

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]
House of Representatives, 6th March, 1933.

Hon. Mr. Young.

LOCAL LEGISLATION.

ANALYSIS.

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A BILL INTITULED

Title. AN ACT to confer certain Powers on certain Public Bodies and to validate certain Transactions.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority 5 of the same, as follows:—

Short Title. 1. This Act may be cited as the Local Legislation Act, 1932-33.

County Councils.

Validating deposit of loan-moneys by Pahiatua County Council with a bank outside New Zealand.

2. Whereas the Pahiatua County Council (hereinafter 10 called the Council) for the purpose of reconstructing certain bridges in the Pahiatua County borrowed the sum of three thousand four hundred pounds from the National Mutual Life Association of Australasia, Limited, and issued debentures providing for the repayment of 15 the said loan by half-yearly instalments of principal and interest payable at the Bank of New Zealand in Melbourne in the State of Victoria in the Commonwealth of Australia: And whereas after the completion of the said works there remained unexpended a balance of six 20 hundred and eleven pounds out of the said loan-moneys: And whereas the said National Mutual Life Association of Australasia, Limited, refused to allow any interest upon the said sum of six hundred and eleven pounds if the said sum had been applied in 25 reduction of the amount of the said loan by paying

certain of the said debentures before their due dates :
 And whereas in order that the said sum may earn interest
 pending the arrival of such due dates and also to
 obtain the benefit of the advantageous rate of exchange
 5 the Council has deposited the said sum of six hundred and
 eleven pounds upon several fixed deposits with the Bank
 of Australasia at Melbourne so that the dates for repay-
 ment of the said fixed deposits approximately coincide
 with the due dates of such debentures : And whereas
 10 there being no statutory authority authorizing the Council
 to invest moneys outside New Zealand it is desired to
 validate the said action of the Council : Be it therefore
 enacted as follows :—

The investment by the Council of the said sum of six
 15 hundred and eleven pounds upon several fixed deposits
 with the Bank of Australasia at Melbourne as aforesaid
 is hereby declared to have been lawfully made.

3. Whereas the Coromandel County Council (herein-
 after called the Council) was on the fourteenth day of
 20 December, nineteen hundred and twenty-nine, duly
 authorized by the ratepayers of the Coromandel County
 to raise for the purpose of constructing a new wharf at
 Mercury Bay a loan of two thousand pounds, such loan
 to bear interest at the rate of five and one-half per centum
 25 per annum : And whereas the Council raised the said
 loan by issuing debentures for two thousand pounds on
 which interest was agreed to be paid at the rate of five
 and three-quarters per centum per annum and has been
 paid at that rate from the first day of January, nineteen
 30 hundred and thirty-one, to the thirtieth day of June,
 nineteen hundred and thirty-two, but the debenture-
 holders have agreed to the reduction of the rate to five
 and one-half per centum per annum as from the last-
 mentioned date : And whereas the overpayment of
 35 interest at the rate of one-quarter per centum per annum
 over the said period amounts to seven pounds ten shillings :
 And whereas it is expedient to validate the said over-
 payment : Be it therefore enacted as follows :—

The overpayment by the Council of interest as aforesaid
 40 amounting to seven pounds ten shillings is hereby
 validated and declared to have been lawfully made.

4. Whereas the Rangitikei County Council (herein-
 after referred to as the Council) has been authorized to
 raise a special loan of one thousand pounds (hereinafter
 45 referred to as the said loan) for the purpose of surveying,

Validating
 overpayment
 of interest by
 Coromandel
 County Council.

Authorizing
 Rangitikei
 County Council
 to collect
 special rate.

legalizing, forming, and metalling the Toe Toe Road from the Rangitikei River to the Potaka River Road: And whereas the Council has made and levied a special rate over the Toe Toe Road No. 2 special rating area (hereinafter referred to as the special rating area) as security for the said loan: And whereas the Council has been unable to raise the said loan upon the terms authorized and authority has been granted pursuant to section forty-seven of the Finance Act, 1929, for the Council to utilize an amount not exceeding one thousand pounds of the unexpended balance of the Vinegar Hill Bridge Loan (1926) for carrying out the works hereinbefore mentioned: And whereas such authority has been granted subject to the Council obtaining legislative authority to collect the special rate levied as security for the said loan and to pay the proceeds into the County Fund for the purpose of meeting a part of the interest and sinking fund charges on the said Vinegar Hill Bridge Loan (1926): And whereas it is expedient that the Council should be so authorized: Be it therefore enacted as follows:—

(1) The Council is hereby empowered to collect on all rateable property within the special rating area for a period of twenty years the special rate made and levied over such area as security for the said loan to an amount sufficient to pay interest at the rate of five and three-quarters per centum per annum and sinking fund at the rate of three per centum per annum on the sum of one thousand pounds diverted as aforesaid, and to pay the proceeds of such special rate into the County Fund, and to apply such proceeds towards providing part of the interest and sinking fund on the said Vinegar Hill Bridge Loan (1926).

(2) Nothing herein contained shall limit the powers of the Council pursuant to section twenty-three of the Local Bodies' Loans Act, 1926, to amend the special rate made and levied as security for the said loan.

5. Whereas the Corporation of the County of Hutt (hereinafter called the Corporation) by a deed bearing date the twenty-fifth day of April, nineteen hundred and thirty-two, granted to Buckleton Brothers, Limited (hereinafter called the company), the right to lay a conduit-pipe under and along Main Day's Bay Road, within the Hutt County, together with the right to

Validating
agreement
entered into by
Hutt County
Council as to
laying of
conduit-pipe.

convey oil and petroleum products through such pipe for the period and upon the terms and conditions mentioned in the said deed: And whereas pursuant to the provisions of section one hundred and sixty-eight of the Public Works Act, 1928, the consent of the Minister of Public Works was obtained in the manner provided by that section: And whereas it is expedient that the action of the Corporation in entering into the said deed should be validated: Be it therefore enacted as follows:—

The said deed and all the terms, conditions, covenants, agreements, and provisions therein contained are hereby validated and confirmed as from the date of the execution thereof.

6. The Corporation of the County of Hutt (hereinafter called the corporation) is hereby authorized to grant to Associated Motorists Petrol Company, Limited (hereinafter called the company), the right to lay a conduit-pipe under and along Main Day's Bay Road, in the County of Hutt, together with the right to convey oil and petroleum products through such pipe, and for this purpose the Corporation is further authorized to enter into a deed with the company conferring such rights and containing such terms, conditions, covenants, agreements, and provisions as may be mutually agreed upon by and between the Corporation and the Company:

Authorizing agreement by Hutt County Council as to laying of conduit-pipe.

Provided that no such deed shall have any force or effect unless and until the consent of the Minister of Public Works has been endorsed thereon.

7. Whereas extensive permanent pavement work was carried out on main highways within the Clive and Poukawa Ridings of the Hawke's Bay County, and by reason of such highways not having been declared to be main roads under paragraph (c) of section one hundred and thirty-one of the Counties Act, 1920, the expenditure on such work was debited against the separate accounts for the said ridings: And whereas it is expedient that such expenditure should be apportioned among the separate accounts for certain other ridings as well as the said Clive and Poukawa Ridings as hereinafter provided: Be it therefore enacted as follows:—

Authorizing Hawke's Bay County Council to credit certain sums to the Clive and Poukawa Ridings and debit same against certain ridings.

The Hawke's Bay County Council is hereby authorized to credit the separate account for the Clive

Riding with the sum of one thousand nine hundred and eighty-five pounds eleven shillings and eightpence, and to credit the separate account for the Poukawa Riding with the sum of one thousand and fifty-one pounds thirteen shillings and one penny, and to debit such sums against the separate accounts for the Clive, Havelock, Maraekakaho, Meeanee, Okawa, Petane, Poukawa, Puketapu, and Waimarama Ridings of the said county in proportion to the capital value of the rateable property in each of such ridings as at the thirty-first day of March, nineteen hundred and thirty-two. 5 10

Validating loan of £725 by Clifton County Council over Mohakatino special-rating area.

8. Whereas on the fourth day of November, nineteen hundred and thirty-two, the Clifton County Council (hereinafter called the Council) resolved by way of special order in pursuance of the Local Authorities Empowering (Relief of Unemployment) Act, 1926, and all other Acts and powers thereunto enabling, to proceed to raise a loan of seven hundred and twenty-five pounds, to be called the Mohakatino Loan (1933) £725, on the security of a special rate of one penny in the pound over the Mohakatino special rating area, being Sections 1 and 2 of Block IV, Tainui Survey District, Section 1 of Block I, Waro Survey District, Sections 1A 1 and 1A 2 of Mokau-Mohakatino Block, Block IV, Tainui Survey District, Lot 6 on Deposited Plan 3223 of Block IV, Tainui Survey District, Lot 4 on Deposited Plan 3174 of Blocks III and IV, Tainui Survey District, Lots 4, 5, and 6 on Deposited Plan 3568 of Mohakatino-Parininihi 1c West, Block IV, Tainui Survey District, part Lot 2 on Deposited Plan 3568 of Mohakatino-Parininihi 1c West, Block III, Tainui Survey District: And whereas the said Local Authorities Empowering (Relief of Unemployment) Act, 1926, contains no sufficient provisions for the raising of loans thereunder on the security of a special rate over part only of a legal subdivision: Be it therefore enacted as follows:— 15 20 25 30

The Council shall for all purposes be deemed to have been lawfully empowered under the said Local Authorities Empowering (Relief of Unemployment) Act, 1926, to raise the said loan by special order on the security of the said special rate over the said special-rating area, and to make and pledge as security for the said loan the said special rate. 35 40

9. Whereas by a poll of ratepayers taken on the thirteenth day of December, nineteen hundred and thirty, the Manukau County Council was authorized to raise a loan to be known as the Mangere Special Area Water-supply Loan of £65,000 (hereinafter referred to as the said loan) secured over the Mangere Water-supply Special-rating Area for the supply of water to such area: And whereas the Council repaid from the proceeds of such loan to the General Account a sum of one thousand three hundred and fifty-six pounds sixteen shillings and fourpence, being preliminary expenses incurred prior to the raising of the said loan in locating a satisfactory water-supply: And whereas the Council failed to comply with the provisions of section five of the Local Bodies' Loans Act, 1926, in respect of the payment of such preliminary expenses: Be it therefore enacted as follows:—

The Manukau County Council shall be deemed to have been lawfully empowered to repay to its General Account out of the proceeds of the said loan the said sum of one thousand three hundred and fifty-six pounds sixteen shillings and fourpence.

