

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 2nd December, 1937.

Hon. Mr. Parry.

LOCAL LEGISLATION.

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A BILL INTITULED

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

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

1. This Act may be cited as the Local Legislation Act, 1937. Short Title.

County Councils.

2. Whereas by section seven of the Local Legislation Act, 1936, the Hutt County Council (hereinafter called the Council) was authorized and empowered to raise a special loan on the terms and conditions set out in the said section for the purpose of constructing public roads in the Whareroa Riding of the Hutt County to provide suitable access to certain of the allotments of land more particularly delineated and shown on a plan deposited in the office of the District Land Registrar at Wellington as Number 2397, and to subdivisions of such allotments: And whereas the Council desires to obtain authority to extend such roads to provide suitable access to certain other allotments of land fronting the old Wellington to Foxton Coach Route more particularly shown and delineated on a plan deposited in the office of the District Land Registrar at Wellington as Number 5853, and to subdivisions of such allotments: Be it therefore enacted as follows:—

Extending powers of Hutt County Council under section 7 of the Local Legislation Act, 1936. 1936, No. 54

The provisions of the said section seven and the powers and authorities therein contained shall, with the necessary modifications, be deemed to extend to and be applicable in respect of those allotments of land, fronting the old Wellington to Foxton Coach Route, more particularly delineated and shown on the plan deposited in the office of the District Land Registrar at Wellington as Number 5853, and to subdivisions of such allotments:

Provided that if the consent in writing of three-fourths of the total number of ratepayers whose properties will, in the opinion of the Council, benefit from the works authorized by this section and by the said section seven is not obtained, the provisions of the said section seven shall enure and continue to be operative as if this section had not been passed. 5

Provision with respect to advances made to ratepayers by Inglewood County Council under sections 24 and 27 of Finance Act, 1931 (No. 4).

3. Whereas the Inglewood County Council (hereinafter called the Council), in pursuance of the provisions of section twenty-six and section twenty-seven of the Finance Act, 1931 (No. 4), undertook in relief of unemployment the metalling of certain roads in the County of Inglewood—namely, Makara, Kupara, Salisbury, Taramokou, and Pukeho Roads—and applied the funds of the respective ridings of the said county in which the said roads are situated in payment of the works so undertaken under agreements made with a number of owners and occupiers of lands which derived benefit from the said works for the repayment to the Council of the cost of such works by instalments over a period of five years: And whereas the Council expended in carrying out such works sums amounting in the aggregate to eight hundred and nine pounds, and has received from the said owners and occupiers towards repayment thereof sums amounting in the aggregate to five hundred and eighty-eight pounds fourteen shillings and eightpence: And whereas the above-mentioned sum of five hundred and eighty-eight pounds fourteen shillings and eightpence was charged to produce a greater amount than was lawfully required to produce instalments payable at the thirty-first day of March, nineteen hundred and thirty-six: And whereas certain of the instalments have been paid by the various ratepayers, and it is desirable to authorize the Council to make certain refunds: And whereas a balance of three hundred and sixty-seven pounds ten shillings and tenpence was still outstanding under the said agreements at the thirty-first day of March, nineteen hundred and thirty-six, after all instalments due at that date had been paid in full: And whereas the Council, in exercise of the powers conferred on it in that behalf by Part II of the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, and section seven of the Local Authorities Interest 10 15 20 25 30 35 40

1932-33,
No. 41

1934, No. 27

Reduction and Loans Conversion Amendment Act, 1934, respectively, has converted the whole of the loan indebtedness of the Inglewood County convertible thereunder, and as security therefor has made a consolidated special rate over the rateable property in the said county on a differential basis over the various ridings of the said county, and has also made and levied a similar rate to produce the annual charges payable in respect of all the non-convertible securities of the said county: And whereas by reason of the operations aforesaid the said owners and occupiers are now liable for the payment of the annual charges in respect of loan-moneys for which they were previously not liable, and they have obtained no relief in respect of their liability for payment of the said three hundred and sixty-seven pounds ten shillings and tenpence: And whereas it is just and equitable that they should be relieved from such liability: Be it therefore enacted as follows:—

20 The Council is hereby authorized and empowered to write off the said sum of three hundred and sixty-seven pounds ten shillings and tenpence, and to make refunds of sums amounting in the aggregate to one hundred and forty-seven pounds five shillings and sixpence, and to discharge the said owners and occupiers from liability for payment of any instalments henceforth to become due in respect thereof under the agreements hereinbefore referred to.

30 4. The expenditure by the Kairanga County Council during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-six, of the sum of seventeen pounds and eightpence in connection with the opening ceremony of the new Fitzherbert Bridge at Palmerston North, and of the sum of thirty-one pounds and elevenpence during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-seven, in connection with the ceremony of the inauguration of the Trunk Air Service from Palmerston North to Dunedin, is hereby validated and declared to have been lawfully made.

Validating certain expenditure incurred by Kairanga County Council.

40 5. The payment made by the Paparua County Council out of its General Fund during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-seven, of a sum of three hundred pounds as a

Validating payment of compassionate allowance by Paparua County Council.

compassionate allowance to Emily May Maginness, the widow of George Maginness, formerly County Clerk and Engineer to the said Council, is hereby validated and declared to have been lawfully made.

Authorizing the Patea County Council to incur expenditure on publication of an historical booklet.

6. The Patea County Council is hereby authorized to expend a sum or sums, not exceeding in all one hundred pounds, in connection with the preparation, publication, advertising, and sale of a book dealing with the history of the County of Patea and matters incidental thereto. 5

Authorizing Waitotara County Council to expend moneys on providing access for certain ratepayers.

7. Whereas it is expedient that authority should be given to the Waitotara County Council to improve the facilities available to ratepayers and others desiring to cross the Wanganui River by providing, erecting, and maintaining or contributing to the cost of providing, erecting, and maintaining punts, boats, wire cables, or cages and other facilities for crossing the said river: Be it therefore enacted as follows:— 10

(1) The Waitotara County Council is hereby authorized and empowered to expend moneys out of its funds in payment of— 20

(a) The cost of providing, erecting, repairing, or maintaining punts, boats, wire cables, cages, and such other facilities as may be necessary to provide means of crossing the Wanganui River in order to give better access to the properties of ratepayers on the right bank of the said river; and 25

(b) Subsidies to ratepayers who provide or have provided punts, boats, wire cables, or cages for such purposes. 30

(2) The expenditure hereby authorized shall be made out of the funds apportioned to the riding wherein is situate the property of any ratepayer benefiting from the work, and shall be deemed a proper expenditure out of such funds notwithstanding that such expenditure is incurred in relation to any work not wholly within the county. 35

Authorizing Waimarino County Council to levy certain special rates over certain ridings of the county.

8. Whereas portion of the district of the Upper Wangaehu Road Board has been merged in the district of the Waimarino County Council (hereinafter called the Council): And whereas portion of the district of the Ohakune Borough Council has been merged in the district of the Council: And whereas the Council is under a liability to pay certain sums in respect of loans 40

formerly secured on the lands so merged: And whereas the Council has converted the whole of its convertible securities and has levied a consolidated special rate in respect of its convertible securities as well as a consolidated special rate in respect of its non-convertible securities: And whereas the ratepayers in the areas so merged are liable for rates levied to meet interest and other charges on such loans in addition to such consolidated special rates: And whereas it is expedient to authorize the Council to spread the annual charges in respect of its liabilities under such loans over the whole of the respective ridings in which the said merged areas are situate: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act or Order it shall be and be deemed to have been lawful for the Council by resolution to determine that as on and from the first day of April, nineteen hundred and thirty-six, the special rates made and levied to provide the annual charges on the liabilities of the Council in respect of the loans formerly secured on the areas so merged shall be made and levied, in respect of the first-mentioned area, over the whole of the rateable property in the Karioi Riding of the county, and in respect of the second-mentioned area, over the whole of the rateable property in the Ohakune Riding of the county, and such special rates shall be made and levied according to the terms of any such resolution.

9. Whereas the Waiapu County Council (hereinafter called the Council), pursuant to a poll of ratepayers held on the twentieth day of January, nineteen hundred and twenty-six, was authorized to raise and did raise a special loan of ten thousand pounds (hereinafter referred to as the said loan) for the purpose of constructing certain roads within part of the County of Waiapu: And whereas, in the loan proposals submitted to the ratepayers, it was proposed that the said sum of ten thousand pounds should be allocated as follows:—

(a) The sum of one thousand pounds for the purpose of making a road over the Kai Inanga Hill;

(b) The sum of two thousand pounds for the purpose of making a road to give approach to the Rotokautuku Bridge on the south bank of the Waiapu River; and

Validating certain expenditure with respect to loan of £10,000 raised by Waiapu County Council.

