

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

9th October, 1941.

Hon. Mr. Parry

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 of the same, as follows:—

1. This Act may be cited as the Local Legislation Short Title.
Act, 1941.

County Councils.

2. Whereas the Hauraki Plains County Council (here-
5 inafter called the Council) obtained the consent of the
Local Government Loans Board to the raising of a loan
of sixty thousand pounds, to be known as East Water-
supply Loan, 1937 (hereinafter referred to as the said
loan), subject to certain terms and conditions: And
10 whereas by Order in Council dated the eighteenth day of
March, nineteen hundred and thirty-seven, made pur-
suant to section eleven of the Local Government Loans
Board Act, 1926, consent was given to the raising of the
said loan subject to the determinations set out in the
15 said Order: And whereas one of the determinations
provided that no moneys should be borrowed under
such consent after the expiration of the period of two
years from the date of the consenting Order in Council:
And whereas only thirty-one thousand one hundred
20 pounds of the said loan was raised within that period:
And whereas the sum of twenty-eight thousand nine
hundred pounds, the balance of the said loan, was
accordingly unlawfully borrowed after the period of two
years specified in the aforesaid Order in Council: Be it
25 therefore enacted as follows:—

The action of the Council in raising a sum of twenty-
eight thousand nine hundred pounds of the said loan
after the expiry of the period prescribed by the said
Order in Council, dated the eighteenth day of March,
30 nineteen hundred and thirty-seven, is hereby validated,
and the said moneys shall be deemed to have been lawfully
borrowed and the securities given in respect thereof to
have been lawfully issued.

3. Whereas the Hokianga County Council (herein-
35 after called the Council), during each of the three
financial years ended on the dates hereinafter mentioned,
borrowed moneys from its bankers in excess of the
limits allowed by paragraph (c) of subsection two of
section three of the Local Bodies' Finance Act, 1921-22
40 (hereinafter called the said Act): Be it therefore
enacted as follows:—

(1) Notwithstanding anything to the contrary in
the said Act or in any other Act, the liability of the

Validating
proceedings in
connection with
portion of a loan
of £60,000 raised
by Hauraki
Plains County
Council.

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

Provision
with respect to
overdraft of
Hokianga
County Council.

Ibid., p. 354

Council to its bankers by way of overdraft at the thirty-first day of March, nineteen hundred and thirty-nine, at the thirty-first day of March, nineteen hundred and forty, and at the thirty-first day of March, nineteen hundred and forty-one, in excess of the limit allowed by the said Act is hereby declared to have been lawfully incurred. 5

(2) The sum of four thousand pounds (hereinafter called the said sum), being part of the overdraft owing on the thirty-first day of March, nineteen hundred and forty-one, by the Council to its bankers, shall be repaid by the Council out of the moneys credited to its General Account, and such repayment shall be made by annual payments in each year during the period of two years commencing on the first day of October, nineteen hundred and forty-one: 10 15

Provided that the first of such payments shall not be less than two thousand pounds.

(3) The said sum shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account in determining the amount that may be borrowed or that may be owed by the Council pursuant to section three of the said Act. 20

City and Borough Councils. 25

Authorizing
Auckland City
Council to
transfer certain
land to Crown.

1875, No. 34

See Reprint
of Statutes,
Vol. III, p. 798

4. Whereas the Corporation of the City of Auckland (hereinafter called the Corporation) is seized of an estate in fee-simple in all that parcel of land containing twenty-four perches, more or less, being Lot 21 on plan City 38, lodged in the Deeds Register Office at Auckland, and being part of Allotment 3 of Section 50 of the City of Auckland (comprised in Deeds Index 30A 387), which parcel of land is a part of certain land vested in the Corporation as an endowment for the improvement and benefit of the said city by the Auckland City Endowments and Reserves Act, 1875: And whereas the Auckland City Council has offered the said land without consideration to the Crown for the purposes of the Housing Act, 1919, and the Crown has accepted such offer and has entered into possession of the said land: And whereas it is 30 35 40

expedient that the Corporation be authorized to transfer the said land to the Crown for the purposes aforesaid: Be it therefore enacted as follows:—

(1) The Corporation is hereby empowered to convey or transfer to His Majesty the King the whole of the land hereinbefore described without consideration for the purposes of the Housing Act, 1919.