New.

9A. (1) For the purposes of this section, unless the context otherwise requires,—

“Commissioner” means the Matakaoa County Commissioner for the time being in office under this section:

“Council” means the Council of the County of Matakaoa:

“County” means the County of Matakaoa:

“Deputy Commissioner” means the Deputy Matakaoa County Commissioner for the time being in office under this section:

“Minister” means the Minister of Internal Affairs.

(2) The Governor-General in Council may, if he thinks fit, appoint a fit person to be the Matakaoa County Commissioner.

(3) The Governor-General in Council may also appoint a fit person to be the Deputy Matakaoa County Commissioner, who shall act when there is any vacancy in the office of Commissioner or when the Commissioner is unable to act, and while so acting shall be deemed to be the Commissioner.

(4) The Commissioner and the Deputy Commissioner shall continue in office until the Councillors of the county

Validating payment of preliminary expenses out of loan-moneys by Manukau County Council.

Appointment of Commissioner for County of Matakaoa.

New.

electd at the first general election of such Councillors to be held after the Commissioner's appointment come into office.

(5) The Commissioner or the Deputy Commissioner may be at any time removed from office by the Governor-General in Council for disability, insolvency, neglect of duty, incompetence, or misconduct; or he may at any time resign his office by writing addressed to the Minister. In any such case, or in the event of the death of the Commissioner or Deputy Commissioner, the Governor-General in Council may appoint any other person to be the Commissioner or Deputy Commissioner, to hold office for the remainder of the period specified in the *last preceding* subsection.

(6) Subject to the provisions of this section, the Commissioner, in the name and on behalf of the Council or the Corporation of the County of Matakaoa, as the case may require, may exercise any power, and shall perform all the duties, conferred or imposed upon the Council by the Counties Act, 1920, or by any other Act, or by any instrument or otherwise.

(7) During the term of office of the Commissioner the Council shall not exercise any power or perform any duty conferred or imposed upon it as aforesaid.

(8) Any power given to the Council to do anything by special order may be exercised by the Commissioner by a special entry in the minute-book of the Council, signed by the Commissioner and confirmed by a similar entry made not sooner than the twenty-eighth day and not later than the seventieth day after the date of such special entry. Public notice of such special entry and of the place and date fixed for its confirmation shall be given once in each of the four weeks immediately preceding the date fixed for its confirmation.

(9) All cheques drawn on any bank account of the Council or of the Corporation shall be signed by the Treasurer and countersigned by the Commissioner or by any two of such persons as the Commissioner from time to time authorizes to sign cheques.

(10) The Commissioner and the Deputy Commissioner shall be paid such remuneration, allowances, and expenses as are fixed from time to time by the Governor-General in Council. All payments under this subsection shall be made out of the County Fund.

New.

(11) The first election of Councillors of the County to be held after the appointment of the Commissioner shall be the election to be held pursuant to the Counties Act, 1920, on the second Wednesday in May, nineteen hundred and thirty-five.

(12) The borrowing and owing of moneys by the Council at any time before the passing of this Act by way of overdraft in excess of the limits prescribed by the Local Bodies' Finance Act, 1921-22, are hereby validated.

(13) Notwithstanding anything to the contrary in the said Local Bodies' Finance Act, 1921-22, while this section remains in force the limits of the powers of the Council or Commissioner, as the case may be, to borrow or owe moneys under section three of that Act shall be such as may from time to time be approved by the Minister.

9B. Whereas the Thames County Council pursuant to a poll of ratepayers held on the tenth day of December, nineteen hundred and nineteen, borrowed the sum of fifty thousand pounds for the purpose of forming, regrading, metalling, and tar-grouting the main and subsidiary roads within part of the county, such loan (save as to the sum of six thousand pounds hereinafter mentioned) being repayable by instalments spread over a period of thirty-six and one-half years: And whereas, of the said sum of fifty thousand pounds, the sum of twenty-one thousand pounds was allocated to the improvement of the main Thames-Paeroa Road from the Thames Borough boundary to the Hikutaia Creek: And whereas of the said twenty-one thousand pounds so borrowed, the sum of sixteen thousand one hundred and forty-five pounds nineteen shillings and sevenpence has been expended, leaving an unexpended balance of four thousand eight hundred and fifty-four pounds and fivepence: And whereas a further sum of six thousand pounds (part of the said loan of fifty thousand pounds) was allocated to the purpose of the purchase of the necessary plant and vehicles to carry out the various works for which the loan was raised: And whereas the said sum of six thousand pounds was borrowed for a term of ten years only, but the sinking fund provided therefor was one per centum per annum and at the date of maturity (the first day of May, nineteen hundred and thirty-two) amounted to six

Making provision with respect to certain loans by Thames County Council.

New.

hundred and ninety-five pounds thirteen shillings and fivepence: And whereas at that date the sum of five thousand four hundred and seventy-four pounds six shillings and one penny of the loan of six thousand pounds had been expended, leaving an unexpended balance of five hundred and twenty-five pounds thirteen shillings and elevenpence: And whereas the Thames County Council has utilized the said unexpended balance of five hundred and twenty-five pounds thirteen shillings and elevenpence and the sum of four thousand seven hundred and seventy-eight pounds twelve shillings and eightpence of the aforesaid unexpended balance of four thousand eight hundred and fifty-four pounds and fivepence to augment the sinking fund of six hundred and ninety-five pounds thirteen shillings and fivepence, and has repaid the said loan of six thousand pounds: And whereas doubts have arisen as to the legality of the aforesaid action, and it is desirable that the same should be expressly validated: Be it therefore enacted as follows:—

The action of the Thames County Council in applying the unexpended portion of the said six thousand pounds loan and the sum of four thousand seven hundred and seventy-eight pounds twelve shillings and eightpence of the unexpended portion of the said twenty-one thousand pounds loan towards repayment of the said loan of six thousand pounds is hereby validated and confirmed.

9c. Whereas the Levels County Council in the year nineteen hundred and thirty-two resolved to grant the sum of one hundred pounds as a compassionate allowance to the widow of the late Frank Edmund Whitehead, who was formerly Clerk to the said Council: And whereas the said Council has no legal authority to make such grant: Be it therefore enacted as follows:—

The Levels County Council is hereby authorized to grant a sum not exceeding one hundred pounds as a compassionate allowance to the widow of the late Frank Edmund Whitehead.

9d. (1) The Bay of Islands County Council (hereinafter called the Council) is hereby empowered and authorized to enter into and carry out an agreement upon such terms and conditions as may be specified in such agreement for the purchase, by instalments extending over a period of not more than ten years free of interest,

Authorizing payment of compassionate allowance by Levels County Council.

Authorizing agreements with respect to purchase of a road by Bay of Islands County Council.

New.

of a strip of land of an average width of a chain upon which is situated the road through Tuwhakino Block and Sections 1, 8, 10, and 11, Block XVI, Omapere Survey District, at present giving access to the Ngawha Hot Springs.

(2) The Kaikohe Town Board (hereinafter called the Board) is hereby authorized to pay to the Council such annual sum of money as may be agreed upon between the Board and Council towards the purchase price payable by the Council under such agreement as aforesaid, and the amount so agreed upon shall be payable by the Board to the Council annually from the date of such agreement, and shall be a debt payable by the Board to the Council and recoverable in any Court of competent jurisdiction.

9E. The Waipawa County Council may, in the manner prescribed by section twenty-two of the Local Bodies' Loans Act, 1926, pay out of the Takapau Riding Account instead of out of its General Account the interest and sinking fund charges in respect of the loan raised by that council known as the Rangitoto Road Loan.

Waipawa
County Council
may pay
charges on
Rangitoto Road
Loan out of
Takapau
Riding
Account.

9F. Whereas it appears that the rates made and levied by the Marlborough County Council (hereinafter called the Council) for the years ending on the thirty-first day of March, nineteen hundred and thirty-one, nineteen hundred and thirty-two, and nineteen hundred and thirty-three, respectively (hereinafter referred to as the said rates), cannot be legally recovered by reason of certain irregularities in connection therewith: And whereas demands in writing for payment of the said rates were made and delivered, a large percentage of the said rates have been paid by divers ratepayers, and it is advisable in the public interest and to prevent injustice to validate the said rates and to authorize the recovery of the balance thereof: Be it therefore enacted as follows:—

Validating
certain rates of
Marlborough
County Council.