(c) The sum of seven thousand pounds for the purpose of making a road between the Rotokautuku Bridge and Tikitiki on the northern bank of the Waiapu River:

And whereas the Council expended the sum of one thousand and three pounds nine shillings on the purposes set out in paragraph (a) hereof, the sum of two hundred and forty-three pounds fifteen shillings and sixpence on the purposes set out in paragraph (b) hereof, and the sum of eight thousand and twenty-three pounds eight shillings on the purposes set out in paragraph (c) hereof: And whereas it is desirable that the expenditure incurred by the Council in excess of the amounts set out in the loan proposals in respect of the purposes specified in paragraphs (a) and (c) hereof should be validated: Be it therefore enacted as follows:—

The expenditure by the Council of the sum of three pounds nine shillings in excess of the amount specified in the loan proposals in respect of the purposes specified in paragraph (a) hereof, and of the sum of one thousand and twenty-three pounds eight shillings in excess of the amount specified in the loan proposals in respect of the purposes specified in paragraph (c) hereof, is hereby validated and declared to have been lawfully made.

Authorizing payment of compassionate allowance by Levels County Council.

10. The Levels County Council is hereby authorized to pay a sum not exceeding two hundred and ten pounds as a compassionate allowance to the widow of Thomas Black, formerly Engineer of the Council.

Further extending period of appointment of Commissioner for County of Matakaoa.

1932-33, No. 47

Repeal.

1934, No. 33

11. (1) Subsection eleven of section ten of the Local Legislation Act, 1932-33, as amended by section two of the Local Legislation Act, 1934, is hereby further amended by omitting the words "nineteen hundred and thirty-eight", and substituting the words "nineteen hundred and forty-one".

(2) Section two of the Local Legislation Act, 1934, is hereby repealed.

City and Borough Councils.

Provision with respect to payment of compensation by Auckland City Council.

See Reprint of Statutes, Vol. VII, p. 622

12. Whereas by Proclamation dated the eleventh day of February, nineteen hundred and thirty-one, and published in the *Gazette* of the nineteenth day of the same month, the land described in subsection *two* of this section was taken under the provisions of the Public Works Act, 1928, and vested in the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland:

And whereas the fee-simple of the said land was at the date of such Proclamation vested in Harold Percy Burton, a member of the Auckland City Council (hereinafter called the Council): And whereas no claim for compensation in respect of the taking of the said land was made within the period of five years as limited by section forty-five of that Act, and all right to such compensation has by virtue of that section ceased to exist: And whereas the Council and the said Harold Percy Burton are agreed that the fair value of the said land is the sum of fifty pounds, which sum the Council is desirous of paying as compensation in respect of such taking, and it is desired to authorize such payment: Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in any Act, the Council may pay to the said Harold Percy Burton the sum of fifty pounds as compensation in respect of the taking of the land hereinafter described, and the said Harold Percy Burton shall not be disqualified for being a member of the Council by reason of accepting such payment.

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

All that piece of land situated in the City of Auckland, containing twenty perches, more or less, being part of Allotment 10 of Section 3 of the suburbs of Auckland, situated in Block XVI, Waitemata Survey District, and shown coloured blue on a plan lodged in the Survey Office at Auckland under Number 25985.

13. Whereas the Auckland City Council (hereinafter called the Council), pursuant to a poll of the ratepayers of the City of Auckland taken on the twenty-fifth day of June, nineteen hundred and thirty-six, was authorized to borrow a sum of three hundred and seventy-seven thousand pounds for the purposes of drainage and street works within the city, the extension of Nelson Street and the purchase of necessary land therefor, the erection of public conveniences, the cleaning and relining of water mains, the construction of a waterworks reservoir and depot, and an abattoir administration block, and the cost of raising the loan: And whereas the Council, after having raised an amount of two hundred thousand

Validating
expenditure
of portion of
loan raised by
Auckland City
Council in
constructing
access roads.

pounds, being portion of the said sum of three hundred and seventy-seven thousand pounds, expended portion thereof in providing access roads for waterworks purposes in the Waitakere Ranges: And whereas the raising of portion of the said loan for the purpose of providing such access roads was approved by the Local Government Loans Board upon giving its consent to the raising of the said loan but was not specified in the proposals submitted to the ratepayers: And whereas it is desirable to validate the action of the Council in utilizing portion of the said loan-moneys for such purpose: Be it therefore enacted as follows:—

It shall be and be deemed to have been lawful for the Council to expend a sum not exceeding nine thousand pounds, being portion of the said loan of three hundred and seventy-seven thousand pounds, for the purpose of providing and making the said access roads.

Validating payment of compassionate allowances by Christchurch City Council.

14. The payments by the Christchurch City Council during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-seven, of the sum of one hundred and seventeen pounds to the widow of the late Edward John Polson, a former employee of the Council, and of the sum of one hundred and fifty pounds to the widow of the late William Henry Greenwood, a former employee of the Council, as compassionate allowances are hereby validated and declared to have been lawfully made.

Validating expenditure by Devonport Borough Council on jubilee celebrations.

15. The expenditure by the Devonport Borough Council out of its District Fund Account of the sum of one hundred and forty-five pounds four shillings and fourpence in connection with the expenses of the celebrations commemorating the fiftieth anniversary of the constitution of the Borough of Devonport is hereby validated and declared to have been lawfully made.

Authorizing remission of rates by Gisborne Borough Council.

16. Whereas the Gisborne Borough Council (hereinafter called the Council) is desirous of obtaining authority to remit arrears of rates amounting to forty pounds three shillings and sevenpence, being the rates for the year ended on the thirty-first day of March, nineteen hundred and thirty-six, and rates amounting to forty pounds seven shillings and tenpence for the year ended on the thirty-first day of March, nineteen hundred

and thirty-seven, and also rates amounting to thirty-eight pounds eight shillings and fourpence for the current year ending on the thirty-first day of March, nineteen hundred and thirty-eight (hereinafter collectively referred to as the said rates), the said rates being levied by the Council and due and payable by the Gisborne and East Coast Young Men's Christian Association, Incorporated, in respect of that piece of land situated in the Borough of Gisborne, containing one rood thirty-six perches, being 1 of 1 of 130 of 6A Fitzherbert Street, situated in the Borough of Gisborne: And whereas the Council has no legal authority to make such remission: Be it therefore enacted as follows:—

The Council is hereby authorized to remit the sum of one hundred and eighteen pounds nineteen shillings and ninepence, being the total amount of the said rates, and to absolve the said Association and the said lands from liability in respect thereof.

17. Whereas the Huntly Borough Council has the control and management of the Huntly Cemetery, containing five acres, more or less, situated within the Borough of Huntly (hereinafter called the borough), and being Allotment No. 14A of the Parish of Taupiri: And whereas the Council is desirous of extending the said cemetery by the acquisition of a certain piece of land in the borough, containing three roods and one perch, more or less, being part of Allotment 14B of the said parish adjoining the northern boundary of the cemetery: And whereas it is expedient to authorize the Council to make the aforesaid extension to the said cemetery: Be it therefore enacted as follows:—

Authorizing Huntly Borough Council to acquire certain land for cemetery purposes.

The said Council may for the purpose of extending the existing Huntly Cemetery acquire the said piece of land and use it for cemetery purposes.

18. (1) The transfer by the Kaiapoi Borough Council (hereinafter called the Council) of the sum of four hundred pounds from its Housing Loan Account to its District Fund Account for the purpose of meeting in part the cost of the erection of a dwelling on a reserve vested in the Council is hereby validated and declared to have been lawfully made.

Provision with respect to the transfer of a sum of £400 by the Kaiapoi Borough Council from its Housing Loan Account to its District Fund Account.

(2) The amount so transferred shall be refunded by the Council to its Housing Loan Account from its District Fund Account by four equal payments, one such payment to be made in each financial year during the period of four years commencing on the first day of April, nineteen hundred and thirty-seven. 5

Authorizing raising of a loan of £4,000 by Patea Borough Council for restoring and extending water-supply and drainage systems.