(2) No gift duty, transfer charges, or other charges or duties payable under any Act shall be payable in respect of such conveyance or transfer.

5. Whereas the Gisborne Borough Council (hereinafter called the Council) is desirous of obtaining authority to remit arrears of rates amounting to forty-five pounds one shilling and fourpence, being the rates for the year ended on the thirty-first day of March, nineteen hundred and forty-one (hereinafter referred to as the said rates), the said rates being levied by the Council and being 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 Lot 1, Deposited Plan 3003, of 6A Fitzherbert Street, situated in Fitzherbert Street, in the Borough of Gisborne, and Numbered 3228 on the district valuation roll for that borough: And whereas the Council has no legal authority to make such remission: Be it therefore enacted as follows:—

Authorizing
remission of
rates by Gisborne
Borough Council.

The Council is hereby authorized to remit the sum of forty-five pounds one shilling and fourpence, being the amount of the said rates, and to absolve the said association and the said lands from liability in respect thereof.

6. Whereas the Westport Borough Council (hereinafter called the Council) has raised by way of special loan the sum of eleven thousand five hundred pounds, together with a further sum of one thousand one hundred and fifty pounds (being an additional ten per centum of the original loan), also a further sum of three thousand pounds authorized to be raised by section seventeen of the Local Legislation Act, 1940, for the purpose of providing for the erection of a new town hall and municipal offices and furnishing same for the use of the Corporation of the Borough of Westport and for the purchase of a certain piece of land, being Section 1003, Town of Westport, adjoining the site of the new town hall and

Authorizing
Westport
Borough Council
to raise a special
loan of £3,500
without taking a
poll of
ratepayers.
1940, No. 16.

municipal offices : And whereas it is found that the total of the hereinbefore-mentioned sums of eleven thousand five hundred pounds and one thousand one hundred and fifty pounds and three thousand pounds will not be sufficient to enable the Council to complete the works for which the said loans were raised : Be it therefore enacted as follows :—

The Council is hereby authorized to raise a further special loan, not exceeding three thousand five hundred pounds, under the Local Bodies' Loans Act, 1926, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of meeting the cost of completing the erection of a new town hall and municipal offices, and furnishing same and the purchase of the said Section 1003.

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

Authorizing
Auckland City
Council to remit
certain rates and
to exempt
certain land
from payment
of rates for
limited period.

7. Whereas the Auckland City Council (hereinafter called the Council) is desirous of obtaining authority to remit arrears of rates and penalty amounting to one hundred and fifty pounds six shillings and eightpence for the year ended on the thirty-first day of May, nineteen hundred and forty-one (hereinafter referred to as the said rates), the said rates being levied by the Council and being due and payable by the Beth Israel Trust Board in respect of that piece of land situated in Karangahape Road in the City of Auckland, containing nineteen perches and one-fifth of a perch, more or less, being Lot 2 on Deposited Plan Numbered 27745, being part Allotment 24 of Section 7 of the Suburbs of Auckland, and Numbered 16116 on the district valuation roll for the said city : And whereas the Council is also desirous of obtaining authority to exempt the said piece of land from payment of rates from time to time during the period of the duration of the war in which His Majesty is now engaged and a further term of three years from the termination of that period : And whereas the Council has no legal authority to make such remission and exemption : Be it therefore enacted as follows :—

The Council is hereby authorized to remit the sum of one hundred and fifty pounds six shillings and eightpence, being the total amount of the said rates, and to absolve the Beth Israel Trust Board and the said piece of land from payment of rates for such period or periods not extending beyond the expiration of three years from

the termination of the war in which His Majesty is now engaged as the Council may at any time or from time to time determine.

