

Municipal Loans Authorisation and Validation.

Act No. 34, 1906.

An Act to authorise the councils of the municipalities of Paddington and Albury, and of other municipalities, to borrow money on the security of land comprised in certain Crown grants, notwithstanding the conditions and provisions of the said grants; to authorise the council of the Municipality of Lismore to borrow money for certain purposes; to vest in the borough of Leichhardt certain right, title, and interest in certain land; to validate certain mortgages and loans; to authorise the council of the said borough of Leichhardt to borrow certain moneys; and for purposes consequent thereon or incidental thereto. [17th December, 1906.]

MUNICIPAL LOANS
AUTHORISATION AND
VALIDATION,
—

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Municipal Loans Authorisation and Validation Act, 1906." Short title.

Loans on sites for town halls.

2. (1) Where by Crown grant any land has been granted to a municipality, subject to the conditions thereafter mentioned, and upon trust to use the said land as the site for a town hall, and for no other purpose whatsoever; and it was therein provided that if the said land, or any part thereof, should be used for any other purpose than was thereinbefore provided or declared in and by the said trusts, the said trusts should cease and the said land should be forfeited and revert to His Majesty, and the said grant and every matter and thing therein contained should cease and determine and become absolutely void to all intents and purposes; and power was therein given to re-enter upon

Power of council to
borrow on mortgage
of land.

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upon the said land or any part thereof and remove the grantee and its successors and all persons therefrom, it shall be lawful for the council of such municipality (with the consent of the Minister for Lands in writing), notwithstanding the above-mentioned conditions and provisions, to borrow money, subject to the approval of the Governor, under Division 2 or Division 3 of Part XII of the Municipalities Act, 1897, on the security of a mortgage or charge of the land comprised in the said grant, including buildings erected or to be erected thereon for the purposes of a town hall or council chambers, and to execute such deeds of mortgage or charge with such powers as may be thought necessary to give effect to the same. The Minister for Lands may, before giving such consent, impose conditions to ensure that adequate provision shall be made by such council for the due redemption of any loan secured by such mortgage or charge.

The above provisions shall apply to the municipalities of Paddington and Albury and any other municipalities in relation to land heretofore granted to them respectively as the site for a town hall.

(2) The said conditions and provisions shall not apply to any estate or interest created by or under, or so far as they are inconsistent with the terms of any such mortgage or charge; and the holder thereof, and any person claiming through or under him, shall have such estate or interest in the said land, and may take such steps and pursue such remedies as may be authorised by the said mortgage or charge.

Loan to municipality of Lismore.

Council empowered to borrow not exceeding £3,000.

3. The council of the municipality of Lismore, notwithstanding anything contained in the Municipalities Act, 1897, or in any other Act, may, with the approval of the Governor, borrow a sum not to exceed three thousand pounds for the purpose of paying the amount of the verdict and costs incurred by them in the case of "Pollard versus The Municipal Council of Lismore."

Loan rate.

4. (1) The said council, on the approval of the Governor being given to the making of the loan, shall, at the next annual assessment and in each succeeding year until the amount so borrowed, together with interest thereon, has been repaid, make and levy a rate under the provisions of the Municipalities Act, 1897, on the assessment under that Act of the annual value of all ratable property in the municipality.

Sinking fund.

(2) Such rate shall be sufficient to pay—

- (a) the interest payable in the year in which it is levied, and
- (b) an instalment of the principal of such loan.

The amount of such instalments shall be fixed by the Colonial Treasurer.

Loan to be repaid within twenty years.

(3) The original amount of the loan, together with the interest thereon, shall be repaid within twenty years from the first day of January, one thousand nine hundred and seven. 5.

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5. Should the said council make default for three months in the due payment of the principal or interest of such loan, or in making and levying a rate in accordance with the provisions of section four, the Governor, by proclamation, or the Supreme Court, on the application of the Colonial Treasurer or of the person to whom the principal or interest is owing, may appoint a receiver.

Appointment of receiver.

6. (1) The receiver shall have the same powers and immunities as a receiver appointed by the Supreme Court in its equitable jurisdiction.

Powers of receiver.

(2) The receiver, in the name of the said council, may cause such rate to be made and levied, and shall, for the above purpose, have the powers of the council, and of its mayor and clerk.