See Reprint of Statutes, Vol. V, p. 360

19. (1) The Patea Borough Council is hereby authorized and empowered by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, to raise a special loan, not exceeding in the aggregate the sum of four thousand pounds, for the purpose of meeting the cost of restoring and extending the water-supply and drainage systems in the Borough of Patea. 10

(2) The Council may out of the proceeds of such loan refund to its General Account all moneys heretofore or hereafter advanced from that account to meet the cost of carrying out such works. 15

Authorizing Port Chalmers Borough Council to raise a special loan for drainage-works.

Ibid., Vol. VI, p. 1061

20. Whereas the Port Chalmers Borough Council (hereinafter called the Council), in compliance with a requisition under the Health Act, 1920, has carried out certain drainage-works at Mussel Bay in the Borough of Port Chalmers: And whereas for the purpose of paying for such works the Council raised a special loan of one thousand seven hundred and fifty pounds, but that sum was not sufficient for the purpose for which the loan was raised: And whereas a further sum of five hundred and twenty-five pounds has been expended by the Council in order to complete the said drainage-works: Be it therefore enacted as follows:— 20 25 30

(1) The Council may for the purpose of meeting the cost of completing the said drainage-works borrow an amount not exceeding in the aggregate a sum of five hundred and twenty-five pounds, by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act. 35

(2) The Council may out of the proceeds of such loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of the said drainage-works. 40

21. Whereas the Petone Borough Council (hereinafter called the Council) holds sums of money amounting to sixty-seven pounds eight shillings and threepence (hereinafter referred to as the said moneys) in trust for the following purposes—namely, Labour Day Carnival, Band Rotunda, Cottage Hospital, and Early Settlers' Memorial: And whereas the said moneys cannot now be applied to the purposes for which they were received: And whereas the several donors of the said moneys cannot now be ascertained and it is impracticable to make refunds to such donors: And whereas it is expedient that the Council should be authorized to expend the said moneys for a purpose other than those for which the said moneys are held in trust: Be it therefore enacted as follows:—

Authorizing expenditure of certain sums held in trust by Petone Borough Council.

The existing trusts for which the said moneys are held by the Council are hereby discharged and the Council is authorized to expend the said moneys in or towards the cost of the construction of a new entrance to North Park in the Borough of Petone as a memorial to the late David McKenzie, a former Mayor of the Borough.

22. Whereas the Corporation of the Borough of Rangiora is the registered proprietor of an estate in fee-simple in eight hundred acres of land, more or less, situate in the Spaxton Survey District, in the County of Ashburton, being Reserve Number 2380, the land comprised in a grant under the Municipal Corporations Act, 1876, and being all the land comprised in certificate of title, Volume 60, folio 126 (Canterbury Land Registry), on which is erected a dwellinghouse and other buildings: And whereas the Rangiora Borough Council (hereinafter called the Council) is desirous of building a new dwellinghouse and other buildings on the said land in place of the present dwellinghouse situate thereon: And whereas it may be expedient for the purpose of preserving, maintaining, or improving the said land, or the buildings or improvements now or hereafter erected thereon, for the Council to expend further moneys: Be it therefore enacted as follows:—

Authorizing Rangiora Borough Council to raise a special loan for erection of improvements on endowment land.

The Council is hereby empowered and authorized—

- (a) To make, erect, construct, and maintain on the said land a dwellinghouse, and such other suitable buildings for farming purposes or incidental thereto, and such other improvements of a permanent nature as the Council may think fit for the purposes aforesaid: 5
- (b) To borrow by way of special loan under the Local Bodies' Loans Act, 1926, but without taking the steps prescribed by sections nine to thirteen of that Act, a sum not exceeding one thousand two hundred pounds on the security of a special rate over all rateable property within the Borough of Rangiora, and to expend out of the money so raised the amount required by the Council to pay for the cost of the erection and construction of such building or buildings and for any expenses incidental thereto, and any charges or expenses incurred in connection with the raising of the loan: 10 15 20
- (c) To use any surplus moneys which may be available out of moneys borrowed under the *last preceding* paragraph, after payment thereof of the expenditure thereby authorized, for or towards the carrying-out of any of the objects and purposes authorized by paragraph (a) of this section: 25
- (d) To pay out of the District Fund Account of the Council such sum or sums as it may be necessary, in the opinion of the Council, to expend for all or any of the objects and purposes authorized by paragraph (a) of this section. 30

See Reprint
of Statutes,
Vol. V, p. 360

Making
provision with
respect to
expenditure by
Wanganui City
Council of
moneys received
from sale of
land.

23. Whereas by Proclamation published in the *Gazette* on the seventeenth day of June, nineteen hundred and thirty-seven, all those pieces or parcels of land situate in the City of Wanganui, containing four acres one rood eleven perches and six-tenths of a perch, and thirty-six perches, parts of Reserve "L", City of Wanganui, and one acre one rood twelve perches and eighty-seven hundredths of a perch, being part of Reserve "L" aforesaid (part being Lots 8 and 9 and part Lot 10, Deeds Plan 293, situate in Block V, 35 40

- Westmere Survey District (City of Wanganui), (S.O. 3251), in the Wellington Land District: as the same are delineated on plan marked P.W.D. 95945, deposited in the office of the Minister of Public Works at Wellington,
- 5 and thereon edged red, and forming part of the Town Belt of the City of Wanganui, were pursuant to the powers conferred by the Public Works Act, 1928, and section thirty-two of the Statutes Amendment Act, 1936, taken by the Crown for housing purposes as from and after the
- 10 twenty-first day of June, nineteen hundred and thirty-seven: And whereas at that date the said lands formed part of the Town Belt Reserve of the City of Wanganui, and were vested in the Mayor, Councillors, and Citizens of the City of Wanganui (hereinafter called the Corporation) for an estate in fee-simple upon trust for municipal purposes: And whereas by section one hundred and fifty-six of the Municipal Corporations Act, 1933, it is provided that where land is vested
- 15 in a municipal corporation in trust for any particular purpose or purposes, whether by or pursuant to any Act or any deed of trust or otherwise howsoever, all moneys paid on the sale of such land and received as the purchase-money thereof must be applied in or towards the purchase of other lands to be held for the same purposes as affected the land taken or sold: And
- 20 whereas the Wanganui City Council (hereinafter called the Council) is desirous of expending the purchase-money paid or payable in respect of the lands above described for various purposes in and about the City of Wanganui, and for the improvement thereof and not wholly in
- 30 acquiring other lands for municipal purposes as provided by the last-mentioned Act: Be it therefore enacted as follows:—
- 35 The Council may expend the whole or any part of the moneys received in respect of the taking of such land for such one or more of the following purposes as the Council may determine by resolution:—
- (a) In the purchase or acquisition of lands for municipal purposes:
- 40 (b) In the purchase or acquisition of recreation-grounds, sports-grounds, and playgrounds, in addition to or in extension or enlargement of recreation-grounds, sports-grounds, or playgrounds now existing in the City of Wanganui:

See Reprint
of Statutes,
Vol. VII,
p. 622
1936, No. 58

1933, No. 30

- (c) In the purchase of public gardens or ornamental or other grounds in addition to or in enlargement or extension of public gardens, ornamental or other grounds now existing in the City of Wanganui: 5
- (d) In the purchase of grounds or lands for public reserves, domains, or national parks pursuant to the provisions of the Public Reserves, Domains, and National Parks Act, 1928, in addition to or extension or enlargement of any public reserves, domains, or national parks now existing in the City of Wanganui: 10
- (e) In the erection, construction, and finishing of pavilions, hutments, grandstands, dressing-sheds, shelter-sheds, appointments, lighting appliances, or other conveniences on any lands now held by the Corporation for recreation, enjoyment, or sport, and whether held by the Corporation under the Public Reserves, Domains, and National Parks Act, 1928, or otherwise howsoever. 20

See Reprint
of Statutes,
Vol. VI,
p. 1134

Wellington City
Council
authorized to
contribute
towards cost
of the
Plimmerton-
Paremata
bridge.