8. Whereas the Blenheim Borough Council (herein-
5 after called the Council) was authorized by Orders in Council dated the twenty-third day of December, nineteen hundred and thirty-six, and the seventh day of May, nineteen hundred and thirty-seven, respectively, to raise loans of eight thousand five hundred pounds and three
10 thousand pounds for the purpose of building a new abattoir on condition that no moneys should be borrowed after the expiration of two years from the date of the Order in Council authorizing the loan: And whereas the Council arranged to raise the full amount of the
15 loans by the hypothecation of debentures, but the building contract could not be completed within the stipulated period, and moneys totalling eight hundred and thirty-eight pounds five shillings and one penny were borrowed during the period between the eighth
20 day of May, nineteen hundred and thirty-nine, and the thirtieth day of June, nineteen hundred and forty, for the purpose of paying for the completed contract: Be it therefore enacted as follows:—

(1) The action of the Council in borrowing a sum of
25 eight hundred and thirty-eight pounds five shillings and one penny of the moneys authorized to be raised by the said Orders in Council after the expiry of the period prescribed by the Orders in Council is hereby validated, and the said moneys shall be deemed to have been
30 lawfully borrowed and applied and the securities issued in respect thereof lawfully issued.

(2) The borrowing by the Council of a sum of two thousand six hundred pounds after the seventh day of
35 May, nineteen hundred and thirty-nine, to repay to the bank the amounts borrowed by way of hypothecation is hereby validated.

9. Whereas the Lyttelton Borough Council (herein-
after called the Council) was duly authorized by a poll of ratepayers taken on the twenty-fourth day of January,
40 nineteen hundred and forty, to raise a loan of three thousand pounds for the purpose of improving and extending the borough water-supply: And whereas prior to authority being obtained for the raising of such loan

Validating proceedings in connection with portion of a loan of £11,500 raised by Blenheim Borough Council.

Validating expenditure by Lyttelton Borough Council.

the sum of six hundred and ninety-six pounds nine shillings and one penny was paid by the Council from its Waterworks Account towards the cost of such work : And whereas payment of the said money has since been made into the Waterworks Account from the loan-moneys : And whereas it is desirable to validate the payment so made into the Waterworks Account : Be it therefore enacted as follows :— 5

The payment by the Council into its Waterworks Account of the sum of six hundred and ninety-six pounds nine shillings and one penny from the said loan of three thousand pounds is hereby validated and declared to have been lawfully made. 10

Authorizing the New Plymouth Borough Council to let or sell certain lands.

10. Whereas the Corporation of the Borough of New Plymouth in acquiring lands for the purpose of a recreation-ground acquired certain lands described in subsection *seven* hereof (hereinafter referred to as the said lands) : And whereas the said lands are not required for the purpose of the said recreation-ground, and it is expedient that the Council of the Corporation (hereinafter referred to as the Council) be empowered to sell or let the said lands : Be it therefore enacted as follows :— 20

(1) Notwithstanding anything to the contrary in any Act, the Council may let the said lands or any part thereof, and for that purpose may exercise all or any of the powers exercisable by a leasing authority under the provisions of the Public Bodies' Leases Act, 1908. 25

See Reprint of Statutes, Vol. IV, p. 1031

(2) In addition to its powers under the *last preceding* subsection the Council may, either by public auction or by private contract, sell the said lands or any part or parts thereof free from the trusts and reservations heretofore affecting them. 30

(3) Any such sale may be made in such parcels, at such price or respective prices, at such time or times, and upon such terms and conditions as the Council may deem proper. 35

(4) In any such sale provision may be made for the payment by the purchaser, by instalments extending over a period not exceeding twenty years, of the purchase-money and interest at such rates as may be agreed upon in respect of any portion of the purchase-money that may for the time being be unpaid. 40

(5) All rents received from the letting of the said lands and the proceeds of any sale of the said lands or any part thereof shall be paid into the General Account of the Council.

5 (6) The powers conferred by this section are in addition to and not in substitution for the powers conferred on the Council by the Municipal Corporations Act, 1933, or by any other Act. 1933, No. 30

10 (7) The lands to which this section relate are more particularly described as follows:—

15 First, all those pieces of land containing together two roods ten perches and forty-two hundredths of a perch, be the same a little more or less, being Lots 1, 2, and 3 on Deposited Plan Numbered 5888, part of Section 96 on the public maps of the Fitzroy District, and being part of the land comprised in certificate of title, Volume 102, folio 44, Taranaki Registry.

20 Secondly, all those pieces of land containing together one acre thirteen perches and one-fifth of a perch, be the same a little more or less, being Lots 1, 2, 3, 4, and 5 on Deposited Plan Numbered 5961, part of Section 96 on the public maps of the Fitzroy District, and being part of the land comprised in certificate of title, Volume 148, folio 2, Taranaki Registry.

