

New Zealand.

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1899, No. 4.—*Local.*

Title.

AN ACT for enabling the Trustees of the Invercargill Garrison Hall to borrow Moneys for the Purpose of paying off Loans or Mortgages now or hereafter subsisting on the Whole or any Part of the Lands vested in the said Trustees, or the Rents, Issues, and Profits thereof, and to execute Mortgages for securing Payment of the Moneys so borrowed and Interest thereon. [29th September, 1899.]

Preamble.

WHEREAS the Trustees of the Invercargill Garrison Hall or their predecessors in office have, in pursuance of the powers vested in them, borrowed on the security of the rents, issues, and profits of the lands vested in them the sum of three thousand pounds, and have executed mortgages of such rents, issues, and profits, and the said sum of three thousand pounds is now overdue: And whereas the mortgagees have given notice of their intention to exercise the powers vested in them under or by virtue of the said mortgages: And whereas the said Trustees are unable to raise sufficient money to pay off the said sum of three thousand pounds on the security of a mortgage granted in pursuance of "The Volunteer Drill-sheds and Lands Act, 1888": And whereas it is expedient that the said Trustees should have the further powers hereinafter vested in them:

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 Invercargill Garrison Hall Trustees Empowering Act, 1899."

Interpretation.

2. In this Act,—

"The said Trustees" means the Trustees of the Invercargill Garrison Hall; and

"The said Act" means "The Volunteer Drill-sheds and Lands Act, 1888."

3. Notwithstanding anything in the said Act contained, it shall be lawful for the said Trustees, with the consent of the Minister of Defence, and for the purpose of paying off all or any part of any loan or mortgage now or hereafter subsisting on the lands vested in the said Trustees, or any part thereof, or the rents, issues, and profits thereof, to borrow from the Public Trustee, the Postal Department, the Government Insurance Department, or the Sinking Funds Commissioners, or any other lending department of the Government (but not elsewhere), at interest, from time to time any sum or sums of money on the security of the said lands or any part thereof; and to execute in favour of the lender or lenders of such sum or sums of money a mortgage of the lands on the security whereof such sum or sums of money shall be borrowed, for the purpose of securing payment of such sum or sums of money and interest thereon at the rate and in manner agreed on, which mortgage may contain or have implied therein the powers of sale and incidental powers implied in memoranda of mortgage by virtue of "The Land Transfer Act, 1885," and all other provisions usually inserted in mortgages under that Act; and nothing in the said Act contained shall apply to any moneys so borrowed, or any mortgage executed in pursuance hereof, except section forty-two of the said Act, which shall apply to the case of each loan raised under the provisions of this Act.

4. It shall also be lawful for the said Trustees, with such consent and for such purposes as are mentioned in section three of the principal Act, to raise money from any of the lending departments of the Government mentioned or referred to in that section (but not otherwise) by debentures of not less than fifty pounds nor more than one hundred pounds each, with a currency not exceeding fifteen years, bearing interest at the rate of not more than four pounds ten shillings per centum per annum, such interest being payable half-yearly in each year; and nothing contained in the said Act shall apply to any moneys so raised, or any debenture issued in pursuance hereof, except section forty-two of the said Act, which shall apply to the case of each loan raised under the provisions of this Act.

5. The principal and interest secured by such debentures shall be a first charge upon the lands vested in the said Trustees, and upon the rents, issues, and profits of such lands.

6. No debenture sold under the provisions of this Act shall be sold at such a price as to produce to the purchaser an interest of more than four pounds ten shillings per centum on the price paid.

7. The debentures and the coupons shall be in the respective forms set out in the Schedule hereto, and shall be numbered consecutively so that no two debentures or coupons respectively shall at any time bear the same number.

8. The total amount of such debentures current at any time shall not exceed the sum of three thousand two hundred and fifty pounds.

*Power to borrow
money.*

*Loan may be raised
by debentures*

*Security for pay-
ment of debentures.*

Sale of debentures.

Form of debentures.

*Amount of deben-
tures.*

**Renewal, reissue, or
exchange of
debentures.**

9. Upon the maturity of the said debentures the Trustees shall have power to renew or reissue the same, or any of them, for such period as they shall determine, or to exchange them for other debentures, at a rate of interest not exceeding four pounds ten shillings per centum per annum.

Guarantee.

10. With respect to any loans at any time raised by the said Trustees under the authority in that behalf contained in this Act, and secured by mortgage or charge on the lands vested in the said Trustees, or the rents, issues, and profits of such lands, the following provisions shall apply:—

- (1.) It shall be lawful for the Minister of Defence, if he thinks fit so to do, by instrument in writing under his hand, to guarantee on behalf of Her Majesty the due payment of the interest on any or every such loan: Provided that he shall not be called on to make any such payment unless and until default has been made by the said Trustees in paying the same.
- (2.) All moneys from time to time payable under such guarantee shall, without further appropriation than this Act, be payable out of the Consolidated Fund, and until fully repaid by the said Trustees shall, with interest thereon at the rate of four per centum per annum (but subject to the prior rights created by such mortgage or charge), be a first charge in favour of Her Majesty on the said lands, and the rents, issues, and profits thereof.
- (3.) In such first charge there shall be implied in favour of Her Majesty the powers of sale and incidental powers in that behalf conferred on mortgagees by virtue of "The Land Transfer Act, 1885."
- (4.) A certificate in writing under the hand of the Minister of Defence shall at all times be sufficient evidence of the amount owing under such first charge, or, as the case may be, of the satisfaction and discharge thereof; and he may from time to time, in the name and on behalf of Her Majesty, do whatever he deems necessary in order to procure payment of such amount, by the exercise of her rights and powers as guarantor, or as holder of such first charge, or otherwise howsoever.
- (5.) Before exercising the power of sale conferred on any Government lending department by virtue of any such mortgage or charge as aforesaid, it shall be the duty of such department to give to the Minister of Defence at least one month's previous notice in writing of intention so to do, and thereupon it shall be lawful for the Minister of Defence, without further appropriation than this Act, to pay off such mortgage or charge out of the Consolidated Fund, and take a transfer or assignment of the security.

SCHEDULE.

Schedule.

No.

FORM OF DEBENTURE.

£

“The Invercargill Garrison Hall Trustees Empowering Act, 1899.”

DEBENTURE for £ , secured on the Lands of the Invercargill Garrison Hall Trustees, and the Rents, Issues, and Profits of the said Lands Issued by the Invercargill Garrison Hall Trustees under the above Act

ON presentation of this debenture at the head office of the Bank of New Zealand in Wellington, or any branch thereof in New Zealand, on or after the day of , the bearer thereof will be entitled to receive the sum of £ sterling.

Interest on this debenture will be paid at the rate of pounds per centum per annum on the day of and the day of in each year.

Interest on this debenture will cease from and after the day when payment falls due, unless default is made in payment after presentation.

Issued under the seal of the Trustees of the Invercargill Garrison Hall, this day of , 19 .

A.B., Chairman of Trustees.

C.D., Trustees.

E.F., Trustees.

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.

FORM OF COUPON ATTACHED TO DEBENTURE.

“The Invercargill Garrison Hall Trustees Empowering Act, 1899.”

Coupon, Debenture No .

ON presentation of this coupon at the head office of the Bank of New Zealand in Wellington, or at any branch thereof in New Zealand, on or after the day of , 19 , the bearer thereof will be entitled to receive £ .

Invercargill, New Zealand, the day of , 19 .

A.B., Chairman.

G.H., Secretary.