1936, No. 54

24. Whereas the Wellington City Council has agreed to pay the sum of two hundred and sixty-eight pounds to the Hutt County Council in connection with the cost of constructing the Plimmerton-Paremata bridge in consideration of the Hutt County Council having agreed to contribute the sum of five hundred and thirty-seven pounds towards the cost of the Thorndon Overbridge connecting Waterloo Quay Extension with the Hutt Road in the City of Wellington: And whereas such contribution of five hundred and thirty-seven pounds was duly authorized by section sixty-six of the Local Legislation Act, 1936, and it is desirable that the Wellington City Council, in pursuance of the said agreement, be authorized to make such payment of two hundred and sixty-eight pounds: Be it therefore enacted as follows:— 30 35

The Wellington City Council is hereby authorized and empowered to pay to the Hutt County Council the sum of two hundred and sixty-eight pounds, to be expended by the Hutt County Council towards the cost of construction of the Plimmerton-Paremata bridge. 40

25. Whereas the Bluff Borough Council (hereinafter called the Council) is desirous of obtaining authority to refund certain rates, amounting in all to the sum of fifty-two pounds six shillings and ninepence, paid by the
- 5 trustees of the Bluff Sailors' Rest to the Council for the period from the first day of April, nineteen hundred and thirty-two, to the thirty-first day of March, nineteen hundred and thirty-five, and to remit certain rates, together with the amount added thereto pursuant to
- 10 section seventy-six of the Rating Act, 1925, amounting in all to the sum of forty-four pounds sixteen shillings and fourpence, due and payable by the said trustees to the Council for the period from the first day of April, nineteen hundred and thirty-five, to the thirty-first day
- 15 of March, nineteen hundred and thirty-eight, in respect of that piece of land in the Borough of Bluff containing twenty perches, more or less, being part of the Railway Reserve and known as "The Sailors' Rest": And whereas the Council has no legal authority to make such
- 20 refund or remission: Be it therefore enacted as follows:—

Authorizing Bluff Borough Council to refund and to remit certain rates.

See Reprint of Statutes, Vol. VII, p. 1007

- The Council is hereby authorized to refund to the trustees of the Bluff Sailors' Rest the said sum of
- 25 fifty-two pounds six shillings and ninepence, and to remit the said sum of forty-four pounds sixteen shillings and fourpence, and to absolve the said trustees and the said land from all liability in respect thereof.

26. Whereas the Corporation of the Borough of Napier (hereinafter called the Corporation) borrowed
- 30 under the Local Bodies' Loans Act, 1926, a sum of eight thousand four hundred pounds by way of a loan, called "The Napier Land Purchase and Reclamation Loan (1927) of £8,400", for the purpose of purchasing a certain piece of land, containing six acres three roods
- 35 nineteen perches and three-fifths of a perch, being part of Te Whare-O-Maraenui Block and part of Ahuriri Lagoon Reserve, and filling up, reclaiming, levelling, roading, and draining the same, and purchasing plant in connection therewith: And whereas the said loan was
- 40 converted under the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, pursuant to Conversion Order dated the twelfth day of February, nineteen hundred and thirty-four, published in the

Provision with respect to instalment of sinking fund in regard to loan of £8,400 raised by Napier Borough Council.

Ibid., Vol. V, p. 360

1932-33, No. 41

Gazette of the fifteenth day of the same month: And whereas the Public Trustee was appointed the Commissioner of the Sinking Fund established in respect of the loans converted and consolidated pursuant to the said Conversion Order, under which the Corporation is liable 5 to make annual payments to the Sinking Fund Commissioner on the first day of April in each year: And whereas during the year ended on the thirty-first day of March, nineteen hundred and thirty-six, the Corporation, pursuant to paragraph (b) of subsection six of 10 section twenty of the Finance Act, 1934, paid to the Public Trustee as Sinking Fund Commissioner under the said Conversion Order the sum of two thousand one hundred and nine pounds, being moneys received by the Corporation in respect of the sale of portions of the said 15 land: And whereas the Corporation paid in full the sinking fund instalment due on the first day of April, nineteen hundred and thirty-six, and in respect of the instalment due on the first day of April, nineteen hundred and thirty-seven, the Corporation paid a sum less by two 20 thousand one hundred and nine pounds than the amount it was required to pay under the said Conversion Order: And whereas it is expedient that the said sum of two thousand one hundred and nine pounds paid to the Public Trustee as aforesaid should be applied in part 25 satisfaction of the liability of the Corporation in respect of such last-mentioned instalment: Be it therefore enacted as follows:—

The said sum of two thousand one hundred and nine pounds paid during the year ended on the thirty-first 30 day of March, nineteen hundred and thirty-six, shall be deemed to have been paid in part satisfaction of the annual instalment of the sinking fund due on the first day of April, nineteen hundred and thirty-seven, and shall be applied by the Public Trustee accordingly, and 35 the Corporation shall not be liable to make any further payment into the sinking fund in respect of the said instalment.

Provisions
with respect to
disqualification
of councillor
of Borough
of Napier.
1934, No. 17

27. Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act, 1934, or in any 40 other Act, the payment by the Napier Borough Council of the respective sums of thirteen pounds sixteen shillings and eightpence and twenty-five pounds nine shillings and twopence to the Government Tourist

Bureau, Napier, during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-seven, in respect of travelling-expenses, shall be deemed to have been lawfully made, and Clarence David Cox, who is the Napier agent of the said bureau, shall not be disqualified or be deemed to have been disqualified for being a member of the said Council by reason of the payments of the said sums to the said bureau or by reason of his being concerned or interested in the contract or contracts in respect of which the payments were made, nor shall he be deemed to have committed an offence by reason of having done any act as a member of the Council while concerned or interested in such contract or contracts.

28. The Auckland City Council may refund or remit the drainage rates and any part of the water rates made and levied by it during the period commencing on the first day of June, nineteen hundred and thirty-three, and ending on the thirty-first day of May, nineteen hundred and thirty-eight, and paid or payable by any ratepayer in respect of any property situate in the City of Auckland that is distant more than one hundred feet from a public drain or from the sea or which the Council decides cannot be conveniently connected with the drainage system of the City.

Authorizing Auckland City Council to remit or refund drainage and water rates in certain cases.

29. Whereas pursuant to section thirty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920, the Corporation of the Borough of Hastings (therein and hereinafter called the Corporation) acquired the pieces of land therein described for the purposes of a recreation-ground and an open space for the use of the public of Hastings: And whereas it is expedient to remove the limitation imposed by the said section thirty-four in respect of the period during which it was thereby made lawful for the Corporation to let or lease the said lands for the purpose of sport or to charge the public for admission to the said lands prior to or during the progress of any match, game, or sports meeting played or held thereon: Be it therefore enacted as follows:—

Section 34 of Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920 (relating to Nelson Park, Hastings), amended.
1920, No. 75

(1) Notwithstanding the provisions of section thirty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920, the powers conferred on the Corporation by that section may be

exercised whether or not the Corporation is for the time being under any liability in respect of the purchase price of the land so acquired.

(2) The said section thirty-four is hereby consequentially amended as follows:—

(a) By omitting from subsection two the words “ so long as there shall be any moneys owing under the said debenture or debentures or mortgage ” in both places where those words occur:

(b) By repealing subsection three.

Provision for deduction and payment by Thames Borough Commissioner of certain legal expenses.

30. The Thames Borough Commissioner is hereby authorized to deduct *pro rata* from the interest payable to the Thames Harbour Board debenture-holders, as at the first day of April, nineteen hundred and thirty-eight, the amount of the fees due and payable by the said debenture-holders to Stewart Hardy, the Solicitor who acted as representative of debenture-holders in the negotiations with the Thames Harbour Board arising out of the Thames Harbour Board Loans Adjustment Act, 1932-33, and its amendments, and with the Thames Borough Advisory Committee in relation to various matters affecting Thames, and to pay the amount so deducted to the said Stewart Hardy.

Authorizing Rotorua Borough Council to raise a special loan for purchase of property to be held as an endowment.