The rates made and levied or which the Council purported to make and levy in and for the above-mentioned years as appearing in the rate-books of the Council shall be valid and be deemed to have been valid from the date when the Council purported to make and levy the said rates respectively; the demands made for payment of the said rates shall be valid and be deemed to have been valid, and the said rates shall be recoverable by action notwithstanding the said irregularities or the omission of any conditions whatsoever precedent to the making or

New.

levying of the said rates or any irregularity, mistake, or omission in the form or manner of making or levying the same or otherwise; and valid demands upon all persons liable for the said rates shall be conclusively presumed to have been duly made and delivered in accordance with law. 5

City and Borough Councils.

Validating
expenditure of
unexpended
balances of
certain
unemployment
loans by
Invercargill
City Council.

10. Whereas as authorized by special resolution made on the sixth day of July, nineteen hundred and twenty-six, the Invercargill Borough Council raised a special loan of eleven thousand seven hundred pounds, known as the Unemployment Loan No. 1 of £11,700, of which loan there was an unexpended balance of two thousand eight hundred and forty-five pounds on the thirty-first day of March, nineteen hundred and twenty-eight: And whereas as authorized by special resolution made on the nineteenth day of July, nineteen hundred and twenty-seven, the Invercargill Borough Council raised a special loan of six thousand seven hundred pounds, known as the Unemployment Loan No. 2 of £6,700, of which loan there was an unexpended balance of one thousand four hundred and eighteen pounds on the thirty-first day of March, nineteen hundred and twenty-eight: And whereas no part of the said unexpended balances was required for the purposes for which the aforesaid special loans were respectively raised and the Invercargill City Council appropriated and expended such balances, amounting in all to the sum of four thousand two hundred and sixty-three pounds, upon public works for the relief of unemployment as follows: The cleaning of watermains, two thousand one hundred and twenty-four pounds; the construction of a road to Oreti Beach, one thousand and five pounds; the construction of a wall and groyne in the New River Estuary, three hundred and fifty-five pounds; the levelling of streets, four hundred and nine pounds; the beautifying of Tyne Street, one hundred and seventy-four pounds; and the reconstruction of Bluff-Invercargill Road, one hundred and ninety-six pounds: And whereas it is deemed expedient to validate the expenditure of the said 10
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35
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unexpended balances: Be it therefore enacted as follows:—

The action of the Invercargill City Council in appropriating and expending the aforesaid unexpended 5 balances of the said special loans amounting in all to four thousand two hundred and sixty-three pounds on the before-mentioned public works is hereby validated.

11. Whereas the Wairoa Borough Council (hereinafter called the Council) has paid to David Curtis, a former 10 employee of the Council, a pension at the rate of one pound a week as from the first day of January, nineteen hundred and thirty-one: And whereas such payments were made without lawful authority: And whereas the Council desires to continue paying such pension during 15 the lifetime of the said David Curtis: Be it therefore enacted as follows:—

Validating
payment of
pension by
Wairoa
Borough
Council and
authorizing
future
payments.

All payments heretofore made by the Council to David Curtis of a pension at the rate of one pound a week shall be deemed to have been lawfully made, and 20 the Council is hereby authorized to continue to pay to the said David Curtis during his lifetime a pension at the said rate.

12. Whereas the Westport Borough Council (hereinafter called the Council) has obtained the consent of the 25 Governor-General in Council under the provisions of the Local Government Loans Board Act, 1926, to the raising of a loan of three thousand five hundred and twenty pounds (hereinafter referred to as the repayment loan) for the purpose of repaying certain authorized loans heretofore raised by the Council (hereinafter referred to 30 as the authorized loans): And whereas one of such authorized loans has fallen due prior to the repayment loan moneys being available: And whereas the Council has paid certain moneys from its District Fund Account for the repayment of such authorized loan which has 35 fallen due: And whereas the Council proposes to repay from the District Fund Account any further part or parts of the authorized loans falling due prior to the repayment loan moneys being available: Be it therefore enacted as follows:—

Special
provision
with respect
to certain
loans of
Westport
Borough
Council.

40 The Council is hereby authorized and empowered—
(a) To raise the amount of the repayment loan, or any part or parts thereof, notwithstanding the prior repayment in whole or in part of any of the authorized loans; and

(b) To refund to its District Fund Account out of the repayment loan-moneys any sums expended from that Account (whether before or after the passing of this Act) in repayment in whole or in part of any of the authorized loans. 5

Special provision with respect to certain loans by Whangarei Borough Council.

13. Whereas the Whangarei Borough Council (hereinafter called the Council) has obtained the consent of the Governor-General in Council, under the provisions of the Local Government Loans Board Act, 1926, to the raising of a loan of seven thousand pounds (hereinafter referred to as the repayment loan) for the purpose of repaying certain authorized loans previously raised by the Council (hereinafter referred to as the authorized loans): And whereas the authorized loans fell due prior to the repayment loan-moneys being available and were repaid by the Council from its District Fund Account: *And whereas part of the repayment loan has already been raised, and the proceeds have been paid to the District Fund Account:* Be it therefore enacted as follows:— 10 15

The Council is hereby, *and shall be deemed to have been,* authorized and empowered— 20

(a) To raise the repayment loan, or any part or parts thereof, notwithstanding the prior repayment of the authorized loans; and

(b) To apply the repayment loan-moneys *or any part or parts thereof* for the purpose of refunding to the District Fund Account the expenditure incurred in repaying the authorized loans. 25

Special provision with respect to loan of £5,000 by Lower Hutt Borough Council.

14. Whereas by section twenty of the Local Legislation Act, 1931, the Lower Hutt Borough Council was authorized to raise by special order a loan for the purposes of the construction of certain works required in terms of an agreement for the supply of water by the said Council to the Eastbourne Borough Council: And whereas, in anticipation of the raising of such loan, the Lower Hutt Borough Council borrowed certain moneys from its bankers by way of overdraft and paid such moneys out of its General Account for the purposes of the construction of such works, and is now desirous of raising a special loan of five thousand pounds for the purpose of repaying such moneys to its bankers and recouping its General Account and also for the purpose of meeting any further cost and charges in connection 30 35 40

with the construction of the said works: Be it therefore enacted as follows:—

The Lower Hutt Borough Council is hereby authorized to raise a loan of five thousand pounds in the
 5 manner set out in section twenty of the Local Legislation Act, 1931, and to utilize it to such extent as may be necessary for the purpose of repaying the moneys so borrowed from its bankers and recouping the moneys so paid out of its General Account, and for payment
 10 of all other liabilities incurred or to be incurred in connection with the construction of the said works.

15 **15.** Whereas the Napier Borough Council was, by a poll taken on the twenty-first day of December, nineteen hundred and twenty-six, duly authorized by the rate-payers of the Borough of Napier to raise a loan of eight thousand four hundred pounds for the purposes set out in the proposals submitted to the ratepayers: And whereas the said Council expended out of the said loan-moneys for the purchase of land the sum of seventeen pounds in
 20 excess of the sum of one thousand pounds allocated in the said proposals to that purpose: And whereas the said Council expended out of the said loan-moneys for constructing roads and drains the sum of seven hundred and ninety-two pounds thirteen shillings and seven-
 25 pence in excess of the sum of five hundred and fifty pounds allocated in the said proposals to that purpose: And whereas it is desired to validate such excess expenditure: Be it therefore enacted as follows:—

The said payments of seventeen pounds and seven
 30 hundred and ninety-two pounds thirteen shillings and sevenpence made by the said Council out of the said loan-moneys in excess of the amounts allocated to the respective purposes hereinbefore mentioned are hereby validated.

35 **16.** Whereas the Taihape Borough Council (hereinafter called the Council) was authorized by Order in Council, bearing date the twelfth day of October, nineteen hundred and thirty-one, and published in the *New Zealand Gazette* of the fifteenth day of the same month, to raise a
 40 loan of fifteen thousand seven hundred pounds to be known as the Taihape Borough Public Works Construction and Improvements and Electric Light Extension Redemption Loan (1932): And whereas the said Council did on or about the first day of June, nineteen hundred and thirty-

Validating certain expenditure by Napier Borough Council.

Authorizing Taihape Borough Council to make and levy additional special rates.

two, raise under the authority of the said Order in Council a loan of eight thousand pounds (being a portion of the said loan of fifteen thousand seven hundred pounds), and did for the purpose of providing the interest, sinking fund, and other charges payable in respect of the said loan of eight thousand pounds make and levy a special rate of eleven-sixteenths of a penny in the pound upon the unimproved value of all rateable property in the Borough of Taihape: And whereas it is doubtful whether the Council now has power to make and levy further special rates for the purpose of providing the interest, sinking fund, and other charges payable in respect of the balance of the said loan of fifteen thousand seven hundred pounds: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to make and levy such further special rate or rates over the whole or any portion of the rateable property in the Borough of Taihape as may be necessary to provide the interest, sinking fund, and other charges payable in respect of the balance of the said loan of fifteen thousand seven hundred pounds.

