

New Zealand.



ANALYSIS.

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1882, No. 25.—*Local.*

AN ACT to grant Borrowing Powers to the Oamaru Harbour Board. Title.
[15th September, 1882.]

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 Oamaru Harbour Board Loan Act, 1882." Short Title.

2. In this Act the expression "the Board" means the Oamaru Harbour Board, the expression "the Chairman" means the Chairman of the Board, and "district" means the district constituted under section four hereof. Interpretation.

3. The Board shall have power to borrow, in addition to the sums authorized by previous Acts or Ordinances to be borrowed, subject to the provisions of "The Harbours Act, 1878," and to the provisions of this Act, any sum not exceeding fifty thousand pounds, to be applied in and about the construction and carrying out of works for the improvement of the said Port of Oamaru: Board may borrow £50,000 at not more than 6 per cent.

Provided that no money borrowed under this Act shall pay to the lender more than six per cent per annum.

4. It shall be lawful for the Governor to constitute, by Proclamation, a district, to be called the "Oamaru Harbour District," and to define the boundaries. Governor may constitute harbour district.

Loans.

5. Before the said loan is raised, the consent of the ratepayers in the said harbour district shall first be obtained, in the mode hereinafter prescribed :—

Chairman to call meeting of ratepayers to consider proposal to borrow.

The Chairman shall call meetings of the ratepayers, to be held within each borough situate within the district, and of the ratepayers of any riding which is wholly within the district, and of any road district not within such riding as before mentioned, upon a day not more than ten days after the last publication of such notice, to consider the said proposal ; and every such notice shall be published in a newspaper circulating in the district, and shall specify the time and place in each borough and riding and road district at which meetings are to be held, and the following particulars, namely :—

- (1.) The particular work proposed to be undertaken :
- (2.) The sum proposed to be borrowed for such purpose :
- (3.) Any special rate or tolls or the rents and profits of any property which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan or appropriated to any special purpose.

Chairman to appoint Presiding Officer.

6. The Chairman shall appoint one of the members of the Municipal Corporation or County Council elected for the riding or Road Board, as the case may be, to preside at each meeting, if such member shall be willing to act ; and if no such member is willing to act, or becomes incapacitated from acting from any cause, then such person as the Chairman thinks fit.

The member or person so appointed shall be called the " Presiding Officer," and he shall preside at the meeting to be held in the borough or riding for which he has been appointed, and shall also preside at the taking of any poll as hereinafter provided.

After due consideration and discussion of the proposal, the Presiding Officer shall give notice that a poll will be taken.

How poll to be taken.

7. The poll shall be taken as follows :—

- (1.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, on which the poll will be taken :
- (2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed :
- (3.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll :
- (4.) The voting papers shall be printed in the form in the Schedule hereto attached, with the words, " I vote for the above proposal," and " I vote against the above proposal," legibly printed at the foot of each voting paper :
- (5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves unerased :
- (6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they

Schedule.

are applicable, and except as by this section otherwise provided, apply to the taking a poll on the proposal to raise a special loan.

- (7.) A separate poll shall be taken in each borough and riding or road district as aforesaid, and each voter shall have and may exercise as many votes as he has, and may exercise at any election of the members of the local governing body of such Borough, Road District, or County respectively.

8. If the number of votes given for the proposal within the Oamaru Harbour district exceeds the number given against it by one-fourth or more than one-fourth of the latter, the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is not such a majority in favour of the proposal the resolution shall be deemed to be rejected, and the Board shall not so proceed.

When resolution to be deemed to be carried.

9. As soon as conveniently may be after the result of the poll has been ascertained the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be.

Chairman to declare numbers polled.

10. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice so gazetted shall be final that the raising of the loan to which it refers has been duly authorized under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876."

And send result of polling to Colonial Secretary. Gazette notice final.

11. The Board, after the passing of this Act, shall, if the resolution in favour of the proposal be carried as aforesaid, make and levy a rate upon all rateable property in the Oamaru Harbour District, not exceeding three-eighths of a penny in the pound of the rateable value of all such property which may be within such portion of the said district as may be subject to the provisions of "The Rating Act, 1882," and not exceeding sixpence in the pound of the rateable value of all real property within the other portions of the said district; and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loans to be raised under this Act, or of any sinking fund which may be arranged to be set aside when floating the said loan, and the balance (if any) shall be paid into the Harbour Fund.

Board may rate district for interest on loan.

Provided that, if the Board so desires, it may pay such annual charges out of its ordinary revenue, and in any year in which it does so pay such annual charges it shall not be necessary to levy the said special rate.

12. No rate made under this Act shall be capable of being set aside or of being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same.

No rate to be quashed.

13. For the purpose of making, levying, and recovering the rates mentioned in the preceding section, the Board shall have and may exercise all the powers of making, levying, or recovering rates in each borough and in each riding and in each road district within the

Board to have powers of local bodies for levying rates.

district, which any local body having rating powers within such borough or such riding or road district, under the law for the time being in force regulating the recovery of rates therein respectively.

Creditor of Board secured on rate may apply to Supreme Court for appointment of Receiver.

14. When and so often as the Board shall fail to pay at the proper time and place for so paying any sum either of principal or interest which it ought to pay under this Act, then immediately or at any time thereafter any person to whom such sum is owing may apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a Receiver of the rate liable for the payment of such sum.

On appointment of Receiver rate shall vest in him.

15. The before-mentioned special rate shall, from the date of the said order, and upon its being publicly notified by the Receiver, vest in the Receiver, and shall cease to be vested in the Board.

Powers of Board exercisable by Receiver.

16. All powers for the recovery of such rate shall, after the appointment of the Receiver, and upon its being publicly notified, cease to be exercised by the Board, and shall be exercised by the Receiver.

Moneys collected by Receiver, how applied.

17. All moneys received by the Receiver shall be applied—
 (1.) In payment of the expenses of the application and order ;
 (2.) In payment of the Receiver's remuneration fixed as aforesaid, and his reasonable and necessary expenses ;
 (3.) In payment *pro rata* of the sums then overdue by the Board which are secured by the said rate ; and
 (4.) The residue, after payment of the above, to the Board ;

And the Receiver shall account for all such moneys in such manner as the Judge directs.

When Receiver's powers cease.

18. When all the sums then overdue are paid, or at any time by an order of a Judge of the Supreme Court, on the application of the Board, if such Judge shall think fit to make such order, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in his hands to the Board, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them.

Representation of new districts.

19. Should there be included in the said harbour district any road district, borough, or part or parts of a county not at present represented in the Oamaru Harbour Board, the Governor may, by Proclamation, increase the number of members of the Board, and may assign to such road district, borough, or part or parts collectively or separately, a member or members, and by such or any subsequent Proclamation declare in what manner such member or members shall be elected.

Priority of debentures and mortgages.

20. Mortgages and debentures heretofore given shall, as to the securities thereby pledged, have priority over debentures to be given under this Act, but, subject as aforesaid, and to the provisions of this Act, all debenture-holders and mortgagees shall rank alike and be entitled to equal privileges, save that debenture-holders under this Act shall have a first charge upon the rate hereby authorised to be made or levied.

Application of moneys.

21. No moneys raised under this Act shall be applied to any other purposes than completing the breakwater and the north mole and dredging within the harbour.

SCHEDULE.

Schedule.

FORM OF VOTING PAPER FOR SPECIAL LOANS.

Sec. 7.

PROPOSAL to raise a special loan, upon which a poll will be taken on the
of , 18 . day

[Insert notice required by section five.]

1. I vote *for* the above proposal.
2. I vote *against* the above proposal.

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