in respect of the said loan of two thousand five hundred pounds upon the said borough, and that the said borough should have the power to collect the said special rate:

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 Borough of Brunner Enabling Act, 1889."

Borough may collect special rate.

2. It shall be lawful for the said borough to collect from the several persons owing the same the rate made and levied by the said County Council on the fourteenth day of May, one thousand eight hundred and eighty-seven, on the rateable property within the said special district for the purpose of providing for the interest and sinking fund upon the said loan of two thousand five hundred pounds. And the said borough shall have all the powers for the purpose of collecting, receiving, and recovering payment of the said special rate within the whole of the said special district that the said County Council would but for the incorporation of the said borough have had. And all the powers given by law to the said County Council at the time of the incorporation of the said borough for the purpose of obtaining and recovering payment of the said special rate shall apply, *mutatis mutandis*, to the said borough as if the said borough had originally made and levied the said special rate.

Assessment-roll to be evidence in Court of law.

3. The assessment-roll for the Riding of Brunner, in the County of Grey, in force at the time of the incorporation of the said borough, and all entries made therein, or a copy thereof certified under the hand of the Clerk to the said County Council to be a true copy thereof, by the production thereof alone and without any further evidence, shall be received in all Courts of law as evidence of the facts therein mentioned, and the said roll, until the roll hereinafter referred to shall have been made, shall for the purposes of this Act be deemed to be an assessment-roll prepared by the said borough for the said special district.

Liabilities of borough same as of County Council.

4. All rights, claims, obligations, liabilities, contracts, and engagements in connection with the said loan and the said bridge which at the passing of this Act were vested in or imposed upon the said County Council, or intended to be vested in or imposed upon the said County Council, or which it was bound by, shall be deemed to be and shall be vested in and imposed upon the said borough, and the said borough shall be bound by the said contracts and engagements as if the same had originally been made with the borough instead of the said County Council.

Further loan.

5. Whereas the said County Council, requiring a further sum for the said works, did take the necessary proceedings for the purpose of raising a further loan of one thousand three hundred and fifty pounds, and a majority in number, being or representing more than one-half in

number of the votes which could have been exercised by the whole number of ratepayers in the said special district, did on or about the seventeenth day of October, one thousand eight hundred and eighty-seven, vote in favour of the said loan being granted: And whereas the said County Council did not make and levy a special rate for the purpose of providing for the interest and sinking fund upon such further loan, as the time intervening between the taking of the said vote and the incorporation of the said borough was insufficient for the purpose of so doing:

Be it therefore further enacted as follows:—

6. The said borough shall have the same power and authority to levy, make, and collect a special rate over the said special district for the purpose of providing for the interest and sinking fund upon the said intended loan of one thousand three hundred and fifty pounds as the said County Council would, but for the incorporation of the said borough, have had, and as if the said borough had in the first instance caused the said vote and other necessary proceedings to be taken for the purpose of raising the said loan of one thousand three hundred and fifty pounds under "The Local Bodies' Loans Act, 1886."

Borough may levy further special rate.

7. The said borough shall have full power and authority to raise the said loan of one thousand three hundred and fifty pounds under "The Local Bodies' Loans Act, 1886."

Loan to be raised under "The Local Bodies' Loans Act, 1886."

8. The Property-tax Commissioner shall at any time, upon receiving reasonable notice from the said borough, supply the said borough with a valuation-roll for the said special district of the rateable property in such special district, with its rateable value, prepared and signed as provided by sections three and four of "The Rating Act, 1882."

Property-tax Commissioner to supply valuation-roll.

9. The valuation-roll so signed shall be the valuation-roll for the said special district for the purposes of the special rates levied or to be levied within the said special district. The persons named in such roll as the owner and occupier respectively of rateable property shall for all purposes of this Act be deemed to be the owner and occupier respectively of the same. The value fixed opposite each rateable property on such roll shall for all purposes be the rateable value for the purposes of this Act. Such valuation-roll so signed shall remain in force until the next valuation-roll is made out.

Valuation-roll.

10. The roll purporting to be so signed shall for all purposes whatsoever, and without proof of the Commissioner's signature, be evidence of the contents thereof, and that the same has been duly made in accordance with the provisions of this Act, and until the contrary be proved.

Valuation-roll deemed evidence.

11. If the said borough for any reason requires a copy of the said roll, the Commissioner shall furnish it with the same on payment of such sum as will defray the actual cost of copying the same, which sum shall be paid into the Public Account and form part of the Consolidated Fund, and such copy shall in all respects whatsoever have the same force and effect as the roll supplied by the Commissioner as aforesaid.

Copy of roll may be obtained by paying cost of copying.

12. That all the provisions of "The Rating Act, 1882," applicable to the circumstances of the said special district and to this Act shall

"The Rating Act, 1882," to apply.

be incorporated herewith, notwithstanding that the said borough may not have by resolution adopted "The Rating Act, 1882."

Raising of loan by  
borough to pay  
County Council  
award granted by  
Controller-General.

13. Whereas, some time after the incorporation of the said borough, the Auditor and Controller-General for the Colony of New Zealand did, in accordance with the powers vested in him in that behalf, award (*inter alia*) that the said borough should pay to the said County Council the sum of one thousand five hundred pounds; and, whereas the said borough is unable to pay the said award out of its ordinary revenue, it is therefore expedient that the said borough should have power to raise a loan under "The Municipal Corporations Act, 1886," and "The Local Bodies' Loans Act, 1886," to enable it to pay the said award, notwithstanding that the purpose for which such loan is required is not one of the purposes for which loans can be raised under the said Acts:

Be it therefore enacted—

That the said borough may borrow and raise the said sum of one thousand five hundred pounds under the provisions of "The Local Bodies' Loans Act, 1886," and "The Municipal Corporations Act, 1886," and this Act.

Schedule.

#### SCHEDULE.

##### SPECIAL RATING-DISTRICT.

BRUNNERTON Riding, Grey County, excluding that portion thereof situate to the north-west of Ford's Creek, from thence in a straight line drawn due east and west from the head of the right-hand branch of Ford's Creek to the western boundary of the said Brunnerton Riding; and also the whole of the district comprised within the said Borough of Brunner.