25 11. The expenditure by the Oamaru Borough Council out of its General Fund of the sum of fifteen pounds in connection with sending the Mayor of the borough to Wellington as its representative at the official opening of the New Zealand Centennial Exhibition is hereby 30 validated and declared to have been lawfully incurred. Validating expenditure incurred by Oamaru Borough Council.

35 12. Whereas by two deeds of lease, both dated the twenty-fourth day of May, nineteen hundred and twenty-six, registered respectively under Numbers 147438 and 147439 in the Deeds Register Office at Wellington, the Mayor, Councillors, and Citizens of the City of Wanganui leased the lands hereinafter described for the term of fifteen years eight months with a right of renewal for a further term of twenty-one years: And whereas the lessees omitted to take the necessary steps to obtain renewals of the 40 said leases within the time limited therein: And whereas Authorizing Wanganui City Council to grant renewal of certain leases.

the Wanganui City Council (hereinafter called the Council) is desirous of granting renewals of the said leases: Be it therefore enacted as follows:—

(1) The Council is hereby authorized and empowered to grant renewals of the said leases for a term of 5 twenty-one years from the expiry thereof in accordance with the conditions contained therein.

(2) The lands to which this section relate are more particularly described as follows:—

(a) All that parcel of land containing one rood, more 10 or less, situate in the City of Wanganui, being part of Reserve L, Wanganui Town Belt, and being also Lot 22 on plan deposited in the Deeds Register Office at Wellington as Number 249, and being the land comprised in the said 15 lease registered as aforesaid under Number 147438:

(b) All that parcel of land containing one rood, more or less, situate as aforesaid, being part of Reserve L, Wanganui Town Belt, and being 20 also Lot 21 on plan deposited as aforesaid as Number 249, and being the land comprised in the said lease registered as aforesaid under Number 147439.

Validating proceedings in connection with portion of a loan of £88,000 raised by Nelson City Council.

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

13. Whereas the Nelson City Council (hereinafter 25 called the Council) was authorized by Order in Council made on the tenth day of June, nineteen hundred and thirty-seven, as varied by Order in Council made on the thirteenth day of July, nineteen hundred and thirty-eight, pursuant to section eleven of the Local Government 30 Loans Board Act, 1926, to raise a loan of eighty-eight thousand pounds known as "the Water-supply Loan, 1937", for the purpose of constructing headworks, tunnel, main pipe-line, and other necessary works for the supply of water from the Roding River, making the necessary 35 land purchases, and improving and extending the city reticulation upon certain terms and conditions, one of such conditions being that no money should be borrowed under such authority after the expiration of two years from the date thereof: And whereas the Council, by 40 resolution made on the twenty-eighth day of July, nineteen hundred and thirty-eight, resolved to raise the said

loan, and, pursuant to such resolution, arranged to raise the said loan by instalments as required: And whereas the authority conferred by such first-mentioned Order in Council expired on the tenth day of June, nineteen hundred and

5 thirty-nine: And whereas by Order in Council made on the twenty-sixth day of July, nineteen hundred and thirty-nine, a fresh consent was issued authorizing the Council to raise the balance then outstanding: And

10 whereas after the tenth day of June, nineteen hundred and thirty-nine, but before the twenty-sixth day of July, nineteen hundred and thirty-nine, the Council received instalments amounting to two thousand six hundred pounds in respect of the said loan: And

15 whereas the Council had no authority to receive the said instalments and it is desirable that the raising of such sum by the Council as aforesaid should be validated: Be it therefore enacted as follows:—

The action of the Council in raising the said sum of two thousand six hundred pounds of the Water-supply

20 Loan, 1937, is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed and the securities given in respect thereof to have been lawfully issued.

14. The expenditure by the New Plymouth Borough

25 Council of the sum of one hundred and twenty-six pounds eleven shillings and ninepence during the financial year ended on the thirty-first day of March, nineteen hundred and forty-one, and of the sum of three hundred and twenty-one pounds fourteen shillings

30 and fivepence during the financial year ending on the thirty-first day of March, nineteen hundred and forty-two, both sums being expenses incurred in connection with the celebrations of the centennial of the Provincial District of Taranaki, is hereby validated and declared

35 to have been lawfully made.