31. Whereas Elizabeth Ann Seddon-Johnson, of Rotorua, Widow, by her last will, probate whereof was granted out of the Supreme Court of New Zealand, Wellington Judicial District, on the first day of September, nineteen hundred and thirty-six, to the Public Trustee for the Dominion of New Zealand, after providing for sundry legacies, directed the Public Trustee to stand possessed of the residue of her estate upon trust for the Mayor, Councillors, and Burgesses of the Borough of Rotorua (hereinafter called the Corporation), to be used for or towards the erection of a new wing to the Rotorua Public Library: And whereas the Corporation has raised a loan for the purpose of erecting a combined Municipal Theatre, Library, and Council Chambers: And whereas the residue of the estate of the said Elizabeth Ann Seddon-Johnson consists of a shop property fronting two of the main business areas in the Town of Rotorua, the title to which property is a thermal springs Crown lease: And whereas the Rotorua Borough Council (hereinafter called the Council) desires to submit a proposal to the ratepayers of the Borough of Rotorua that a loan be raised

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sufficient to pay the legacies mentioned in the said will and thereafter that a transfer be accepted to the Corporation from the Public Trustee of the said Crown lease and that the same be held upon the trusts and
5 subject to the powers hereinafter contained: And whereas there is no legal authority to enable the Corporation to acquire the said Crown lease or the Council to submit such a proposal to the ratepayers aforesaid: And whereas it is desirable that such
10 authority be provided: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Corporation may acquire the leasehold land described in subsection *three* of this section as an
15 endowment for the maintenance and benefit of a public library in the Borough of Rotorua, and the Council may for such purpose borrow a sum not exceeding eight thousand three hundred pounds by way of special loan under the Local Bodies' Loans Act, 1926, and may
20 apply any loan so raised for the purpose of paying all legacies aforesaid, the Public Trustee's costs of administration of the estate of the said Elizabeth Ann Seddon-Johnson, the costs of raising the loan, the costs of and incidental to the transfer to the Corporation of
25 the said Crown lease, and the costs of and incidental to the acquisition of a freehold title to the whole or any part of the said land under the provisions in that behalf contained in the Rotorua Town Lands Act, 1920. The amount of the said loan unexpended after the payments
30 authorized by the foregoing provisions of this section have been made shall be applied by the Council in improving or extending the building-accommodation and other facilities of the library portion of the proposed new municipal building aforesaid and in payment of
35 expenses incidental thereto.

(2) The revenue derived by the Corporation from the said land shall be applied—firstly, in payment of all expenses properly incurred in connection therewith, including maintenance charges and charges for repairs;
40 secondly, in payment of interest and sinking fund on the said loan authorized under this section and on any subsequent loan raised for any purpose connected with the said land, and the balance in payment of the general maintenance and upkeep of the Rotorua Public Library,
45 including the purchase of books, periodicals, and other reading-matter.

See Reprint
of Statutes,
Vol. V, p. 360

1920, No. 57

(3) The land hereinbefore referred to is particularly described as follows:—

All that parcel of land in the Auckland Land District, containing by admeasurement one rood twenty-four perches, more or less, being Sections 13 and 14, Block XVI, Town of Rotorua, and being the whole of the land comprised and described in Thermal Springs Crown Lease Number 56, recorded in register-book Volume 73, folio 111, Auckland Registry, subject to memoranda of sublease registered numbers 8808, 9889, 10 and 15905.

Town Boards.

Fixing date
for
commencement
of farm-land
roll for
Taradale Town
District.
1932, No. 20

32. Notwithstanding anything in the Urban Farm Land Rating Act, 1932, the farm-land roll made under that Act for the Taradale Town District, as signed by the Judge of the Assessment Court for that Town District on the tenth day of October, nineteen hundred and thirty-five, shall, for all purposes, be deemed to have come into force on the first day of April, nineteen hundred and thirty-four, and no sooner.

Struck out.

Authorizing
sale of certain
land by
Manurewa
Town Board.

33. Whereas the Manurewa Town Board (hereinafter called the Board) is registered as proprietor—firstly, of all that parcel of land containing four acres one rood and twenty-eight perches, more or less, being Lot 4 on a plan deposited in the Land Registry Office at Auckland as Number 12046, and being part of Takaanini's Grant, situated in Block XIV of the Otahuhu Survey District, and being all the land comprised in certificate of title, Volume 631, folio 145 (Auckland Land Registry); and secondly, of all that parcel of land containing five acres three roods and seventeen perches, more or less, being Lot 5 on a plan deposited in the Land Registry Office at Auckland as Number 12046, and being part of Takaanini's Grant, situated in Block XIV of the Otahuhu Survey District, and being all the land comprised in certificate of title, Volume 631, folio 146 (Auckland Land Registry): And whereas both the said parcels of land are vested in the Board for the purpose of a cemetery, but have not been dedicated for nor used as a cemetery: And whereas the said parcels of land are unsuitable for the purpose of a cemetery: And whereas it is expedient

Struck out.

that the Board be authorized to sell the said land and to utilize the proceeds of the sale in the purchase of other land for purposes other than cemetery purposes:

5 Be it therefore enacted as follows:—

The Board is hereby empowered to sell the whole or any part of the land hereinbefore described, and to apply the purchase-money received therefrom in or towards payment of the purchase price of any other land
10 acquired by the Board in the exercise of any of its powers or functions.

Harbour Boards.

15 **34.** The Auckland Harbour Board is hereby empowered to expend out of its Harbour Fund the sum of fifty pounds as a donation to the fund being raised by the Auckland Young Men's Christian Association (Incorporated) for the purpose of paying off the existing debt on its building and providing funds for extension work. Authorizing Auckland Harbour Board to make a donation to the Auckland Young Men's Christian Association.

20 **35.** The expenditure by the Auckland Harbour Board during the financial year ended on the thirtieth day of September, nineteen hundred and thirty-seven, of— Validating certain expenditure incurred by Auckland Harbour Board in respect of certain miscellaneous matters.

25 (a) The sum of two hundred and thirty-eight pounds one shilling and tenpence in arranging a suitable reception on the arrival of the Pan-American Airways clipper on the first survey-flight from San Francisco to New Zealand, and in the entertainment of the pilots and crew of the clipper at a luncheon held in the Board's office;

30 (b) The sum of twenty-five pounds as a donation to the Auckland Chamber of Commerce towards the entertainment of the delegates attending the Chamber of Commerce Conference in January, nineteen hundred and thirty-seven; and

35 (c) The sum of one hundred and eighty-three pounds on account of compassionate allowances made to Bernard Victor George Eady (twenty pounds), Florence Victoria Francis (twenty-four pounds), Edwin Albert Rossnol (thirty-nine pounds), John Cole (fifty pounds), and Cuthbert Leathart (fifty pounds),—

40 is hereby validated and declared to have been lawfully incurred.

Validating remission of dues by Auckland Harbour Board in respect of United States training-ship "California State".

36. Notwithstanding anything to the contrary in any Act or by-law governing or controlling the Auckland Harbour Board, the remission by the Board of a sum of seventeen pounds twelve shillings and tenpence for shipping wharfage dues and a sum of twenty pounds three shillings and threepence for port charges incurred by the United States training-ship "California State" is hereby validated. 5

Validating certain expenditure incurred by Auckland Harbour Board in connection with entertainment of visiting football teams.

37. The expenditure by the Auckland Harbour Board during the financial year ended on the thirtieth day of September, nineteen hundred and thirty-seven, of the sum of twenty-five pounds in the entertainment of the South African and New Zealand Rugby Football Teams at a Harbour Excursion, is hereby validated and declared to have been lawfully incurred. 15

Road Board.

Validating expenditure by Mount Roskill Road Board in respect of membership in Municipal Association of New Zealand, Incorporated.

38. The expenditure by the Mount Roskill Road Board of—firstly, the sum of fifteen pounds one shilling, being membership subscriptions to the Municipal Association of New Zealand, Incorporated, in respect of the financial years ended on the thirty-first day of March, nineteen hundred and thirty-six, and the thirty-first day of March, nineteen hundred and thirty-seven; and secondly, the sum of thirty pounds four shillings and tenpence on account of the expenses of the representatives of the Board in attending the annual conference of such Association in the month of March, nineteen hundred and thirty-seven, is hereby validated and declared to have been lawfully made. 25

Electric-power Boards.

Validating variation of conditions of balance of loan of £10,000 raised by Ashburton Electric-power Board.