Further powers of receiver.

(3) The receiver shall apply the moneys received by him, after meeting the necessary expenses, towards the payment of the principal or interest due on the loan.

Duties of receiver.

(4) The receiver, if appointed by the Supreme Court, shall act under the directions of the Court until discharged by it.

Receiver to act under court.

(5) The receiver, if appointed by the Governor, shall be withdrawn by the Governor, and shall cease to act as such receiver when the whole of the matured obligations of the council in respect of the loan have been wholly met or discharged, or may be withdrawn before that time, but in such last-mentioned case the Governor, by proclamation, may at any time appoint another receiver in respect of the same loan without any further default of the council or evidence of such default.

Withdrawal of receiver.

(6) The receiver, whether appointed by the Supreme Court or by the Governor, shall render and publish the statements and returns prescribed by the regulations.

Further duties of receiver.

Loans to the municipality of Leichhardt.

7. Notwithstanding anything contained in the Municipalities Act, 1897, or in any Acts amending the same, the hereinafter-recited mortgages and loans shall be deemed to have been, and to be, valid mortgages and loans, that is to say—

Validation of certain mortgages and loans.

- (a) a mortgage (registered number five hundred and thirty-nine, book seven hundred and seventeen) executed on the thirtieth day of July, one thousand nine hundred and two, by James Powell Treadgold and William Wells, acting on behalf of the municipal councils of the boroughs of Leichhardt and Annandale, over three acres three roods and thirty-eight and one quarter perches of land, situated at the corner of Catherine and Hill streets, Leichhardt, to secure one thousand seven hundred and fifty pounds advanced to them by The Commercial Banking Company of Sydney, Limited, to enable the purchase of the said land to be completed;

(b)

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- (b) a second mortgage (registered number five hundred and ninety-seven, book seven hundred and seventeen) executed on the sixth day of August, one thousand nine hundred and two, over the said land by the said Treadgold and Wells and the councils of Leichhardt and Annandale to Thomas Waddell, the then Colonial Treasurer, to secure three thousand four hundred pounds advanced to the aforesaid councils of Leichhardt and Annandale for the purpose of building a garbage destructor on the said land ;
- (c) a loan of five hundred pounds advanced by the said bank to the borough of Leichhardt to enable the said borough of Leichhardt to purchase from the borough of Annandale all its right, title, and interest in the said land and the improvements thereon.

Vesting of certain right, title, and interest in certain lands in borough of Leichhardt.

8. All the right, title, and interest of the said Treadgold and Wells and of the borough of Annandale in the land referred to in the next preceding section are hereby vested in the borough of Leichhardt.

The mortgages and loans referred to in the next preceding section shall be subject to the terms and conditions contained in the said mortgages respectively, and shall have priority in accordance with the respective dates thereof :

Provided that the said Treadgold and Wells and the borough of Annandale are hereby discharged from all covenants (except those for title, against encumbrances, and for further assurance) contained in the said mortgages, and from all liability to repay the said loans, but the borough of Leichhardt shall not be hereby discharged from any liability to which such borough is at present subject by reason of the aforesaid mortgages or loans, and all the covenants from which the said Treadgold and Wells and the borough of Annandale are hereby discharged shall, in addition to any obligation to which the borough of Leichhardt may be subject, be obligatory upon and shall bind the borough of Leichhardt, and such borough shall be liable to repay the said loans subject to the terms and conditions aforesaid.

Power to municipal council of Leichhardt to borrow further moneys.

9. Notwithstanding anything contained in the Municipalities Act, 1897, or in any Act amending the same, the borough of Leichhardt may, on the security of the land, the subject of the conveyance and mortgages referred to in section seven hereof, and of the improvements thereon, borrow further sums of money for the purposes of discharging any or all of the said mortgages or loans or of building another or other garbage destructors, or of repairing, altering, or enlarging the garbage destructor now in existence, and for the purpose of building workmen's cottages on those parts of the said land suitable for the erection thereof.

Regulations.

Mudgee to Dunedoo, via Canadian Lead, Railway.

Regulations.

10. The Governor may make regulations generally to carry the ^{Regulations.} provisions of this Act into effect.