17. Whereas the Karori Borough Council raised in the year nineteen hundred and seven a loan known as Loan Number 5.—Completion of Tramway Road Widening and Recreation Reserve—£17,000 (hereinafter referred to as the said loan), which loan matured on the thirty-first day of December, nineteen hundred and thirty-one: And whereas by reason of the union of the City of Wellington and the Borough of Karori in the year nineteen hundred and twenty the said loan became thereafter payable by the Wellington City Council (hereinafter called the Council): And whereas on the thirty-first day of December, nineteen hundred and thirty-one, the sinking fund in respect of the said loan amounted to seven thousand eight hundred pounds: And whereas it was wrongly recorded in the Karori Borough Council records that the said loan was repayable on the thirtieth day of June, nineteen hundred and thirty-two, and the Council for that reason failed to obtain the necessary Order in Council under the provisions of the Local Government Loans Board Act, 1926, authorizing the raising of a special loan of nine thousand two hundred pounds necessary to enable the Council to pay off the said loan and it was necessary to advance nine

Wellington City Council authorized to raise special loan to recoup District Fund for advance in respect of repayment of Karori Borough Council Special Loan No. 5.

thousand two hundred pounds temporarily from the District Fund Account of the Council in order to pay off the said loan: And whereas such Order in Council cannot now be issued and it is advisable to authorize
 5 the Council to raise a special loan of nine thousand two hundred pounds for the purpose of repaying the said sum of nine thousand two hundred pounds advanced by the Council from its District Fund Account: Be it therefore enacted as follows:—

10 The Council may by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan of nine thousand two hundred pounds, and may pay the proceeds of such special loan into its District
 15 Fund Account.

18. The Christchurch City Council is hereby authorized and shall be deemed always to have been authorized to contribute out of the accumulated profits of its Municipal Electricity Department to the fund
 20 known as the Mayor's Relief of Distress Fund a sum or sums not exceeding in the aggregate three thousand five hundred pounds.

Authorizing Christchurch City Council to contribute to Relief of Distress Fund from electricity profits.

19. The payments made by the Stratford Borough Council and the Taumarunui Borough Council of sums
 25 of fifty pounds and twenty pounds respectively to the committee in charge of the celebrations in respect of the opening of the Stratford-Okahukura Railway are hereby validated and declared to have been lawfully made.

Validating certain expenditure by Stratford Borough Council and Taumarunui Borough Council.

20. Whereas the Tauranga Borough Council (hereinafter
 30 called the Council) lately authorized certain celebrations to commemorate between the fifth and twelfth days of March, nineteen hundred and thirty-two, the jubilee of the constitution of the Borough of Tauranga, and incurred expenses in issuing a Jubilee Booklet, and incurred in
 35 connection therewith certain liabilities: And whereas the Council received on account of the expenses of such celebrations certain moneys from public subscriptions and the sale of booklets: And whereas such moneys proved insufficient to satisfy the whole of such liabilities,
 40 and it is desirable to authorize the Council to pay the deficiency out of its District Fund Account, and to

Validating certain expenditure by Tauranga Borough Council.

validate the action of the Council in incurring such liabilities: Be it therefore enacted as follows:—

(1) The action of the Council in authorizing the said celebrations and issuing such booklet and incurring the said liabilities is hereby validated. 5

(2) The Council is hereby authorized to apply the said public subscriptions and proceeds from the sale of booklets, and also to pay out of the General Account of the District Fund of the said Borough a sum not exceeding one hundred and ninety-five pounds, for the purpose of satisfying such liabilities. 10

Validating
proceedings in
connection with
Green Island
Borough
Council's
Waterworks
Redemption
Loan (1931) of
£5,700.

21. Whereas by Order in Council made under the Local Government Loans Board Act, 1926, and the Local Bodies' Loans Act, 1926, dated the twelfth day of October, nineteen hundred and thirty-one, and published in the *Gazette* of the fifteenth day of the same month, the Green Island Borough Council was authorized to raise a loan of five thousand seven hundred pounds (hereinafter referred to as the said loan), at a rate of interest not exceeding five per centum per annum, for the purpose of redeeming the outstanding liability in respect of two waterworks loans which matured on the seventeenth day of November, nineteen hundred and thirty-one: And whereas the sum of three thousand five hundred pounds of the said loan was raised by the issue of debentures which inadvertently provided for the payment of interest at the rate of five and one-quarter per centum per annum: And whereas in anticipation of raising the said loan and for the purpose of assisting in the repayment of the maturing loans the Council advanced and paid out of its District Fund Account the sum of two thousand seven hundred pounds, intending subsequently to repay such sum to the District Fund Account out of the proceeds of the said loan: And whereas the sum of two thousand seven hundred pounds has been so repaid to the District Fund Account: And whereas the Council could not lawfully use the proceeds of the said loan for the purpose of recouping the District Fund Account: Be it therefore enacted as follows:— 15
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Notwithstanding anything to the contrary in the Local Government Loans Board Act, 1926, the Local Bodies' Loans Act, 1926, or any other Act, the Council shall be deemed to have had lawful authority to raise the said sum of three thousand five hundred pounds of the said loan by the issue of debentures bearing interest at the 40

rate of five and one-quarter per centum per annum, and to pay the sum of two thousand seven hundred pounds from the proceeds of the said loan to the District Fund Account.

- 5 **22.** Whereas the Wellington City Council, in exercise of the powers vested in it, has raised certain loans—namely, (a) the Wellington City Street Works Loan, 1925, of two hundred thousand pounds and Supplementary Loan of twenty thousand pounds; and (b) the Wellington City
 10 Paving and Surface-sealing Loan, 1927, of two hundred and one thousand pounds: And whereas after providing all moneys necessary to complete the works for which each of the said loans was raised there will be an unexpended balance in respect of each loan: And whereas it is pro-
 15 posed that the balances should be made available for other street works: Be it therefore enacted as follows:

Wellington
 City Council
 authorized to
 use unexpended
 balances of
 certain loans
 for street works
 not authorized
 in those loans.

- (1) Notwithstanding anything contained in any Act or in any Order in Council relating to the said loans the Wellington City Council is hereby authorized to expend
 20 the said unexpended balances of the said loans for all or any of the following purposes:—

- (a) Paving and sealing other streets:
 (b) Widening or improving the formation of streets for
 25 which paving or other surface-sealing works are authorized by either of the said loans, and additional paving and surface-sealing on any street the formation of which is so widened.

- (2) No unexpended balances of either of the said loans shall be expended as provided by this section unless and
 30 until authority in that behalf is given by the Local Government Loans Board.

- (3) The provisions of subsections two to seven of section forty-seven of the Finance Act, 1929, shall apply to every application by the Council for authority as
 35 aforesaid, and the Local Government Loans Board may in its discretion give such authority either as to the whole or to any part of any proposal submitted to it, and either unconditionally or subject to such terms, conditions, and stipulations as it thinks fit to impose.

- 40 **23.** Whereas the Birkenhead Borough Council was duly authorized by a poll of ratepayers of the Borough of Birkenhead, taken on the twenty-eighth day of June, nineteen hundred and twenty-eight, to raise, under the Local Bodies' Loans Act, 1926, for the purpose of augmenting

Validating a
 special loans
 rate made by
 the Birkenhead
 Borough
 Council and
 debentures
 secured
 thereon.

and extending water reticulation, a special loan of five thousand two hundred and thirty pounds, to be secured upon a special annually recurring rate of nineteen sixty-fourths of a penny in the pound on the rateable value (on the basis of the unimproved value) of all rateable property in the borough: And whereas the proceedings subsequently taken by the said Council in connection with the raising of the said loan were irregular or defective and did not comply with the requirements of law in that the whole amount of the loan was raised by the issue of debentures before the making of the special rate for the purpose of securing the repayment of the said loan and interest thereon: And whereas such special rate has since been made and levied by resolution of the Council gazetted under the provisions of the Local Bodies' Loans Act, 1926, and in accordance with the said poll of ratepayers: And whereas the said Borough Council has in the interval between the raising of such loan and the actual making of such rate purported to levy and demand the amount of such special rate as part of its consolidated special rate for each rating period, and the majority of ratepayers in the borough have paid such special rate accordingly: And whereas it is expedient to validate the making and levying of the said special rate and to make the same an effective security for the debentures issued in respect of such loan: Be it therefore enacted as follows:—

The proceedings in connection with the said loan of five thousand two hundred and thirty pounds are hereby validated, and the said special rate shall for all purposes be deemed to have been duly made on the nineteenth day of December, nineteen hundred and twenty-eight, being a date prior to the issue of the said debentures.

New.

23A. Whereas the Hamilton Borough Council (hereinafter referred to as the Council) has obtained the sanction of the Local Government Loans Board to the raising of the following three loans (hereinafter referred to as the repayment loans)—(a) The Drainage and Library Renewal £51,500 Loan, 1932, for the purpose of repaying the outstanding liability in respect of two special drainage loans of ten thousand pounds and forty-four thousand four hundred pounds, which matured respectively on the first day of February and the first day of June, nineteen hundred and thirty-two; and a special loan of four

Special provision with respect to certain loans by Hamilton Borough Council.

