

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,
16th November, 1903.*

Mr. E. G. Allen.

PORT CHALMERS CORPORATION EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Corporation may contribute to interest on loan.</p>	<p>4. Council may enter into agreements, bonds, &c. 5. Moneys to be paid out of District Fund. 6. Council may levy special rate. 7. Provision in case of default. 8. Amendment of section 2 of "The Otago Dock Act 1883 Amendment Act, 1885."</p>
---	---

A BILL INTITULED

AN ACT to enable the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Port Chalmers to guarantee the Sum of One thousand Pounds per Annum towards the Interest on the Cost of the Construction of a Graving-dock at Port Chalmers.

Title.

WHEREAS the ratepayers of the Borough of Port Chalmers have by a vote declared that it is advisable to assist the Otago Dock Trust to raise by way of loan the amount required for the construction of a graving-dock at Port Chalmers, by agreeing to guarantee the payment of a sum, not to exceed one thousand pounds per annum, towards the interest on the said loan in the event of the Otago Dock Trust requiring such assistance, and it is expedient to give effect to the same:

Preamble.

BE IT THEREFORE 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 Port Chalmers Corporation Empowering Act, 1903."

Short Title.

2. In this Act, if not inconsistent with the context,—
"Trust" means the Otago Dock Trust, constituted under "The Otago Dock Act 1883 Amendment Act, 1885," and its successors and assigns:

Interpretation.

"Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Port Chalmers:

"Council" means the Council of the said borough.

3. The Corporation may contribute every year a sum not to exceed one thousand pounds to be applied towards payment of the interest on any loan which may be raised by the Trust for the purposes of constructing a graving-dock at Port Chalmers:

Corporation may contribute to interest on loan.

Provided that before any payment shall be made under this section, and before the Council shall enter into any agreement, bond, guarantee, or other contract under section *four* hereof, a poll of the ratepayers of the Borough of Port Chalmers shall be taken in accordance with the provisions of "The Municipal Corporations Act, 1900," on the proposal to contribute in terms of this section; and if such proposal shall not be carried, then the contribution authorised by this section shall not be made. 5

Council may enter into agreements, bonds, &c.

4. The Council may, under the authority of a special order, enter into such agreements, bonds, guarantees, or other contracts with the Trust and the persons advancing the said loan or any part thereof, or any of them, as in the opinion of the Council shall be necessary for securing the payment of the contribution hereby authorised either to the Trust or to such persons as aforesaid, and may in such agreements, bonds, guarantees, or other contracts as aforesaid insert such conditions and restrictions as the Council shall think fit for the purposes following:— 10 15

- (a.) To limit the duration of the period during which such payments as aforesaid shall be made by the Corporation;
- (b.) To make such payments as aforesaid contingent upon the construction of a dock at Port Chalmers within the time specified by the Council; 20
- (c.) To provide for such other matters and things in relation to the premises as may be deemed necessary.

Moneys to be paid out of District Fund.

5. All moneys payable under or by virtue of this Act shall be paid by the Corporation out of the District Fund of the Borough of Port Chalmers. 25

Council may levy special rate.

6. For the purposes of providing such contributions as aforesaid the Council may, if they think fit, by special order, make and levy a special rate; and the provisions of "The Municipal Corporations Act, 1900," with regard to special rates shall apply to such special rate in the same manner as if it had been made and levied for the purpose of providing the interest on a special loan raised by the Council. 30

Provision in case of default.

7. In every case in which default shall be made in the payment of any sum for which the Corporation may become liable under or by virtue of this Act, or under or by virtue of any such agreement, bond, guarantee, or other contract as aforesaid, the following provisions shall have effect:— 35

- (a.) The Supreme Court of New Zealand, or any Judge thereof, shall have power, by order, to direct the Corporation to make and levy a special rate upon all rateable property within the said borough for the purpose of paying the sum or sums in payment of which default shall have been made, and in so doing to determine the amount so required to be levied to pay such sum or sums. 40 45
- (b.) The said Court, or any Judge thereof, shall have power to vest such rate in any Receiver who may be appointed under the powers hereof.
- (c.) Any person to whom any such sums or sum as aforesaid is overdue may apply *ex parte* by petition to the said Court, or any Judge thereof, for relief under this Act, and the 50

5 Court, or any Judge thereof, may, if satisfied of the truth of the matters alleged in support of such application, make an order under paragraph (a) of this section, and appoint, upon such terms as to the security and remuneration as it or he shall think fit, a Receiver of the rate liable for payment of such sum or sums as aforesaid; and the said Court or Judge shall have full power and jurisdiction to make such orders from time to time that complete justice shall be done to all parties interested.

10 (d.) Such Receiver shall have the powers set forth in Part III. of the Fifth Schedule of "The Municipal Corporations Act, 1900," and the provisions of such Part III. shall in other respects apply.

15 (e.) With a view of avoiding unnecessary expense, the Court or Judge, if it or he thinks fit, may appoint as Receiver the Town Clerk of the Corporation, upon such terms and conditions as the Court or Judge thinks fit to impose.

20 8. Section two of "The Otago Dock Act 1883 Amendment Act, 1885," is hereby amended by the substitution of the words "three persons" instead of the words "two persons," before the words "elected by the Council of the Borough of Port Chalmers," in the fourth line, and the insertion of the word "three" instead of "two," before the words "persons nominated by the Governor," in the fifth line of the said section.

Amendment of section 2 of "The Otago Dock Act 1883 Amendment Act, 1885."