



ANNO SECUNDO

GEORGI V REGIS.

A.D. 1911.

No. 1040.

An Act to empower the Corporation of the City of Adelaide to raise by Debentures a sum not exceeding One Hundred and Twenty-five Thousand Pounds for certain purposes.

[Assented to, September 27th, 1911.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

1. This Act may be cited as “The City of Adelaide Municipal Loan Act, 1911.” Short title.

2. This Act is incorporated with “The Municipal Corporations Act, 1890,” and any Acts amending or substituted for that Act, as regards the application of the said Act and Acts to the Municipality of the City of Adelaide, and so far as the said Act and Acts are consistent with the provisions of this Act. Incorporation.

3. In this Act, except where otherwise clearly intended— Interpretation.

“The Corporation” means the Corporation of the City of Adelaide:

“The Council” means the mayor, aldermen, and councillors of the Corporation of the City of Adelaide, or a quorum thereof:

“The

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“The Minister” means the Commissioner of Crown Lands or the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor.

Corporation may borrow to the extent of £125,000.

Cf. Sydney Corporation Amendment Act, 1906, s. 23.

4. It shall be lawful for the Corporation to borrow, in manner hereinafter provided and subject to the conditions hereinafter prescribed, a sum or sums of money not exceeding One Hundred and Twenty-five Thousand Pounds for the following purposes, or any of them, that is to say—

- (a) For improving the pavements of streets in the said City:
- (b) For altering and extending the City Market premises and shops:
- (c) For purchasing a stone quarry and necessary machinery and plant for working the same:
- (d) For extending the capacity of the tar distilling plant of the Corporation; and
- (e) For purposes incidental to or consequent upon all or any of those purposes.

Sums borrowed: secured on general rates and revenue. Ibid.

5. All sums lawfully borrowed under this Act shall be deemed to be secured upon the general rates and revenue of the Corporation from whatever source arising.

Regulation of such borrowing. Ibid.

6. The following conditions, qualifications, and provisions shall regulate the borrowing of money and the issue of debentures under this Act:—

- (a) Before the Corporation borrows any money under the provisions of this Act the Council shall, by vote of an absolute majority of the members thereof, affirm the desirability of so doing:
- (b) Before any money is borrowed in pursuance of this Act the consent of the ratepayers shall be obtained in manner provided for obtaining the consent of ratepayers to loans under Part X. of “The Municipal Corporations Act, 1890”:
- (c) Not more than one-third of the total amount authorised by this Act to be borrowed shall be borrowed in any one municipal year:
- (d) All moneys borrowed by the Corporation under the provisions of this Act shall be raised by the sale of debentures, to be issued in such series, at such times, and in such manner as the Council may think fit. The Corporation may on the maturity of any such debentures issue new debentures to retire or repay the same. All such original or substituted debentures shall have a currency not exceeding in the aggregate fifty years, and shall bear interest at a rate not exceeding Four Pounds Ten Shillings per centum per annum,

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annum, and shall be in one of the forms in the Schedule hereto, or in a form to the like effect, as the Council may determine; and the Council may fix the price, either at or above or below par, at which such debentures may be sold:

- (e) Every such debenture shall be numbered in regular ascending arithmetical progression, whereof the common difference shall be one, and shall have annexed, for every payment of principal and interest or interest only (as the case may be), to grow due thereon, a coupon bearing the same number as the debenture:
- (f) Every such debenture shall name the principal sum secured thereby, which shall be Twenty Pounds or a multiple of Twenty Pounds, the rate at which interest is payable thereon, and the time and place where such principal and interest are payable:
- (g) Every such debenture shall be under the corporate seal of the Corporation, and be signed by the Mayor and countersigned by the Town Clerk, and shall bear date on the day on which it is sealed:
- (h) Every such debenture and any coupon, whether annexed thereto or not, may be transferred by simple delivery:
- (i) It shall not be necessary to provide or invest any separate sinking fund in respect of debentures issued by the Corporation in Form A in the Schedule hereto, or in a form to the like effect, which are payable upon the terminable annuity system, if the moneys which would otherwise constitute such fund are paid to the holders of the coupons issued with such debentures on account or in satisfaction (as the case may be) of both principal and interest moneys in terms of such debentures.