39. Whereas by Order in Council made under the Local Government Loans Board Act, 1926, on the twenty-second day of October, nineteen hundred and thirty-six, the Ashburton Electric-power Board (hereinafter called the Board) was authorized to raise a loan of ten thousand pounds, being portion of a loan known as "Special Loan, 1929, of Eighty-five Thousand Pounds", subject to the determinations as to borrowing and repayment thereof therein set out: And whereas by Order in Council of the same 30 35 40

date the said determinations were varied in respect of a loan of five thousand pounds, being part of the said loan of ten thousand pounds, in the manner therein set out: And whereas the Board, in further exercise of
5 the authority conferred upon it by the first-mentioned Order in Council, raised a further loan of five thousand pounds (hereinafter referred to as the said loan), being the balance of the loan of ten thousand pounds, upon
10 and subject to the same terms and conditions as authorized for the former loan of five thousand pounds, but omitted to obtain in respect thereof an Order in Council authorizing the variation of the conditions prescribed by the first-mentioned Order in Council: And
15 whereas it is desirable that the raising of the said loan by the Board upon and subject to the said terms and conditions be validated: Be it therefore enacted as follows:—

(1) Notwithstanding the determinations as to borrowing and repayment set out in the first-mentioned
20 Order in Council, it shall be lawful and be deemed to have been lawful for the Board to raise the said loan of five thousand pounds upon terms of making the same repayable by four instalments of principal of nine hundred pounds, eleven hundred pounds,
25 fourteen hundred pounds, and sixteen hundred pounds, respectively, with interest thereon at the rate of three pounds ten shillings per centum per annum, the first such instalment to be paid on the fifth anniversary of the raising of the said loan and subsequent instalments
30 at intervals of five years thereafter.

(2) In lieu of the sinking-fund payments to be made pursuant to the first-mentioned Order in Council it shall be lawful and be deemed to have been lawful for the Board to make in respect of the said loan to the sinking
35 fund to be established for the repayment thereof an annual contribution of one hundred and eighty pounds, such amount to be increased each year by a sum equivalent to three pounds ten shillings per centum of all repayments of principal made as provided in
40 subsection *one* of this section, calculated up to and including the previous repayment.

Authorizing
Waimea
Electric-power
Board to issue
debentures and
complete
contract for
purchase of
undertaking of
the Waimea
Electric
Supply and
Manufacturing
Company,
Limited.

See Reprint
of Statutes,
Vol. V, p. 415

40. Whereas in the year nineteen hundred and thirty-three the Waimea Electric-power Board (hereinafter called the Board) entered into a contract with the Waimea Electric Supply and Manufacturing Company, Limited (hereinafter called the company), for the purchase of the undertaking of the company as defined in the said contract for the sum of twenty-two thousand pounds: And whereas by the said contract it was provided that the Board should execute and deliver to the company debentures for twenty-two thousand pounds, to be secured upon such undertaking and the revenues therefrom and to be of such number and of such amounts (totalling twenty-two thousand pounds) as the company should require: And whereas such contract contained provisions for the company re-entering and taking possession of the undertaking and for the Board delivering up the undertaking to the company in the events specified in the said contract: And whereas the Board was authorized by a poll of ratepayers to raise a loan of twenty-two thousand pounds for the purpose of acquiring the said undertaking: And whereas by an Order in Council (hereinafter referred to as the said Order in Council), made on the twenty-first day of July, nineteen hundred and thirty-three, under the provisions of the Local Government Loans Board Act, 1926, consent was given to the raising of the loan of twenty-two thousand pounds upon the terms and conditions therein provided: And whereas the company agreed to accept interest on the said sum of twenty-two thousand pounds at the rate prescribed by the said Order in Council and interest at such rate has been paid by the Board to the company but the Board has not executed or delivered to the company the debentures for the said sum of twenty-two thousand pounds and has not completed the purchase of the said undertaking: And whereas the Board has paid to the company the sum of three thousand pounds in part payment of the said purchase-money: And whereas the company has agreed to reduce the said purchase-money by one thousand pounds and to accept debentures for eighteen thousand pounds bearing interest at the rate prescribed in the said Order in Council for the respective amounts and payable on the respective dates set out in subsection *four* of this

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section in full satisfaction of the balance of the purchase-money payable by the Board under the said contract, and the Board and the company have also agreed that on completion of the said purchase the provisions of the said contract for the company re-entering and taking possession of the said undertaking and for the Board delivering up the undertaking to the company shall have no further force or effect: And whereas it is expedient to empower the Board to issue such debentures as aforesaid for the purpose of completing the purchase of the said undertaking: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Board is hereby empowered to issue debentures for eighteen thousand pounds upon the security of the said undertaking as defined in the said contract and the revenues therefrom, such debentures to bear interest at the rate prescribed in the said Order in Council and to be for the respective amounts and to be payable on the respective dates set out in subsection *four* of this section, and the provisions of the said Order in Council shall be deemed to be varied accordingly.

(2) Upon the completion of the said purchase the provisions of the said contract shall have no further force or effect.

(3) The payments heretofore made by the Board on account of purchase-money and for interest are hereby validated.

(4) The respective dates and amounts referred to in subsection *one* of this section are as follows:—

Thirtieth November, nineteen hundred and thirty-eight, eight hundred pounds.
Thirtieth November, nineteen hundred and thirty-nine, eight hundred pounds.
Thirtieth November, nineteen hundred and forty, nine hundred pounds.
Thirtieth November, nineteen hundred and forty-one, nine hundred pounds.
Thirtieth November, nineteen hundred and forty-two, nine hundred pounds.
Thirtieth November, nineteen hundred and forty-three, one thousand pounds.

Thirtieth November, nineteen hundred and forty-four, one thousand one hundred pounds.
 Thirtieth November, nineteen hundred and forty-five, one thousand one hundred pounds.
 Thirtieth November, nineteen hundred and forty-six, one thousand one hundred pounds. 5
 Thirtieth November, nineteen hundred and forty-seven, one thousand two hundred pounds.
 Thirtieth November, nineteen hundred and forty-eight, one thousand two hundred pounds. 10
 Thirtieth November, nineteen hundred and forty-nine, one thousand three hundred pounds.
 Thirtieth November, nineteen hundred and fifty, one thousand three hundred pounds.
 Thirtieth November, nineteen hundred and fifty-one, one thousand four hundred pounds. 15
 Thirtieth November, nineteen hundred and fifty-two, one thousand four hundred pounds.
 Thirtieth November, nineteen hundred and fifty-three, one thousand six hundred pounds. 20

Making provisions with respect to purchase by the Crown of portion of the electric-works of the Grey Electric-power Board.
 See Reprint of Statutes, Vol. III, p. 4

41. (1) In this section "Board" means the Grey Electric-power Board constituted under the Electric-powers Boards Act, 1925, and "Minister" means the Minister of Public Works.

(2) Notwithstanding anything to the contrary in any Act, the Governor-General may by Order in Council authorize the purchase by the Minister of any electric-works or part thereof owned by the Board, and thereupon the Board shall have power to sell any such electric-works to the Minister subject to such conditions (if any) as may be imposed by the Governor-General in such Order. 25 30

(3) The Order in Council under the *last preceding* subsection shall fix the date for the completion of the purchase to which it relates. 35

(4) The Minister is hereby empowered to pay out of moneys appropriated by Parliament for the purpose the purchase price of the works as determined in subsection *seven* of this section.

(5) On the date fixed as aforesaid for the completion of the purchase, the lands and other property, whether real or personal, comprised in the electric-works so purchased by the Minister from the Board shall become 40

vested in His Majesty the King for the estate or interest for which they were held by the Board subject, however, to all charges, encumbrances, or other estates or interests then affecting the same.

5 (6) If the land or any part thereof which pursuant to this section is vested in the Crown is subject to the provisions of the Land Transfer Act, 1915, the District Land Registrar for the district shall, on the application of the Minister, register His Majesty the King as the
10 proprietor thereof, and for the purposes of this section the certificate of the Minister that any property is vested in the Crown by virtue of this section shall be accepted by the District Land Registrar as sufficient evidence of the fact so certified.

See Reprint
of Statutes,
Vol. VII,
p 1161

15 (7) The purchase price of the electric-works purchased pursuant to this section shall be determined at the value appearing in the Board's accounts as at the thirty-first day of March, nineteen hundred and thirty-six, decreased by the amount of the provision for
20 depreciation actually made as at that date in the said accounts in respect of such works, and further decreased by the amount of the provision for depreciation required to be made in such accounts up to the date fixed for the completion of the purchase in the Order in Council
25 referred to in subsection *two* hereof, and increased by the amount of any expenditure on such works from the thirty-first day of March, nineteen hundred and thirty-six, to the date fixed for the completion of the purchase:

30 Provided that no such expenditure shall be included in the purchase price unless the Minister has approved of such expenditure having been incurred.

35 (8) In the event of any dispute arising as to the amount of such expenditure that should properly be included in the purchase price the question shall be determined by the Audit Office, and the decision of that Office in any such dispute shall be final.