Validating certain expenditure incurred by New Plymouth Borough Council in connection with celebrations of the centennial of Taranaki.

15. Whereas the Wairoa Borough Council is seized of an estate in fee-simple for the purposes of Part XXVII of the Municipal Corporations Act, 1933, of all that piece of land situated in the Borough of Wairoa, containing

40 two roods and twenty-six one-hundredths of a perch, more or less, being part Suburban Section 21, Class I, Town of Clyde, and also Lot 4 on Deposited Plan Numbered 4544, and being the whole of the land in

Authorizing Wairoa Borough Council to transfer certain land.
1933, No. 30

See Reprint
of Statutes,
Vol. III, p. 798

certificate of title, H.B. Volume 99, folio 55, Hawke's Bay Registry, and has agreed to transfer such land, without consideration, to His Majesty the King for the purposes of the Housing Act, 1919: And whereas the Council has no legal authority to make such a gift: Be it therefore enacted as follows:— 5

The Wairoa Borough Council is hereby authorized to transfer the said land, without consideration, to His Majesty the King for the purposes of the Housing Act, 1919. 10

Validating
purchase of
debentures by
Christchurch
City Council.

16. Whereas from time to time the Christchurch City Council (hereinafter called the Council) has taken up from the Council itself or has purchased from various persons by way of investment of surplus moneys from time to time held by it in certain internal accounts various debentures, some of which are debentures issued by the Council itself: And whereas the Council from time to time, as moneys were required by it upon such accounts, has sold and transferred certain of the debentures so acquired or purchased by it: And whereas it is desirable to validate the action of the Council in acquiring its own debentures and to validate any debentures so acquired: Be it therefore enacted as follows:— 15 20

(1) The action of the Council at any time before the passing of this Act in acquiring, whether by purchase or otherwise, debentures issued by the Council is hereby validated. 25

(2) Any debenture heretofore issued by the Council and at any time before the passing of this Act acquired by the Council, whether by purchase or otherwise, is hereby validated and shall have and be deemed at all times to have had full force and effect according to its tenor. 30

Validating
proceedings
in connection
with portion
of a loan
of £13,000
raised by
Dunedin
City Council.

17. Whereas by Order in Council dated the twenty-fourth day of February, nineteen hundred and thirty-seven, and published in the *Gazette* of the fourth day of March, nineteen hundred and thirty-seven, consent was given to the raising in New Zealand by the Dunedin City Council (hereinafter called the Council) of the loan of thirteen thousand pounds known as the "Waterworks Supplementary Loan, 1937" upon the terms and conditions stated in the said Order in Council including a condition that no moneys should be 35 40

borrowed pursuant to such consent after the expiration of two years from the date of the said Order in Council: And whereas the sum of seven thousand nine hundred pounds only was raised by the Council pursuant to such consent: And whereas the Council raised the further sum of eight hundred pounds in respect of the said loan of thirteen thousand pounds from the Dunedin Drainage and Sewerage Board by the issue on the thirty-first day of March, nineteen hundred and forty-one, of eight debentures each of one hundred pounds numbered 80 to 87 at the same rate of interest and on the same terms as the said sum of seven thousand nine hundred pounds was raised: And whereas the sum of eight hundred pounds of the said loan was accordingly unlawfully borrowed: Be it therefore enacted as follows:—

The action of the Council in borrowing the said sum of eight hundred pounds is hereby validated, and the said debentures shall be deemed to have been lawfully issued and shall have full force and effect according to their tenor.

18. The payment by the Timaru Borough Council to Charles Henry Newcome of a sum of two hundred and forty-eight pounds eleven shillings and elevenpence as a compassionate allowance is hereby validated and declared to have been lawfully made.

Validating
payment by
Timaru
Borough
Council.

19. Whereas in the year nineteen hundred and three the Manawatu Railway Company, Limited, transferred the land described in subsection *three* of this section to certain persons who at the same time executed a deed of trust declaring that they held the said land as trustees and for a reserve for recreational purposes: And whereas the said persons are all deceased and no new trustees have been appointed: And whereas the Shannon Borough Council has since the formation of the borough in the year nineteen hundred and seventeen maintained the said land as a public reserve for recreational purposes and has incurred expenditure in so doing: Be it therefore enacted as follows:—

Vesting
Buckley Square
in Shannon
Borough
Corporation as
a recreation
reserve.