New.

thousand pounds for library purposes, which matured on the first day of July, nineteen hundred and thirty-two; (b) the Gasworks Renewal £3,100 Loan, 1932, for the purpose of repaying the outstanding liability in respect of a special loan of four thousand pounds for the extension of the gasworks of the borough, which matured on the first day of May, nineteen hundred and thirty-two; and (c) the Whatawhata Bridge Renewal £900 Loan, 1932, for the purpose of repaying the outstanding liability in respect of a special loan of one thousand six hundred pounds for the rebuilding of the Whatawhata Bridge, which matured on the first day of July, nineteen hundred and thirty-two: And whereas, pending the raising of the repayment loans, the Council was compelled to advance out of the District Fund Account the sums of one thousand two hundred and eighty pounds, three hundred and ten pounds, and eight hundred pounds for the purpose of redeeming certain debentures maturing as aforesaid: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered—

(a) To raise the repayment loans, or any part or parts thereof, notwithstanding the prior repayment in whole or in part of the aforesaid special loans; and

(b) To apply the repayment loan-moneys, or any part or parts thereof, for the purpose of refunding to the District Fund Account the expenditure incurred in repaying in whole or in part the aforesaid special loans.

23B. In addition to any other lawful payments, the Lower Hutt Borough Council is hereby authorized to contribute out of its general fund to the Lower Hutt Relief Committee, appointed under the Unemployment Act, 1930, a sum or sums not exceeding in the aggregate five hundred pounds.

23C. Whereas in pursuance of the powers conferred by section *one hundred and eighty-nine* of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, and section four of the Otago Harbour Board Empowering Act, 1929, the Corporation of the City of Dunedin (hereinafter referred to as the Corporation), by a memorandum of lease, provisionally deposited in the Land Registry Office at Dunedin for registration under Number 7053 (hereinafter referred to as the said lease),

Authorizing Lower Hutt Borough Council to contribute to Unemployment Relief Committee.

Validating lease from Dunedin City Corporation to University of Otago.

New.

has granted to the University of Otago a lease of certain lands described therein, together with a right of way over certain other lands also described therein: And whereas the said right of way is necessary to give access to the lands so leased, and is sixty-six feet in width: Be it therefore enacted as follows:—

(1) Notwithstanding that the said right of way is the only access to the said lands so leased and is sixty-six feet in width, the said lease (including the said right of way) is hereby validated and declared to have been lawfully granted, and it shall, together with all plans and other documents requisite or ancillary thereto be accepted for registration and be registered accordingly by the District Land Registrar at Dunedin:

Provided that nothing herein contained shall be construed to render such right of way a public road or street.

(2) The lands comprised in the said lease shall be held by the said University free of all existing and future rates, taxes, duties, impositions, outgoings, and burdens whatsoever, and to give effect to this provision (but without limiting the generality of the foregoing words) the covenant by the Corporation contained in the said lease to pay such rates and other burdens as aforesaid and to indemnify the University in respect thereof is hereby declared to be valid and binding in all respects and shall at all times have full force and effect according to the tenor thereof.

(3) The foregoing provisions of this section shall apply to any renewed lease granted in pursuance of the provisions in that behalf contained in the said lease.

(4) The provisions of this section are in addition to any other statutory powers or authorities now or hereafter existing relating to the said lease or any renewal thereof.

23D. Whereas the Hamilton Traffic Bridge is under the jurisdiction of the Hamilton Borough Council: And whereas it will shortly become necessary for the said Council to expend a large sum of money in effecting necessary repairs to the said bridge: Be it therefore enacted as follows:—

The Hamilton Borough Council may, without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926, but subject to the Local

Authorizing
raising of loan
by Hamilton
Borough
Council.

New

Government Loans Board Act, 1926, raise a special loan under the said Local Bodies' Loans Act for the purpose of effecting the necessary repairs to the said Hamilton Traffic Bridge.

5 23E. (1) In addition to the power contained in section four of the Thames Borough Commissioner Act, 1932, to appoint a Thames Borough Commissioner, the Governor-General in Council may appoint a fit person to be the Deputy Thames Borough Commissioner (hereinafter referred to as the Deputy Commissioner).

Power to
appoint Deputy
Thames
Borough
Commissioner.

10 (2) Any such appointment may be made for such period as the Governor-General in Council may specify either in the Order in Council making the appointment or in a subsequent Order.

15 (3) Subject to the *last preceding* subsection, the Deputy Commissioner shall be appointed in the same manner, and be subject to the same restrictions, conditions, and provisions as the Commissioner.

20 (4) The Deputy Commissioner shall act when there is any vacancy in the office of Commissioner or when the Commissioner is unable to act, and while so acting shall be deemed to be the Commissioner. The fact that the Deputy Commissioner exercises any power or function of the Commissioner shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether or not the occasion for his so doing has arisen or has ceased.

30 (5) The power conferred by the said section four on the Town Clerk, or such other person as the Minister appoints, to act as Commissioner when there is any vacancy in the office of Commissioner shall be exercisable only when there is no person holding the office of Deputy Commissioner.

35 (6) The Deputy Commissioner shall be paid such remuneration, allowances, and expenses for acting in the place of the Commissioner as are fixed from time to time by the Governor-General in Council. The provisions of subsection one of section eighteen of the Thames Borough Commissioner Act, 1932, shall apply to all payments under this subsection.

40

New.

Provision for payment by Thames Borough Commissioner of certain preliminary expenses.

Authorizing Thames Borough Commissioner to add 10 per cent. to unpaid rates before authorized time.

Authorizing Thames Borough Commissioner to make all rates payable by instalments.

Authorizing expenditure of £2,000 from Thames Borough Electricity Depreciation Fund on electricity change-over.

23F. All costs and expenses incurred by or on behalf of the committee representing certain holders of debentures issued by the Thames Borough Council, and known as the Loans Creditors Committee, in and incidental to the promoting of the Thames Borough Commissioner Act, 1932, and the appointment of the Thames Borough Commissioner, shall be paid by the Thames Borough Commissioner, *and charged against the General Account kept by him.* 5 10

23G. The Thames Borough Commissioner may at any time he thinks fit add the additional charge of ten per centum authorized by section seventy-six of the Rating Act, 1925, to the rates made and levied by him for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-three, notwithstanding that the period of six months and fourteen days from the demand of those rates has not expired. 15

23H. Notwithstanding the provisions of paragraph (c) of section fifty-one of the Rating Act, 1925, any rate demanded by the Thames Borough Commissioner shall be payable in such instalments and on such day or days as the Commissioner fixes in that behalf. 20

23I. (1) Notwithstanding anything contained in section fifty-two of the Municipal Corporations Amendment Act, 1928, any moneys not exceeding the sum of two thousand pounds held upon trust by the Commissioners of the Depreciation Fund in connection with the electricity undertaking of the Borough of Thames may be applied towards the cost of completing the changing of the electricity reticulation of that borough from direct current to alternating current. 25 30

(2) The Depreciation Fund Commissioners, on the demand of the Thames Borough Commissioner, shall forthwith pay to him for application to the purpose aforesaid any amount or amounts not exceeding in the aggregate the sum of two thousand pounds. The Depreciation Fund Commissioners shall not be obliged to see to the application of any moneys so paid by them. 35 40

(3) The provisions of sections fifty-three to fifty-five of the Municipal Corporations Amendment Act, 1928, shall not apply with respect to any demand made by the Thames Borough Commissioner for any sum or sums of money for the purpose aforesaid.

New.

5 **23J.** It shall not be deemed to have been necessary for the Thames Borough Council to pay to the Sinking Fund Commissioners of the several loans of the Borough of Thames any instalments of sinking fund payments that became due during the interest year which commenced on the sixteenth day of July, nineteen hundred and thirty-one.

Relieving Thames Borough Council from obligation to make certain sinking fund payments.

10 **23K.** (1) Notwithstanding anything to the contrary in any Act, the Thames Borough Commissioner may lease to the Thames Branch of the Royal New Zealand Society for the Health of Women and Children (commonly known as the Plunket Society), for the general purposes of the society, the whole or any part of the land hereinafter described, for a period not exceeding fifteen years, at a peppercorn rental and upon such terms and conditions as the Commissioner thinks fit.

Authorizing Thames Borough Commissioner to lease certain land to Plunket Society.

15 (2) During the term of any such lease the said land with all buildings and improvements that may for the time being be thereon shall be deemed not to be rateable property within the meaning of the Rating Act, 1925.

(3) The land to which this section relates is particularly described as follows:—

25 All that piece or parcel of land situated within the Borough of Thames, Block IV, Thames Survey District, and being part of the Whakaharatau Block, now vested in the Thames Borough Corporation as a recreation reserve, containing by admeasurement twelve and eighty-six hundredths perches. Bounded: commencing at a point on Queen (or Eyre) Street, distant 76·47 links, 159° 9' 30", 30 from the northern corner of the said Whakaharatau Block; thence bounded on the north-east by Queen Street, 106·6 links, 159° 9' 30"; and thence bounded by the remainder of the Whakaharatau Block on the south-east, 35 75·76 links, 249° 10', on the south-west, 106·6 links, 339° 9' 30", and on the north-west, 75·76 links, 69° 10', to the point of commencement.

40 **23L.** Whereas in or about the year eighteen hundred and ninety-two what purported to be a right-of-way was laid off in the Town District of Whangarei and was called Mansfield Terrace: And whereas the width of such right-of-way is referred to in deeds as 28·5 links, but the actual width of the said right-of-way is 28·5 feet: And whereas it is desirable that the said right-of-way should

Authorizing Whangarei Borough Council by special order to declare Mansfield Terrace to be a public street.