7. (1) The holder of any debenture in Form B in the Schedule hereto issued under the provisions of this Act shall be entitled to receive payment from the Corporation of the principal sum or balance of the principal sum named therein, upon presentation and surrender of such debenture on or after the due date thereof, at the place where the same is expressed to be made payable.

Payment to holders of debentures and coupons.

Ibid., s. 24.

(2) The holder of any coupon originally annexed to any debenture issued under the provisions of this Act, and whether separated therefrom or not, shall be entitled to receive payment of the principal and interest or interest only (as the case may be) mentioned in such coupon, upon presentation and surrender of the coupon at the place where, and on or after the date when, the same is payable: Provided that, in the case of a debenture in Form A in the Schedule hereto, the holder of the coupon bearing the last number shall not be entitled to payment except upon surrender of the debenture as well as such coupon.

8. (1) The

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Debentures and interest to be paid out of general revenue or special rate.

8. (1) The debentures issued under the provisions of this Act and the interest payable thereon shall be paid by the Corporation out of the general rates and revenue of the Corporation, or out of a special rate, or partly out of general rates and revenue, and partly out of a special rate, as the Council think fit: Provided that if the general rates and revenue of the Corporation are insufficient for that purpose the Council, notwithstanding anything to the contrary contained in any Act, are hereby authorised and required to declare, levy, and get in a sufficient special rate and apply the proceeds, or so much thereof as may be required, for that purpose, and shall hold any surplus to answer any future liability in respect of such debentures.

(2) In anticipation of the declaration or getting in of any special rate the Council may discharge all or any portion of the liability of the Corporation in respect of such debentures out of any funds for the time being belonging to it, or may borrow such money as may be required for the purpose of meeting such liability.

Method of making and declaring rate.

9. All the provisions of "The Municipal Corporations Act, 1890," and of any Acts amending or substituted for that Act, with regard to the rates thereby authorised to be declared shall, subject to this Act, apply to a rate declared or to be declared under this Act.

Remedies of debenture holder where Corporation in default.

Sydney Corporation Amendment Act, 1906, s. 25.

10. Upon default being made by the Corporation in making any payment, whether of principal and interest or principal or interest, to the holder of any such debenture or coupon, the holder thereof shall, in addition to all other rights and remedies conferred by law, have all the rights and remedies of a holder of a debenture or coupon thereof conferred by section 280 of "The Municipal Corporations Act, 1890," or by any enactment amending or substituted for that section.

Sinking fund.

Ibid., s. 26.

11. (1) In every case where debentures in Form B in the Schedule hereto, or in a form to the like effect, are issued by the Corporation to secure money borrowed under the authority of this Act, a sinking fund for the repayment of the principal sums so borrowed shall, subject to conditions to be approved by the Minister, be established by the Council; and in each and every year, commencing with the year following that in which the loan is raised in respect of which such sinking fund is to be established, the Council shall, during the currency of such debentures, pay into such sinking fund a sum of money sufficient, on the basis of Three Pounds per centum per annum, compound interest, and with like annual payments, to redeem the loan secured by such debentures at the expiration of fifty years from the date thereof.

Investment thereof.

(2) The money so to be paid shall be invested in the purchase of Government securities, or upon such other securities as are approved by the Minister by writing signed by him, and the produce of all such investments shall be reinvested in like manner.

(3) The

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(3) The Council may at any time apply the whole or any part of such sinking fund in or towards the discharge of any moneys borrowed under this Act, or in the purchase or redemption of any current or overdue debenture of the Corporation; but they shall, in every such case, recoup the fund by paying into it, every half-year, a sum equal to the interest which any sum so applied would have produced if left invested. Application thereof.

