

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,
15th August, 1907.*

Mr. Okey.

BOROUGH OF NEW PLYMOUTH ELECTRIC LOAN AND WATERWORKS LOAN VALIDATION.

[LOCAL BILL.]

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Certain proceedings of Council validated.
3. Council authorised to raise loans without further poll.

A BILL INTITULED

AN ACT to validate certain Proceedings taken by the New Plymouth Borough Council in respect of certain Special Loans. Title.

WHEREAS the Council of the Borough of New Plymouth (hereinafter Preamble.

5 called the Council) did, on or about the twenty-seventh day of October, nineteen hundred and six, in professed exercise of the authority vested in it by the Local Bodies' Loans Act, 1901, submit to the electors a proposal to borrow by way of special loan the sum of ten thousand pounds at a rate of interest not exceeding five pounds per centum per annum with a sinking fund of half per centum additional, the loan to be repayable within the period ending the first day of October, nineteen hundred and twenty-two, and to be for the following purposes: To pay all liabilities already incurred in connection with the electric-light installation; to provide additions and extensions to the electric lighting either within or without the borough, and to supply electricity; to acquire in connection with such additions and extensions lands, easements, and appurtenances, and buildings, engines, machinery, and other things; to pay compensation to any person injuriously affected; and any other purposes incidental to or in relation to any of the above purposes. The Council proposed to pledge as security for the loan of ten thousand pounds and the interest thereon an annually recurring special rate of twopence half-penny in the pound on the rateable value (on the basis of the annual value) of all rateable property within the borough, and its revenues, rents, tolls, issues, and profits, with the exception of all land taken, acquired, or used for public abattoir, and all buildings, erections, structures, and appurtenances now or hereafter thereto belonging, and the revenues, rents, tolls, and profits therefrom, and also excepting moneys received or receivable by way of grant from the Government. The Council proposed that the first year's interest, all preliminary expenses incurred in connection with the scheme for which the loan is raised, and the cost of raising the loan be paid out of the proceeds of such loan:

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And whereas on the seventh day of December, nineteen hundred and six, a poll of the ratepayers of the Borough of New Plymouth was taken, and such proposals were duly carried by a majority of one hundred and thirty-nine, and the result of the poll duly published in the *New Zealand Gazette* and in the *Taranaki Herald* (a newspaper circulating in the district) : 5

And whereas the Council had previously to the said poll incurred liabilities in connection with the said electric-light installation, amounting to the sum of five thousand six hundred and thirty-eight pounds, or thereabouts, which liabilities have been paid out of the district fund almost wholly by means of bank overdraft in anticipation of the said loan-moreys being shortly available : 10

And whereas at a special meeting of the Council held on the fourteenth day of January, nineteen hundred and seven, the following resolution was passed : "In pursuance and exercise of the powers vested in it in that behalf by the Local Bodies' Loans Act, 1901 (and all other powers, if any, thereunto enabling it), the Council of the Mayor, Councillors, and Burgesses of the Borough of New Plymouth hereby resolves as follows : That, for the purpose of providing the interest and other charges on a loan of ten thousand pounds authorised to be raised by the Council of the Borough of New Plymouth, under the above-mentioned Act, for paying all liabilities already incurred in connection with the electric-light installation ; to provide additions and extensions to the electric lighting either within or without the borough, and to supply electricity ; to acquire in connection with such additions and extensions lands, easements, and appurtenances, and buildings, engines, machinery, and other things ; to pay compensation to any person injuriously affected ; and any other purposes incidental to or in relation to any of the above purposes, the said Council of the Borough of New Plymouth hereby makes and levies a special rate of twopence half-penny in the pound upon the rateable value (on the basis of the annual value) of all rateable property of the Borough of New Plymouth ; and that such special rate be an annually recurring rate during the currency of such loan, and be payable half-yearly on the first day of April and the first day of October in each and every year during the currency of such loan, being a period of sixteen years, or until the loan is fully paid off" : 20 25 30 35

And whereas the last-mentioned resolution, was submitted to a meeting of the Council on the eleventh day of February, nineteen hundred and seven, for confirmation as a special order and duly passed, and such special order was duly gazetted in the form and as provided by the Local Bodies' Loans Act, 1901, and the Local Bodies' Loans Amendment Act, 1903 : 40

And whereas the Council have since the passing of the last-mentioned special order entered into contracts and incurred liabilities in connection with the electric-light installation to a very large amount, amounting with the sum of five thousand six hundred and thirty-eight pounds already spent to by far the greater part of the special loan of ten thousand pounds : 45