New.

be declared a public street, but the Whangarei Borough Council has no power so to do : Be it therefore enacted as follows :—

(1) The Whangarei Borough Council may by special order under section one hundred and eighty-six of the Municipal Corporations Act, 1920, declare the right-of-way known as Mansfield Terrace, as the same is more particularly delineated on the plan deposited in the office of the Chief Surveyor at Auckland numbered 27101 and thereon coloured blue and yellow, to be a public street, notwithstanding that the said right-of-way does not comply with the provisions of the said section ; and upon the passing of such special order the said right-of-way shall become a street vested as such in the Corporation of the Borough of Whangarei.

(2) No building or part of a building shall at any time be erected on the land fronting either side of the said street within a distance of thirty-three feet from the middle-line of the said street :

Provided that this condition shall not apply to the land contained in certificate of title, Volume 522, folio 151, being part Allotment 1, Parish of Whangarei, or to the land contained in certificate of title, Volume 522, folio 268, being Lot 9.

Road Boards.

24. Whereas on or about the first day of August, nineteen hundred and twenty-nine, the South Rakaia Road Board (hereinafter called the Board) paid to the Todd Motor Company, Limited, of Christchurch, motor dealers (hereinafter called the company), the sum of one hundred and fifty pounds as a deposit on the purchase by Arthur James McPherson, then Clerk of the Board, of a motor-car, which was required by him in the execution of his official duties : And whereas no agreement was made between the Board and the said Arthur James McPherson as to the repayment of the said sum of one hundred and fifty pounds and no repayments were made to the Board and no other payments were made by any person to the company in respect of such purchase : And whereas the said motor-car was seized by the company when the said Arthur James McPherson ceased to be an employee of the Board in or about the month of April, nineteen hundred and thirty : And

Validating
unlawful
expenditure by
South Rakaia
Road Board.

whereas the members of the Board were unaware that such expenditure was unlawful, but have since refunded to the Road Board Fund the sum of twenty-five pounds: And whereas it is desirable to validate the
 5 expenditure of the balance of one hundred and twenty-five pounds: Be it therefore enacted as follows:—

The payment by the Board of the sum of one hundred and twenty-five pounds, being part of the said deposit paid to the company as aforesaid, is hereby
 10 validated and declared to have been lawfully made, and, notwithstanding anything to the contrary in the Public Revenues Act, 1926, or any other Act, such expenditure of the said sum shall not at any time operate or be deemed heretofore to have operated to
 15 render the members of the Board or any of them liable to be surcharged with the amount thereof.

New.

Town Boards.

20 **24A.** It shall be deemed to have been lawful for the Pleasant Point Town Board to expend, out of the Pleasant Point Town Buildings Loan, 1928, of three thousand two hundred and fifty pounds, the sum of fifty pounds five shillings for the purpose of providing furniture and furnishings for the town buildings.

Validating expenditure by Pleasant Point Town Board out of loan-moneys.

25 **24B.** (1) The Governor-General may by Proclamation abolish the Rangataua Town District, dissolve the Board thereof, and include in the County of Waimarino the area comprising the Rangataua Town District prior to such abolition.

Provision with respect to abolition of Rangataua Town District and dissolution of Rangataua Town Board.

30 (2) Upon the exercise by the Governor-General of the powers hereinbefore conferred, the provisions of section thirty-two of the Counties Act, 1920, shall apply in all respects as if the Rangataua Town District had been merged in the County of Waimarino under that Act.

Harbour Boards.

35 **25.** The Bluff Harbour Board is hereby empowered to pay out of its Harbour Fund the sum of one hundred and sixty-eight pounds fifteen shillings as a compassionate allowance to Amelia Isabella Wishart, of Bluff, the widow
 40 of John Jabez Hay Wishart, deceased, late tug-engineer of the said Board.

Authorizing Bluff Harbour Board to pay a compassionate allowance.

Authorizing
and validating
special rates by
Nelson Harbour
Board.

26. Whereas pursuant to the powers contained in the Nelson Harbour Act, 1900, the Nelson Harbour Board raised a special loan of sixty-five thousand pounds upon the security of its endowments and of a special rate on the rateable property in the Nelson Harbour District: 5
And whereas the said loan matured on the first day of September, nineteen hundred and thirty-two, and with the consent of the Governor-General in Council, given under the Local Government Loans Board Act, 1926, the Nelson Harbour Board proceeded to raise two special 10
loans of twelve thousand pounds and thirty-six thousand pounds respectively, called the Harbour Improvement Redemption Loan, 1932 (No. 1), and the Harbour Improvement Redemption Loan, 1932 (No. 2), for the purpose of repaying the outstanding balance of the 15
special loan of sixty-five thousand pounds, and levied special rates on the rateable property in the Nelson Harbour District as security for the payment of the said special loans and the interest, sinking fund, and other charges thereon respectively: And whereas doubts have 20
arisen as to the power of the Nelson Harbour Board to make and levy special rates as such security and it is expedient to validate the proceedings in respect of the said last-mentioned special loans and special rates and to give the Nelson Harbour Board the powers herein- 25
after mentioned: Be it therefore enacted as follows:—

(1) The Nelson Harbour Board is hereby authorized to make and levy special rates on the rateable property in the Nelson Harbour District as security for the payment of the said special loans of twelve thousand pounds 30
and thirty-six thousand pounds and the interest, sinking fund, and other charges thereon respectively.

(2) All proceedings heretofore taken by the Nelson Harbour Board in connection with the said special loans of twelve thousand pounds and thirty-six thousand 35
pounds respectively, and the making and levying of the special rates as security aforesaid, are hereby validated, and neither the validity nor the sufficiency of the proceedings nor the validity of the said special rates already made and levied as aforesaid shall be 40
questioned upon any ground whatever.

(3) The provisions of the Local Bodies' Loans Act, 1926, shall apply and be deemed always to have applied to the aforesaid special loans of twelve thousand pounds

and thirty-six thousand pounds and to the Nelson Harbour Board as if the Nelson Harbour Board were a local authority within the meaning of that Act.

(4) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

New.

26A. Whereas the Wairoa Harbour Board (hereinafter referred to as the Board), under the authority conferred by the Wairoa Harbour Board Empowering and Loan Act, 1909, and the Wairoa Harbour Board Empowering and Loan Act, 1918, borrowed sums amounting in the aggregate to eighty-five thousand pounds for harbour-works for the Harbour of Wairoa, and under the authority conferred by the Wairoa Harbour Board Empowering and Loan Act, 1919, borrowed the sum of thirty-two thousand pounds for harbour-works for the Harbour of Waikokopu: And whereas special rates have been made and levied as security for the moneys so borrowed, and the office, clerical, legal, and other expenses incurred by the Board in collecting such rates have prior to the financial year ended the thirtieth day of September, nineteen hundred and twenty-eight, been met out of the General Cash Account of the Board: And whereas by section fifty-six of the Local Legislation Act, 1928, and by section thirty-eight of the Local Legislation Act, 1929, the Board was authorized and empowered to pay out of the respective interest accounts kept in respect of each of the said loans such expenses incurred for the period ended on the thirtieth day of September, nineteen hundred and thirty-one: And whereas it is desirable that such authority be extended for the period of three financial years ending on the thirtieth day of September, nineteen hundred and thirty-four: Be it therefore enacted as follows:—

The Board may in respect of each of the financial years during the period ending on the thirtieth day of September, nineteen hundred and thirty-four, transfer to its General Cash Account from any other account kept by it in respect of the proceeds of any special rates made and levied as aforesaid such sums as in the opinion of the Audit Office represent the proportionate part attributable to such other account of the office, clerical, legal, and other expenses of the Board of any nature whatsoever in respect of the levying, collecting, and recovery of such special rates.

Authorizing
Wairoa
Harbour Board
to make certain
transfers from
interest
accounts
to General
Account.

New.

Authorizing
Bay of Islands
Harbour Board
to grant a lease
of certain land.

26B. Whereas by agreement bearing date the first day of December, nineteen hundred and twenty-four, His Majesty the King, acting in pursuance of section sixteen of the Bay of Islands Harbour Act, 1920, and its amendments, sold to the Bay of Islands Harbour Board all that parcel of land, containing four acres one rood twenty-seven and nine-tenths perches, being that portion of the Railway Reserve at Opuā called Section 36 of Block V of the Russell Survey District, and being the whole of the land comprised and described in certificate of title, Volume 408, folio 281, Auckland Registry: And whereas portions of the said land were subject to certain leases: And whereas it is expedient that the Board should have power to lease such portions of the said land as it should think fit: Be it therefore enacted as follows:—

The Board is hereby empowered to lease, in accordance with the provisions of the Public Bodies' Leases Act, 1908, any part of the said land not required for harbour works.

*Electric-power Boards.**Struck out.*

Authorizing
payment of
compassionate
allowance by
Wanganui-
Rangitikei
Electric-power
Board.

27. The Wanganui-Rangitikei Electric-power Board is hereby authorized to pay to the widow of the late Percival Herrick Smith, late managing secretary to the Board, such sum or sums of money by way of compassionate allowance as it thinks fit, provided that the aggregate amount of such payment or payments shall not exceed the sum of nine hundred pounds.