(9) Of the purchase price as determined as aforesaid the sum of fifteen thousand pounds may, when received by the Board, be utilized for the expenditure in
40 connection with the capital works in respect of which a loan of that amount was sanctioned by the Local Government Loans Board on the fourteenth day of October, nineteen hundred and thirty-seven, and the

balance shall be paid by the Minister to the Public Trustee as Sinking Fund Commissioner of the Board's loans, and thereupon the following provisions shall apply:—

- (a) The amount so paid shall be credited by the Public Trustee to a consolidated sinking fund, to which shall be transferred all other sinking fund moneys held by the Public Trustee on behalf of the Board. Notwithstanding anything to the contrary in section forty-two of the Local Bodies' Loans Act, 1926, the moneys paid to the Public Trustee in respect of the purchase price of the said electric-works may be invested by him in such securities as may be approved by the Minister of Finance: 5 10 15
- (b) Except as provided in the *next succeeding* paragraph, it shall not be necessary for the Board to make any further payment to the said sinking funds: 15
- (c) The Board shall in each and every financial year commencing with the year ending on the thirty-first day of March, nineteen hundred and thirty-nine, pay to the consolidated sinking fund such annual contributions as may be determined by the Minister of Finance as being necessary to provide at the date of maturity for the complete liquidation of all the Board's loans outstanding as at the thirty-first day of March, nineteen hundred and thirty-seven: 20 25
- (d) The principal moneys secured by any debentures executed by the Board and for which the Board is still liable when the consolidated sinking fund is established shall be paid by the Public Trustee as and when they become due out of the moneys in the consolidated sinking fund: 30 35
- Provided that the Public Trustee may at the request of the Board pay off any such debentures before maturity date and may pay to the holder of any such debenture such amount, by way of premium or bonus, as may be determined by the Minister of Finance to be necessary to effect the repayment. 40

See Reprint
of Statutes,
Vol. V, p. 381

(10) For the purposes of the proviso to subsection three of section twenty of the Electric-power Boards Amendment Act, 1927, the amount which may be deducted from the amount of the charge for depreciation 5 for the year ending on the thirty-first day of March, nineteen hundred and thirty-nine, shall be the amount of sinking fund actually payable increased by the sum of three thousand two hundred and six pounds in respect of debt outstanding as at the thirty-first day of March, 10 nineteen hundred and thirty-seven, notwithstanding that the sinking fund payments on account of such debt are not actually made. The sum of three thousand two hundred and six pounds shall be reduced in each subsequent financial year after the year ending on the 15 thirty-first day of March, nineteen hundred and thirty-nine, by the amount of the interest previously payable on securities redeemable up to the end of such financial year.

See Reprint
of Statutes,
Vol. III, p. 62

(11) The Governor-General may by Order in Council 20 authorize the Board to borrow or to owe money by way of bank overdraft as at the thirty-first day of March, nineteen hundred and thirty-nine, in excess of the limits laid down by section three of the Local Bodies' Finance Act, 1921-22, to the extent and on the conditions set out 25 in any such Order.

Ibid., Vol. V,
p. 354

River and Drainage Boards.

42. The Hawke's Bay Rivers Board is hereby authorized and empowered to pay out of its General Account the sum of two hundred and fifty pounds as a 30 compassionate allowance to Catherine Hannah Scullin, the widow of Phillip John Scullin, formerly Overseer for the said Board.

Authorizing
Hawke's Bay
Rivers Board
to pay a
compassionate
allowance.

43. Whereas it is enacted by section fifty of the Local Legislation Act, 1936, that the Mangapu Drainage Board 35 (hereinafter called the Board) is authorized to make and levy for the year ended on the thirty-first day of March, nineteen hundred and thirty-seven, a general rate, not exceeding threepence in the pound, on the land classified in accordance with section thirty-three of the Land 40 Drainage Act, 1908, as "A" lands; a general rate, not exceeding twopence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding one

Section 50
of the Local
Legislation Act,
1936, extended.
1936, No. 54

See Reprint
of Statutes,
Vol. IV, p. 479

penny in the pound, on lands so classified as " C " lands: And whereas it is expedient that the Board should be empowered to continue to rate on this basis for a further period: Be it therefore enacted as follows:—

The provisions of section fifty of the Local Legislation Act, 1936, shall be deemed to be extended to authorize and to have authorized the Board to make and levy the general rates prescribed in subsection two of that section for the years ending respectively on the thirty-first day of March, nineteen hundred and thirty-eight, and on the thirty-first day of March, nineteen hundred and thirty-nine. 5 10

Fire Boards.

Validating
excess
overdrafts
incurred by
Invercargill
Fire Board,
Masterton
Fire Board,
and Palmerston
North
Fire Board.

See Reprint
of Statutes,
Vol. V, p. 355

44. Whereas in breach of paragraph (c) of subsection two of section three of the Local Bodies' Finance Act, 1921-22, the fire boards mentioned in subsection *two* of this section respectively owed the sums specified in that subsection as at the year ended on the thirty-first day of March, nineteen hundred and thirty-seven, on their General Accounts in excess of such part of the revenue for that year as remained outstanding and unpaid and properly payable into those accounts: And whereas such expenditure was incurred by reason of increases in the amount of wages payable by the boards subsequent to the approval of their estimated expenditure for that year: And whereas it is expedient that the excess overdrafts incurred as aforesaid should be validated: Be it therefore enacted as follows:— 15 20 25

(1) Notwithstanding the provisions of paragraph (c) of subsection two of section three of the Local Bodies' Finance Act, 1921-22, it shall be deemed to have been lawful for the said boards to have respectively owed the said sums as aforesaid. 30

(2) This section relates to—

(a) The Invercargill Fire Board, in respect of the sum of twenty-four pounds six shillings and fourpence; 35

(b) The Masterton Fire Board, in respect of the sum of sixty-seven pounds one shilling and one penny; and 40

(c) The Palmerston North Fire Board, in respect of the sum of four hundred and eighty-two pounds two shillings and sevenpence.

Hospital Board.

45. Whereas the North Canterbury Hospital Board (hereinafter called the Board) on the twenty-seventh day of June, nineteen hundred and thirty-three, obtained the
 5 sanction of the Local Government Loans Board to the raising of a loan of two thousand one hundred and sixty-five pounds to be known as "Nurses' Home (Additional) Loan, 1933" (hereinafter referred to as the said loan), for the purpose of completing the erection
 10 of the Nurses' Home at the Christchurch Hospital: And whereas by Order in Council made on the tenth day of July, nineteen hundred and thirty-three, under section three of the Local Government Loans Board Act, 1926, consent was given to the raising of the said loan: And
 15 whereas at the date of the raising of the said loan the works in connection with the erection of the said Nurses' Home had actually been completed, but the contractor for the same had not been fully paid: And whereas by reason of the completion of the said works before the
 20 raising of the loan doubts have arisen as to the validity of the said loan and of the debentures issued to secure repayment of the same: Be it therefore enacted as follows:—

Validating raising of a loan by North Canterbury Hospital Board and issue of debentures in connection therewith.

See Reprint of Statutes, Vol. V, p. 415

25 Notwithstanding the provisions of any enactment or rule of law, the action of the Board in raising the said loan is hereby validated and the debentures issued to secure repayment of the loan are hereby declared to be valid debentures enforceable according to the terms thereof.