(1) The land described in subsection *three* of this section is hereby declared to be vested in the Corporation of the Borough of Shannon as a public reserve for the purpose of public recreation.

(2) All expenditure incurred by the Shannon Borough Council in maintaining and improving the said land at any time before the passing of this section is hereby validated and declared to have been lawfully incurred. 5

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

All that area in the Borough of Shannon in the Wellington Land District, containing by admeasurement five acres three roods, more or less, being Section 703 on Deposited Plan Numbered 368, and being the whole of the land comprised in certificate of title, Volume 124, folio 121 (Wellington Registry). 10

Authorizing inclusion of Westshore in Borough of Napier, and special water charges in respect thereof. 1933, No. 30

20. Whereas a petition was presented to the Governor-General under section one hundred and thirty-six of the Municipal Corporations Act, 1933 (hereinafter referred to as the said Act) praying that the area defined in that petition, being part of the County of Hawke's Bay, should be excluded from that county and included in the Borough of Napier (hereinafter called the Borough): And whereas the area defined in the said petition (hereinafter called the Westshore area) is more particularly described in the notice under the hand of the Minister of Internal Affairs, dated the sixteenth day of April, nineteen hundred and forty, and published in the *Gazette* on the eighteenth day of the same month: And whereas the Westshore area does not adjoin the Borough: And whereas it is desirable that the Westshore area or a part of that area should be included in the Borough: And whereas the Napier Borough Council (hereinafter called the Council) now supplies water to the Westshore area and charges the cost thereof to the Hawke's Bay County Council according to the quantity used: And whereas it is equitable that upon the inclusion in the Borough of the Westshore area, or of any part thereof, the Council should be empowered to fix special water rates in respect of the area so included: Be it therefore enacted as follows:— 15 20 25 30 35

(1) The Westshore area shall, for the purposes of section one hundred and thirty-six of the said Act, be 40

deemed to adjoin the Borough, and the provisions of the said Act shall apply to the Westshore area and the Borough accordingly.

5 (2) Upon the inclusion, pursuant to the said section, of the Westshore area or any part thereof in the Borough the Council may make and levy special water rates in respect of any ordinary or extraordinary supply of water within the area so included either in addition to or in substitution for water rates as made and levied
10 in respect of the remainder of the Borough.

(3) Notwithstanding the provisions of the said Act or of any by-law made before the passing of this section fixing water rates or charges for the whole of the Borough the special water rates made and levied
15 pursuant to this section may differ from the water rates made in respect of the remainder of the Borough and, in respect of the area so added, the supply of water that is deemed ordinary or extraordinary for the purposes of the said Act may differ from the supply
20 that is deemed ordinary or extraordinary as the case may be in respect of the remainder of the Borough. Such special water rates may exceed the amounts prescribed by the said Act, and shall be such amounts as may from time to time, subject to the *next succeeding*
25 subsection, be fixed by the Council or as may be agreed between the Council and any person to whom water is supplied.

(4) The Council in fixing from time to time such special water rates shall so provide that the total
30 amount which in the opinion of the Council will in any year be produced in respect of all rates and charges made and levied for water-supply purposes from any area included in the Borough pursuant to this section shall be not greater than five per centum of the total
35 amount which in the opinion of the Council will in the same period be produced from the remainder of the Borough in respect of all rates and charges made and levied for water-supply purposes.

(5) All acts done before the passing of this section
40 which would have been valid and lawful if this section had then been in force shall be deemed to have been validly and lawfully done.

Wellington
City Council
authorized
to grant
right-of-way
in perpetuity
to the Fletcher
Trust and
Investment
Company,
Limited.

21. (1) The Wellington City Council is hereby authorized to grant to the Fletcher Trust and Investment Company, Limited, a right-of-way in perpetuity appurtenant to the land comprised in certificates of title, Volume 143, folio 77, Volume 43, folio 168, Volume 110, folio 262, and Volume 114, folio 111 (all registered in the Wellington Registry) over the land more particularly described in subsection *three* hereof at an annual rental to be fixed by the Wellington City Council.