Validating
refund to
Power Fund
Account from
loan-moneys by
Golden Bay
Electric-power
Board.

28. Whereas in anticipation of raising a special loan of three thousand pounds to be known as the Reticulation Loan (1930) for the purpose of extending the reticulation in the Golden Bay Electric-power District, the Golden Bay Electric-power Board expended the sum of nine hundred and seven pounds one shilling and eightpence out of its Power Fund towards the purposes for which the said special loan was to be raised, and upon obtaining authority for and raising the said special loan refunded the said sum to its Power Fund out of the proceeds of the special loan: And whereas although such refund was made in good faith, it was in contravention of the provisions of the Local Bodies' Loans Act, 1926, and it is desirable to validate it: Be it therefore enacted as follows:—

The refund by the said Board of the said sum of nine hundred and seven pounds one shilling and eightpence to its Power Fund out of the said Reticulation Loan (1930) is hereby validated and declared to have
5 been lawfully made.

Now.

28A. Whereas the Malvern Electric-power Board, by virtue of the powers conferred by section seventy of the Electric-power Boards Act, 1925, has borrowed money
10 from its bankers by way of overdraft: And whereas it appears that the Board will not be able to meet its liabilities, including interest and sinking fund charges, if required to restrict the amount borrowed or owing by it by way of bank overdraft within the limits laid down
15 by the Local Bodies' Finance Act, 1921-22, as varied by the said section seventy of the Electric-power Boards Act, 1925: And whereas the overdraft of the Board as at the thirty-first day of March, nineteen hundred and thirty-two, was in excess of the limits imposed by the
20 sections hereinbefore referred to: Be it therefore enacted as follows:—

Provision with respect to overdraft of Malvern Electric-power Board.

(1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act, 1921-22, or in section seventy of the Electric-power Boards Act, 1925, it shall be lawful
25 for the Malvern Electric-power Board to borrow moneys from the bankers by way of overdraft or from any other person or persons, but so that the amount owing under this section from time to time (exclusive of moneys borrowed under section fifty-three of the Electric-power
30 Boards Act, 1925) shall not exceed—

(a) At the thirty-first day of March, nineteen hundred and thirty-three, six per centum of its aggregate capital expenditure as at that date;

(b) At the thirty-first day of March, nineteen hundred and thirty-four, four per centum of its aggregate capital expenditure as at that date; and
35

(c) At the thirty-first day of March, nineteen hundred and thirty-five, two per centum of its aggregate capital expenditure as at that date.

(2) In every financial year after the thirty-first day of March, nineteen hundred and thirty-five, the powers of the said Board to borrow by way of bank overdraft, or otherwise than under section fifty-three of the Electric-power Boards Act, 1925, shall be limited to the powers
40

New.

conferred by section three of the Local Bodies' Finance Act, 1921-22.

(3) The action of the Board in borrowing and owing moneys in excess of the limits prescribed by section seventy of the Electric-power Boards Act, 1925, in respect to its overdraft for the financial year ended the thirty-first day of March, nineteen hundred and thirty-two, is hereby validated. 5

Suspending certain payments required to be made to Depreciation Fund by Malvern Electric-power Board.

28B. (1) It shall not be necessary for the Malvern Electric-power Board in any financial year prior to that beginning on the first day of April, nineteen hundred and thirty-six (hereinafter referred to as the said financial year), to make any payment to the Depreciation Fund Commissioners as provided by section twenty-two of the Electric-power Boards Amendment Act, 1927, in respect of the several amounts credited and to be credited in each financial year to the Depreciation Fund of the said Board. 15

(2) The said Board shall pay to the Depreciation Fund Commissioners the total amount remaining unpaid under the said section as at the beginning of the said financial year either in the said financial year, or by successive annual instalments, each being equal to at least one-fourteenth of such total amount, payable respectively in each financial year until such total amount is paid, commencing in the said financial year. 20

Validating excess overdraft of Opunake Electric-power Board, and providing for liquidation of overdraft.

28c. Whereas during the three financial years ended the thirty-first day of March, nineteen hundred and thirty, nineteen hundred and thirty-one, and nineteen hundred and thirty-two, respectively, the Opunake Electric-Power Board (hereinafter called the Board) borrowed moneys by way of overdraft in excess of the limits allowed by section three of the Local Bodies' Finance Act, 1921-22, as extended by section seventy of the Electric-power Boards Act, 1925: And whereas such excess overdraft was occasioned primarily by reason of expenditure incurred in completing electrical reticulation to enable electrical energy to be supplied to outlying portions of the Board's district: And whereas it is desirable to validate the excess overdraft and to provide for the repayment thereof over a period not exceeding five years: And whereas at the thirty-first day of March, nineteen hundred and thirty-two, the amount owing by the Board by way of overdraft in excess of the limits prescribed 45

New.

as aforesaid was the sum of three thousand six hundred pounds: Be it therefore enacted as follows:—

5 (1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act, 1921-22, the Electric-power Boards Act, 1925, or in any other Act, the moneys borrowed and owed by the Board by way of overdraft in the financial years ended the thirty-first day of March, nineteen hundred and thirty, nineteen hundred
10 and thirty-one, and nineteen hundred and thirty-two, respectively, in excess of the limits allowed by law are hereby declared to have been lawfully borrowed and owed.

15 (2) The said sum of three thousand six hundred pounds owing by the Board as aforesaid shall not be taken into account in determining the amount that may be borrowed and owed by the Board by way of overdraft at any time before the first day of April, nineteen hundred and thirty-seven:

20 Provided that the Board shall repay the said sum of three thousand six hundred pounds not later than the thirty-first day of March, nineteen hundred and thirty-seven, and shall in the meantime repay in each financial year, commencing in the year ending on the
25 thirty-first day of March, nineteen hundred and thirty-three, such part of the said sum of three thousand six hundred pounds, being not less than five hundred pounds, as the Local Government Loans Board fixes for that financial year.

30 (3) In every financial year after the said thirty-first day of March, nineteen hundred and thirty-seven, the powers of the Board to borrow and to owe by way of overdraft, or otherwise than under section fifty-three of the Electric-power Boards Act, 1925, shall be limited to
35 the powers conferred by section three of the said Local Bodies' Finance Act, 1921-22.

River and Drainage Boards.

40 29. Whereas the Kahutara River Board (hereinafter called the Board) was, by a consent of ratepayers bearing date the twenty-eighth day of March, nineteen hundred and thirty, authorized to raise a loan of two thousand six hundred pounds for the purpose of completing the erection of certain stop-banks within the district of the

Validating certain proceedings in connection with the raising of a loan of £2,600 by Kahutara River Board.

Board : And whereas in pursuance of such consent the Board duly raised such loan under the name of the Stop-bank Supplementary Loan of £2,600 : And whereas prior to the date of obtaining such consent of ratepayers the Board incurred expenditure in the carrying-out of urgent restoration work to the extent of nine hundred and seventy-three pounds seven shillings and twopence in connection with the work for the completion of which such loan was raised : And whereas the said sum of nine hundred and seventy-three pounds seven shillings and twopence was subsequently paid in good faith out of the loan moneys : And whereas it is expedient that such expenditure should be validated : Be it therefore enacted as follows :—

Notwithstanding anything contained in the Local Bodies' Loans Act, 1926, or in any other Act, the raising of the said loan in respect of the expenditure already incurred by the Board is hereby validated, and the said sum of nine hundred and seventy-three pounds seven shillings and twopence is hereby declared to have been lawfully expended by the Board and to have been lawfully paid out of the said loan-moneys.

30. The distribution by the Jed River Drainage Board of its surplus funds amongst the ratepayers of the Jed River Drainage District is hereby validated.

New.

30A. Whereas the Minister of Public Works proposes to carry out certain river improvement, protection, and drainage-works in the Kaipara River District : And whereas the Kaipara River Board has agreed to contribute from the first day of October, nineteen hundred and thirty-four, the sum of one thousand four hundred pounds by annual instalments of not less than one hundred and fifty pounds towards the cost of such works : Be it therefore enacted as follows :—

(1) It shall be lawful for the Kaipara River Board to pay and the Board shall pay to the Minister of Public Works the sum of one thousand four hundred pounds towards the cost of the said works.

(2) The said sum of one thousand four hundred pounds shall be payable by annual instalments of not less than one hundred and fifty pounds due and payable respectively on the first day of October, nineteen hundred and thirty-four, and on the corresponding day in each and every year thereafter until the said amount is paid.

Validating
distribution of
surplus funds
by Jed River
Drainage Board.

Authorizing
Kaipara River
Board to pay
cost of river-
works by
instalments.

New.

(3) If default is made by the Board in the full and punctual payment of any amount due and owing by it as aforesaid, the amount in arrear, together with interest thereon at the rate of five per centum per annum from the due date to the date of payment, shall be recoverable as a debt due to the Crown.

(4) A certificate under the hand of the Controller and Auditor-General shall be sufficient evidence of the sums in respect of which default is made as aforesaid, and of the amounts from time to time in arrear.

30B. The expenditure by the Waimakariri River Trust of a sum of thirty-one pounds four shillings and fivepence during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-one, in connection with the opening of a new bridge is hereby validated, and declared to have been lawfully incurred.

Validating expenditure by Waimakariri River Trust.