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

46. Whereas under the authority of section nine of the Local Authorities Empowering (Aviation Encouragement) Act, 1929 (hereinafter referred to as the said Act), the Gisborne Borough Council, the Cook County Council,
 35 and the Waikohu County Council (hereinafter referred to as the said local authorities) established an aerodrome at Gisborne in accordance with the provisions of section eight of the said Act: And whereas for the purpose of improving the aerodrome it became necessary to acquire
 40 certain additional land: And whereas the Gisborne Borough Council on behalf of the said local authorities

Authorizing raising of joint loan by the Gisborne Borough Council and the Cook and Waikohu County Councils for aerodrome purposes. Ibid., Vol. I, p. 434

has paid certain moneys from its General Account, and further liabilities have been incurred for the purpose of meeting the cost of the aforesaid works, amounting in all to a sum of six thousand pounds: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the said Act, the said local authorities may raise a joint special loan in addition to any loan authorized by the said Act for an amount not exceeding six thousand pounds for the purpose of meeting the cost of completing the establishment and equipment of an adequate aerodrome at Gisborne in accordance with the provisions of section eight of the said Act. 5

(2) The powers conferred by the *last preceding* subsection shall be exercised in accordance with the provisions of Part II of the Local Bodies' Loans Act, 1926, but without taking the steps described in sections nine to thirteen of that Act, and otherwise in accordance with the procedure laid down in section nine of the said Act. 10 15 20

See Reprint
of Statutes,
Vol. V, p. 386

(3) Notwithstanding anything to the contrary contained in any Act, the expenditure already incurred by the Gisborne Borough Council out of its General Account, and the action of the Council in incurring further liability, in connection with the work in respect of which the joint special loan authorized by this section is to be raised are hereby validated. 25

(4) The proceeds of the joint special loan to be raised under the authority of this section shall be applied towards the repayment to the General Account of the Gisborne Borough Council of all moneys heretofore or hereafter expended from that account for any of the purposes herein mentioned, and in payment of the further liabilities incurred in connection with such work. 30

Authorizing
certain local
authorities
to contract
with Auckland
City Council
for the supply
of water.
1933, No. 30

47. (1) Notwithstanding anything to the contrary in section two hundred and fifty-six of the Municipal Corporations Act, 1933, each of the local authorities specified in subsection *three* of this section may contract with the Auckland City Council for such supply of water as the local authority may require for all purposes for a period not exceeding twenty-one years, and without the period of such contract being previously approved by a poll of electors. 35 40

(2) While any such contract is in force the provisions of subsection three of section two hundred and fifty-three of the said Act shall not apply with respect to the supply of water in terms of such contract.

5 (3) The local authorities to which this section relates are the following:—

- (a) The Henderson Town Board;
- (b) The Mount Albert Borough Council;
- (c) The Mount Eden Borough Council;
- 10 (d) The New Lynn Borough Council; and
- (e) The Glen Eden Town Board.

48. The local authorities mentioned hereunder are authorized and empowered to pay to the New Zealand Free Ambulance Transport Service (Wellington District), Incorporated, in the year ending on the 15 thirty-first day of March, nineteen hundred and thirty-eight, such sums as they think fit, not exceeding in any case the respective amounts hereinafter specified, namely:—

- 20 The Wellington Hospital Board, one thousand pounds;
- The Wellington Harbour Board, three hundred pounds;
- The Hutt County Council, one hundred and fifty 25 pounds; and
- The Makara County Council, eighty-six pounds.

49. It shall be deemed to have been lawful for the Christchurch City Council, the Sumner Borough Council, and the Waimairi County Council to expend 30 sums amounting respectively to one thousand pounds, twenty-one pounds, and two pounds two shillings, in contributing to the special fund established by the Port Hills - Akaroa Summit Road Citizens' Committee for the purpose of liquidating mortgage and other liabilities 35 contracted with respect to certain reserves and buildings vested in the Board of Trustees of the Port Hills - Akaroa Summit Road Public Trust, Incorporated, and for meeting the cost of completing the erection of 40 buildings on any such reserves.

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

Validating payments by certain local authorities towards special fund established by Port Hills - Akaroa Summit Road Citizens' Committee.

Provision with respect to construction of railway lines and sidings on certain *de facto* streets in the Borough of Lyttelton.

1910 (Local), No. 21

1929 (Local), No. 2

1929, No. 18

See Reprint of Statutes, Vol. VI, p. 1134

Ibid., Vol. VII, p. 812

50. Whereas the Lyttelton Harbour Board (hereinafter called the Board) has reclaimed from the sea certain lands described in the Schedules to the Lyttelton Harbour Board Reclamation and Empowering Act, 1910, and the Lyttelton Harbour Reclamation Validation Act, 1929: And whereas by section twelve of the Reserves and other Lands Disposal Act, 1929, the Board was authorized under certain conditions in the said section set out to transfer and assure to the Corporation of the Borough of Lyttelton a certain part of the land so reclaimed as a public reserve under the Public Reserves, Domains, and National Parks Act, 1928, for the use and recreation of the inhabitants of the said borough: And whereas a large part of the remainder of the said reclaimed land has been let for the purpose of oil stores, and it is anticipated that the balance of the said reclaimed land will be put to similar uses: And whereas under the Government Railways Act, 1926, siding rights have been granted to the lessees of such oil stores and such sidings are connected with the Government railway-lines on the Lyttelton waterfront by certain feeder-lines running along and over certain streets formed upon such reclaimed land and giving access to such oil stores, and it is contemplated that as and when further parts of such reclaimed land are let and occupied, and further streets giving access thereto are formed, further siding rights will be granted to the lessees of such land and further feeder-lines will be laid along and across such streets connecting such sidings with the Government railways: And whereas the Board is about to dedicate to the Lyttelton Borough Council (hereinafter called the Council) the said streets already formed, and it is necessary that provision should be made authorizing the presence of such railway-lines upon such streets and authorizing the future maintenance of such railway-lines: And whereas the nature of the use of the said reclaimed lands is such as to necessitate the connection with the Government railways of the said existing sidings and any sidings for which rights may be granted in the future, and the presence of the said feeder-lines upon the said streets will be in keeping with the use to which the said reclaimed lands have been put: And whereas the Council desires to accept dedication of the said

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streets with the said feeder-lines constructed thereon and to grant to the Board and to all persons to whom siding rights have heretofore been or may hereafter be granted the right to construct and maintain upon the said streets

5 any such feeder-lines and sidings: And whereas it is expedient in the public interest that the railway connection between the said reclaimed lands and the Government railways should be preserved and maintained: Be it therefore enacted as follows:—

10 (1) The Council is hereby authorized to grant to the Board and to all lessees of the Board the right to construct, maintain, and use (upon or subject to such terms as the Council shall consider necessary for the safety of the public) all such railway-lines already laid
15 or hereafter to be laid upon any street already formed or to be formed on the said reclaimed lands, and constituting feeder-lines or sidings connecting the said lands with the Government railways on the Lyttelton waterfront, for such time as the Minister of Railways
20 shall permit such connection with the Government railways.

(2) All such feeder-lines and sidings shall be constructed and maintained by the Board or its lessees in such manner as shall be approved by the Minister of
25 Railways and the Council, and shall permit of the reasonable use in safety of the said streets by the public, but the fact that the width of any of the said streets available for the traffic of the public is diminished by the presence of such railway-lines shall not be deemed to
30 constitute a public nuisance, and it shall be lawful for but not obligatory upon the Board and the Council, or either of them, if they or either of such bodies shall deem it necessary for the public safety, to fence off all or any of such parts of the said feeder-lines or sidings as are
35 not constructed level with the surface of the street.

(3) Nothing herein contained shall be deemed to impose any liability on His Majesty the King or the Minister of Railways in respect of any accident arising
40 out of the existence of the said railway-lines on the said streets.

Miscellaneous.

Authorizing
Petone and
Lower Hutt
Gas-lighting
Board to raise
a special loan
for extension
of its
undertaking.
1922, No. 13
(Local)

See Reprint
of Statutes,
Vol. V, p. 360

Ibid., p. 418

51. Whereas the Petone and Lower Hutt Gas-lighting Board (hereinafter called the Board), constituted under the Petone and Lower Hutt Gas-lighting Act, 1922, has heretofore raised loans for the purposes of supplying gas in its district, and as security for such loans has made and levied special rates over the whole of its district: And whereas it is expedient that the Board, subject to the conditions hereinafter set out, should be authorized to raise further loans for the same purposes: Be it therefore enacted as follows:—

(1) Subject to the provisions of this section, the Board may, by special order and without taking the steps prescribed in sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a further special loan or loans, not exceeding in the aggregate nineteen thousand pounds, to provide additional moneys for the extension of its undertaking:

Provided that no moneys shall be borrowed by special order under this section if, prior to the confirmation of the resolution to raise the loan by special order, not less than five per centum of the ratepayers of the said district, by writing under their hands delivered or sent by post to the Board, demand that a poll be taken on the proposal.

(2) Every public notice of any resolution to which this section applies shall contain all the particulars referred to in section ten of the Local Bodies' Loans Act, 1926, and in addition shall contain a statement to the effect that a poll of the ratepayers is required to be taken if five per centum of the ratepayers of the said district so demand by writing under their hands delivered or sent by post to the Board.

(3) In respect of any loan raised under the authority of this section the notice required to be given to the Minister of Finance under section ten of the Local Government Loans Board Act, 1926, shall not be given until after the confirmation of the resolution to raise the loan by special order.