(2) Such grant shall be subject to such covenants, conditions, and restrictions as to maintenance, use, and erection of buildings above the said land as the Wellington City Council may think fit.

(3) The land over which the said right-of-way may be granted is more particularly described as follows:—

All that area in the Wellington Land District in the City of Wellington, containing by admeasurement two perches and ninety-three one-hundredths of a perch, more or less, being parts of Sections 1 and 2 Provincial Government Reclamation, and being part of the land comprised in certificate of title, Volume 227, folio 190 (Wellington Registry): Bounded commencing at a point on the north-east side of Chews Lane, distant 129·87 links from Willis Street; towards the north-west by other parts of the said Sections 1 and 2, distance 98·48 links bearing 23° 08' 20"; thence towards the north-east by Section 3, Provincial Government Reclamation, distance 18·60 links bearing 113° 17' 30"; thence towards the south-east by other parts of the said Sections 1 and 2, distance 98·48 links bearing 203° 08' 20"; thence towards the south-west by Chews Lane, distance 18·60 links bearing 293° 17' 30", to the point of commencement; be all the aforesaid linkages more or less: as the same is more particularly delineated on the plan marked S.O. 20783, deposited in the Office of the Chief Surveyor at Wellington, and thereon coloured red.

Authorizing
diversion of
certain
loan-moneys
by Masterton
Borough
Council.

22. Whereas the Masterton Borough Council (hereinafter called the Council) was, by a poll of ratepayers taken on the eighth day of May, nineteen hundred and forty, duly authorized to raise a loan of ten thousand five hundred pounds for the purpose of cleaning and

concrete lining the ten-inch and twelve-inch mains from the reservoir to the borough and the eighteen-inch spiral-steel main from the Upper Plain Reservoir to the intake: And whereas since the raising of the said
 5 loan the Council has abandoned its intention of concrete lining the said eighteen-inch spiral-steel main and is now desirous of applying the whole of the moneys proposed to be spent on that work towards cleaning and concrete lining further portions of the reticulation
 10 mains: And whereas it is desired to authorize the Council so to apply the said moneys: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, or in any other Act, or in
 15 the voting-paper used at the said poll, the Council is hereby authorized, subject to the prior approval of the Local Government Loans Board, to divert and apply moneys authorized by the said poll to be spent upon cleaning and concrete lining the said eighteen-inch main
 20 to the purpose of cleaning and concrete lining further portions of the reticulation mains under the control of the Council.

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

(2) All expenditure incurred before the passing of this section that by virtue of this section would have
 25 been lawfully incurred if this section had then been in force shall be deemed to have been validly and lawfully incurred.

23. (1) The Northcote Borough Council may by special order, and without taking the steps prescribed
 30 by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan, not exceeding a sum of three thousand two hundred and fifty pounds, for the purpose of purchasing and installing water-meters.

Authorizing Northcote Borough Council to raise a special loan for purchase and installation of water-meters. Ibid., p. 360

(2) Any moneys raised under the authority of this
 35 section may be used to repay to the General Account of the Borough the cost of any water-meters purchased within the financial year ending on the thirty-first day of March, nineteen hundred and forty-two, notwithstanding that such meters may have been purchased
 40 prior to the passing of this Act.

(3) Notwithstanding the provisions of the Local Bodies' Finance Act, 1921-22, any overdraft of the Northcote Borough Council as at the thirty-first day

Ibid., p. 354

of March, nineteen hundred and forty-two, in excess of the limits prescribed by paragraph (c) of subsection two of section three of that Act, in so far as such overdraft is incurred by the Council for the purposes of paying for the development of a water-supply out of its revenue, or the purchase of water-meters in anticipation of the loan mentioned in the *last preceding* subsection shall be deemed to be lawfully incurred. 5

(4) Any excess overdraft incurred by the Council as aforesaid shall be repaid not later than the thirty-first day of March, nineteen hundred and forty-three. 10

Hastings
Borough
Council
authorized
to raise a
special loan
for water-
supply
purposes.