30c. (1) The Kaipara River Board may, without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, but subject to the provisions of the Local Government Loans Board Act, 1926, raise a special loan under the said Local Bodies' Loans Act, 1926, not exceeding the sum of one thousand one hundred pounds, for the following purposes, namely:—

Authorizing Kaipara River Board to raise a loan of £1,100 to meet certain preliminary expenses, and cancelling certain rates.

- (a) Paying legal, engineering, and surveying costs and charges heretofore incurred by the Board in connection with the constitution of the Kaipara River District:
- (b) Paying fees and expenses of classifiers, and legal, engineering, and surveying costs and charges so incurred in connection with the classification for rating purposes of lands within the said district:
- (c) Paying costs so incurred in respect of a Commission relative to a petition for the alteration of the boundaries of the said district, including legal, engineering, and surveying costs and charges in connection with such petition:
- (d) Paying Court and legal costs and charges so incurred on account of test cases respecting rates made by the Board:
- (e) Paying engineering and surveying costs so incurred in connection with river surveys:
- (f) Paying the expenses of raising the loan.

New.

(2) The Board may out of the proceeds of the said loan refund to its General Account any expenditure heretofore or hereafter paid out of that account for any of the aforesaid purposes. 5

(3) Any moneys heretofore or hereafter paid by the Board out of its General Account for any of the purposes for which the said loan may be raised shall not be taken into account in determining the limits of the powers of the Board to borrow and to owe moneys by way of overdraft pursuant to section three of the Local Bodies' Finance Act, 1921-22, at any time before the first day of April, nineteen hundred and thirty-four. 10

(4) All rates made and levied by the Board during the financial year ended the thirty-first day of March, nineteen hundred and thirty-two, are hereby declared to be null and void, and the Board shall *forthwith on the raising of the said loan of one thousand one hundred pounds* refund to any person any sum already paid by him on account of his liability in respect of such rates. 15 20

30cc. On the Manawatu-Oroua River Board proving to the satisfaction of the Controller and Auditor-General that all liabilities in respect of which the Board made and levied an administrative rate for the financial year ended the thirty-first day of March, nineteen hundred and thirty-two, are adequately provided for, that Board may by special order remit any part not exceeding one-half of such rate. 25

Authorizing
Manawatu-
Oroua River
Board to remit
half of
administrative
rate for year
ended 31st
March, 1932.

Hospital Boards.

30d. (1) Subject to the provisions of this section, the Cook and Wairoa Hospital Boards may, for the purpose of repairing any damage caused by the earthquake which occurred in their districts on the sixteenth day of September, nineteen hundred and thirty-two, borrow moneys by way of bank overdraft or otherwise in excess of the limits imposed by section sixty of the Hospitals and Charitable Institutions Act, 1926, or other provisions applicable generally to Hospital Boards: 30 35

Provided that the total amount owing at the end of any financial year shall not exceed such amount as is sanctioned by the Local Government Loans Board. 40

(2) With respect to any application for such sanction the Local Government Loans Board shall have the same powers of investigation as are conferred on it in respect 45

Making provision
with respect to
overdraft of
Cook and
Wairoa Hospital
Boards.

New.

of applications made to it under the Local Government Loans Board Act, 1926. The Board may, if it grants its sanction, impose such conditions as it thinks fit for the repayment of any amount borrowed in excess of the limits imposed as aforesaid.

(3) This section shall be deemed to have come into force on the sixteenth day of September, nineteen hundred and thirty-two.

10 *Affecting Two or More Classes of Public Bodies.*

31. All local authorities mentioned hereunder are hereby authorized and empowered to pay to the New Zealand Free Ambulance Transport Service (Wellington Branch), Incorporated, in the year ending on the thirty-first day of March, nineteen hundred and thirty-three, such sums as they think fit, not exceeding in any case the respective amounts hereinafter specified—namely, the Lower Hutt Borough Council, two hundred pounds; the Petone Borough Council, two hundred and ten pounds; the Upper Hutt Borough Council, one hundred pounds; the Eastbourne Borough Council, fifty pounds; the Hutt County Council, one hundred and fifty pounds; the Makara County Council, eighty-six pounds; the Johnsonville Town Board, twenty-seven pounds; the Wellington Harbour Board, three hundred pounds; and the Wellington Hospital Board, nine hundred pounds.

Authorizing certain local authorities to contribute to Wellington Branch of the New Zealand Free Ambulance Transport Service.

New.

31A. Whereas in the years nineteen hundred and twenty-six and nineteen hundred and twenty-seven certain alterations of the boundaries of the Borough of Otaki (hereinafter referred to as the said alterations) were made under the Municipal Corporations Act, 1920 (hereinafter referred to as the said Act), by the exclusion of certain lands from that borough (hereinafter referred to as the borough) and the inclusion of such lands in the County of Horowhenua (hereinafter referred to as the county): And whereas no financial or other adjustment in respect of the said alterations was made under section one hundred and forty-five of the said Act until by an agreement, dated the twelfth day of November, nineteen hundred and thirty-two, executed under the common seals of the respective Corporations of the county and the borough, the Horowhenua County Council and the Otaki Borough Council made a financial adjustment between

Validating financial adjustment between Horowhenua County Council and Otaki Borough Council, and making provision for securing sewerage renewal loan.

New

the county and the borough: And whereas a copy of the said agreement is recorded in the Department of Internal Affairs at Wellington, under Number I.A. 1933/120/5: And whereas doubts have arisen as to the validity of the said agreement, and it is expedient to validate the same and to make other provision in manner hereinafter appearing: Be it therefore enacted as follows:—

(1) The said agreement shall be valid and effectual for all purposes whatever, and the financial adjustment thereby made shall be final and conclusive as between the parties thereto.

(2) For the purpose of enabling the Otaki Borough Council to raise a loan to repay the balance owing to the Public Trustee of No. 7 Sewerage Loan of £14,000, which matured on the first day of February, nineteen hundred and thirty-three, the rating powers of the Borough Council in respect of such repayment loan shall extend to and the rate to be made and levied in respect thereof may be made and levied over the same area as that over which the rate in respect of the original loan was made and levied, notwithstanding that part of such area is no longer within the boundaries of the borough.

(3) The powers conferred by the *last preceding* subsection shall extend and apply to any subsequent repayment loan which may from time to time be raised for the purpose of repaying any repayment loan until the whole of the liabilities in respect of the said No. 7 Sewerage Loan of £14,000 and all charges thereon have been fully paid.

Miscellaneous.

32. Whereas the Oaonui Irrigation Board on the thirteenth day of October, nineteen hundred and thirty, paid to its Chairman the sum of twenty pounds as an honorarium for his services, and on the thirtieth day of March, nineteen hundred and thirty-two, paid him the sum of ten pounds for the same purpose, such payments being without authority of law: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act, the payment of both of the said sums, amounting in all to thirty pounds, is hereby validated and declared to have been lawfully made, and the said Chairman is hereby declared to have been lawfully entitled to receive the same.

Validating
payments of
honoraria by
Oaonui
Irrigation
Board.

33. Notwithstanding anything to the contrary in the Public Revenues Act, 1926, or any other Act, the payment from the funds of the Flaxbourne Public Cemetery Trustees during the financial year ended the thirty-first

5 day of March, nineteen hundred and thirty-two, of the sum of two pounds seven shillings to William James McIsaac, a trustee of the above-mentioned cemetery, for certain materials supplied for fencing purposes, is hereby validated and declared to have been lawfully made and

10 received.

34. (1) The rules of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund (a society incorporated under the War Funds Act, 1915),

15 as certified by the Minister in Charge of War Funds on the seventh day of December, nineteen hundred and twenty-three, including the amendment thereto approved by the Minister of Internal Affairs on the sixteenth day of August, nineteen hundred and twenty-two, are hereby amended by adding to the objects of the said Fund the

20 following :—

“ And for the relief and benefit of such dependants of persons who served as members of any portion of His Majesty's Military or Air Forces at any time during the period of the war as the Board of Trustees decides to admit into residence at Flock House for farm-

25 training purposes.”

(2) The said rules, as amended by this section, shall be deemed to be and at all times to have been valid for all purposes, and anything done before the passing of this Act that would have been lawful if this section had then

30 been in force shall be deemed to have been lawfully done.

New.

34A. Whereas for the purpose of enabling the Council of the New Zealand Academy of Fine Arts (hereinafter called the Academy) to comply with the requirements

35 of section ten of the Reserves and other Lands Disposal Act, 1928, the Board of Trustees of the National Art Gallery and Dominion Museum (hereinafter called the Board) and the Academy, by deed made the

40 twenty-seventh day of February, nineteen hundred and thirty-three, a copy whereof is recorded in the Department of Internal Affairs at Wellington as I.A. 1933/216/2, entered into an agreement with respect to the provision and permanent availability of adequate accommodation

Validating certain expenditure by Flaxbourne Public Cemetery Trustees.

Extension of objects of New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund.

Confirming agreement between the Board of Trustees of National Art Gallery and Dominion Museum and the New Zealand Academy of Fine Arts.

New.

in the building of the National Art Gallery for the carrying-on of the objects and purposes of the Academy: And whereas it is expedient to confirm the said agreement: Be it therefore enacted as follows:—

5

The Board and the Academy shall be deemed to have had power to enter into the agreement aforesaid, and the said deed shall be binding on the parties thereto and for all purposes have effect according to its tenor.