(4) If in any year after the year following that in which a loan is raised in respect of which a sinking fund is to be established, the Council do not, within seven days after notice in that behalf signed by the Minister has been given to the Town Clerk, show to the satisfaction of the Minister, or an officer to be appointed by him, that the annual payments and investments required by this Act for the formation of the said sinking fund have been duly made, it shall be lawful for the Minister to apply to the Supreme Court for the appointment of a receiver of the rates and other revenue of the Corporation. And the said Court, and the receiver so to be appointed, shall have all such powers, *mutatis mutandis*, as are hereinbefore provided for the benefit of the holders of unpaid debentures. Receiver may be appointed if fund not established.

12. The provisions of this Act shall be read and construed cumulatively with, and not in exclusion or derogation of, any borrowing powers conferred on the Council by "The Municipal Corporations Act, 1890," or any Act amending or substituted for that Act, or by any other Act now or hereafter in force. Provisions of this Act cumulative with other powers.
Ibid., s. 28.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.

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THE SCHEDULE.

FORMS OF DEBENTURE.

FORM A.

“The City of Adelaide Municipal Loan Act, 1911.”
Debenture.

No. Series Debentures £

Issued by the Corporation of the City of Adelaide under the provisions of “The City of Adelaide Municipal Loan Act, 1911.” This Debenture was issued by the Corporation of the City of Adelaide in pursuance of the provisions of the above-mentioned Act and is to secure to the bearer or bearers for the time being of the coupons annexed hereto and numbered to (both inclusive), (the bearer of the coupon numbered to be also bearer of this debenture) the payment of the principal sum of £ , and the interest at the rate of per centum per annum accruing thereon from the day of , 19 , to the day of , 19 , by half-yearly instalments of each for years from the said day of 19 , the first of such instalments to be paid on the day of 19 .

Principal and interest payable at the Bank of Adelaide, Adelaide, or at such other bank or place as may be appointed by notice to be given in the *South Australian Government Gazette* ^{or} in the *London Gazette*.

Given under the seal of the said The Corporation of the City of Adelaide the day of in the year one thousand nine hundred and .

The seal of the Corporation was hereto affixed on the date hereof in the presence of

Mayor.
Town Clerk.

N.B.—The above debenture is transferable by delivery.

“The City of Adelaide Municipal Loan Act, 1911.”
Coupon for Instalment of Principal and Interest.

Due 19

Coupon for £ for half-yearly instalment of principal and interest due the day of , 19 , in respect of debenture numbered for

Payable to bearer at the Bank of Adelaide, Adelaide, or at such other place as may be appointed by notice to be given in the *South Australian Government Gazette* ^{or} in the *London Gazette*.

Mayor.
Town Clerk.

FORM B.

“The City of Adelaide Municipal Loan Act, 1911.”
Debenture.

No. Series Debentures £

Issued by the Corporation of the City of Adelaide under the provisions of “The City of Adelaide Municipal Loan Act, 1911.”

This debenture was issued by the Corporation of the City of Adelaide in pursuance of the provisions of the above-mentioned Act and is to secure to the bearer the payment of the principal sum of £ on the day of and interest at the rate of £ per centum per annum on such principal sum

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sum in the meanwhile by equal half-yearly payments on the _____ day of _____
 and the _____ day of _____, and a coupon is annexed
 for each payment, which coupon entitles the bearer thereof to payment of the sum
 herein mentioned.

Principal and interest payable at the Bank of Adelaide, Adelaide, or at such
 other bank or place as may be appointed by notice to be given in the *South Aus-*
trahan Government Gazette ^{or} and in the *London Gazette*.

Given under the seal of the said Corporation of the City of Adelaide, the
 day of _____, in the year one thousand nine hundred and _____.

The seal of the Corporation was hereto affixed on the date hereof in the
 presence of

Mayor.
 Town Clerk.

N.B.—The above debenture is transferable by delivery.

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Coupon for Interest.

Debenture No. _____ Series _____

Principal sum £ _____

Six months interest due to _____

Amount of interest payable £ _____

Payable to bearer at the Bank of Adelaide, Adelaide, or at such other place
 as may be appointed by notice to be given in the *South Australian Government*
Gazette ^{or} and in the *London Gazette*.

Mayor.
 Town Clerk.