And whereas the Council did, on or about the twenty-seventh day of October, nineteen hundred and six, in professed exercise of the authority vested in it by the Local Bodies' Loans Act, 1901, submit 50

to the electors a proposal to borrow by way of special loan the sum of one thousand pounds at a rate of interest not exceeding five pounds per centum per annum with a sinking fund of half per centum additional, the loan to be repayable within the period ending the first day of
5 October, nineteen hundred and twenty-two, and to be for the following purposes: One thousand pounds to pay liabilities already incurred in connection with the waterworks, to provide additions to and extensions of waterworks either within or without the borough, and any other purposes incidental to or in relation to any of the above purposes. The
10 Council proposed to pledge as security for the loan of one thousand pounds and the interest thereon an annually recurring special rate of one-third of a penny in the pound on the rateable value (on the basis of the annual value) of all rateable property within the borough, and its revenues, rents, tolls, issues, and profits, with the exception of all
15 land taken, acquired, or used for public abattoir, and all buildings, erections, structures, and appurtenances now or hereafter thereto belonging, and the revenues, rents, tolls, and profits therefrom, and also excepting moneys received or receivable by way of grant from the Government. The Council proposed that the first year's interest, all
20 preliminary expenses incurred in connection with the scheme for which the loan is raised, and the cost of raising the loan be paid out of the proceeds of such loan:

And whereas on the seventh day of December, nineteen hundred and six, a poll of the ratepayers of the Borough of New Plymouth
25 was taken, and such proposals were duly carried by a majority of seventy-eight, and the result of the poll duly published in the *New Zealand Gazette* and in the *Taranaki Herald* (a newspaper circulating in the district):

And whereas the Council had previously to the said poll incurred
30 liabilities in connection with the said waterworks amounting to the sum of six hundred and twenty-eight pounds, or thereabouts, which liabilities have been paid out of the district fund almost wholly by means of bank overdraft in anticipation of the said loan-moneys being shortly available:

And whereas at a special meeting of the Council held on the
35 fourteenth day of January, nineteen hundred and seven, the following resolution was passed: "In pursuance and exercise of the powers vested in it in that behalf by the Local Bodies' Loans Act, 1901 (and all other powers, if any, thereunto enabling it), the Council of the
40 Borough of New Plymouth hereby resolves as follows: That, for the purpose of providing the interest and other charges on a loan of one thousand pounds authorised to be raised by the Council of the Borough of New Plymouth, under the above-mentioned Act, for paying liabilities already incurred in connection with the waterworks, to provide additions
45 to and extensions of waterworks either within or without the borough, and any other purposes incidental to or in relation to any of the above purposes, the said Council of the Borough of New Plymouth hereby makes and levies a special rate of one-third of a penny in the pound upon the rateable value (on the basis of the annual value) of all rateable
50 property of the Borough of New Plymouth; and that such special rate be an annually recurring rate during the currency of such loan, and be payable half-yearly on the first day of April and the first day of October

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in each and every year during the currency of such loan, being a period of sixteen years, or until the loan is fully paid off” :

And whereas the last-mentioned resolution was submitted to a meeting of the Council on the eleventh day of February, nineteen hundred and seven, for confirmation as a special order, and duly passed, and such special order was duly gazetted in the form and as provided by the Local Bodies' Loans Act, 1901, and the Local Bodies' Loans Amendment Act, 1903 : 5

And whereas the Council have since the passing of the last-mentioned special order entered into contracts and incurred liabilities in connection with the waterworks to a very large amount, amounting with the sum of six hundred and twenty-eight pounds already spent to by far the greater part of the special loan of one thousand pounds : 10

And whereas doubts have been raised as to whether the provisions of section three of the Local Bodies' Loans Act, 1901, are sufficiently clear to enable the Council to raise special loans to pay for liabilities incurred and moneys expended, notwithstanding that the Council had relied upon the provisions of subsection one of section fourteen of the Local Bodies' Loans Act, 1901, as authorising the repayment of such moneys out of the said loans, and by reason of such doubts the Council is unable to raise the said loans of ten thousand pounds and one thousand pounds or any part thereof respectively : 15 20

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :— 25

Short Title.

1. This Act may be cited as the Borough of New Plymouth Electric Loan and Waterworks Loan Validation Act, 1907.

Certain proceedings of Council validated.

2. All proceedings hereinbefore mentioned which have been taken by the New Plymouth Borough Council in connection with the said proposals to borrow the sum of ten thousand pounds by way of special loan in connection with the electric-light installation, and in connection with the said proposals to borrow the sum of one thousand pounds in connection with the waterworks, are hereby declared to be respectively validated, and it shall be no objection to the validity of any such proceedings that any portion of the said sums of ten thousand pounds and one thousand pounds had been spent or liabilities incurred prior to the submission of the said proposals of the ratepayers ; and the special orders striking the rates respectively, and all such moneys spent and liabilities incurred, are hereby declared to have been made and incurred in connection with constructing, providing, or establishing a public work within the meaning of section three of the Local Bodies' Loans Act, 1901. 30 35 40

Council authorised to raise loans without further poll.

3. The Council is hereby authorised to raise the said loans of ten thousand pounds and one thousand pounds respectively without any further polls or special orders, and shall out of the respective proceeds thereof pay back to the district fund all sums temporarily advanced thereout to pay for expenses incurred in connection with the electric-light installation and in connection with the waterworks. 45