24. Whereas the Hastings Borough Council (hereinafter called the Council) has raised by way of special loan the sum of twenty-two thousand nine hundred pounds for the purpose of duplicating the Council's watermains from the pumping-station in Hastings to the reservoir at Havelock North: And whereas it is found that owing to the increased costs in connection therewith this sum will not be sufficient to enable the Council to complete the work for which the said loan was raised: Be it therefore enacted as follows:— 15 20

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

The Council is hereby authorized to raise a further special loan not exceeding six thousand pounds under the Local Bodies' Loans Act, 1926, by way of special order and without taking the steps prescribed by sections nine to thirteen of that Act for the purpose of meeting the cost of completing the said duplication of the watermains. 25

Provision
with respect to
Delhi Road,
Borough of
Napier.

25. Whereas the street called Delhi Road is vested in fee-simple in the Mayor, Councillors, and Burgesses of the Borough of Napier: And whereas the said street appears to be fifty links wide: And whereas the exact position and location of the said street is doubtful: And whereas the records of the Land Transfer Office at Napier and of the Lands and Survey Department at Napier were destroyed by fire following the Hawke's Bay Earthquake of the third day of February, nineteen hundred and thirty-one: And whereas for many years it has been believed that the said street was thirty links wide and some of the owners of land abutting on the said street have caused subdivisional plans to be prepared showing the said street as being thirty links wide and several certificates of title have been issued 30 35 40

accordingly: And whereas the configuration of the land within the area through which the said street passes is such that it is difficult and inexpedient to form a street fifty links wide for its whole length: And whereas
5 it is expedient to make provision as hereinafter appears: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, it is hereby declared that there shall be and be deemed always to have been a street within the meaning
10 of the Municipal Corporations Act, 1933, the Public Works Act, 1928, or any other Act known as Delhi Road, lying between North Street and Havelock Road, and bordered on the north by Section 13, and on the south
15 by Sections 14 and 15, Napier Subdivisional Sections, and by Town Section 40, and being of a width of thirty links from North Street to the western boundary of Lot 2, D.P. 5293, and of a width of fifty links from there to Havelock Road.

(2) Notwithstanding the production of any evidence
20 as to the original boundaries of Delhi Road, the Chief Surveyor of the Hawke's Bay Land District is hereby empowered and authorized, on the direction and at the expense of the Napier Borough Council, to define the boundaries of the street constituted under this section
25 so as to provide for the widths referred to in the *last preceding* subsection, and the boundaries as so defined shall be deemed to be the boundaries of the street so constituted.

(3) Any land heretofore included in the said street
30 and not included in the street hereby constituted shall be deemed to be no longer part of a street and shall be deemed to be vested in fee-simple in the respective registered proprietors of the lands abutting on the street so constituted so that the respective titles to
35 the lands abutting on such street shall extend to and abut on and be deemed always to have extended to and abutted on the street hereby constituted, and the District Land Registrar at Napier is hereby empowered and directed to amend or issue (as the case may be)
40 the said titles accordingly. Any lands accruing to any person pursuant to this subsection shall be subject to the same registered encumbrances, liens, and interests as the lands to which they respectively accrue.

1933, No. 30
See Reprint
of Statutes,
Vol. VII, p. 622

(4) Every person suffering any loss of land by reason of the redefinition of the said street shall be deemed to have had the land taken under the Public Works Act, 1928, and the provisions of Part III of that Act shall, in any such case, apply accordingly. 5

Authorizing
Invercargill
City Council
to lease certain
land to the
Invercargill
Returned
Soldiers'
Association
(Inc.).
1933, No. 30

26. (1) Notwithstanding the provisions of section one hundred and sixty-one of the Municipal Corporations Act, 1933, the Invercargill City Council (hereinafter called the Council) may, under the provisions of Part XVI of that Act, lease the land described in subsection *four* hereof to the Invercargill Returned Soldiers' Association (Incorporated) (hereinafter called the lessee) free from any trust or reservation heretofore affecting the same. 10

(2) The provisions of paragraph (a) of section one hundred and fifty-nine of the said Act shall not apply to any such lease. 15

(3) Any such lease shall be subject to a condition that should the lessee at any time cease to occupy the land to which the lease relates the said land shall thereupon be deemed to be revested in the Council subject to the trusts and reservations affecting the same on the passing of this Act. 20

(4) The land to which this section relates is particularly described as follows:— 52

All that land containing by admeasurement one rood, more or less, being Section 12, Block III, Town of Invercargill, and being all the land comprised and described in certificate of title, Volume 153, folio 157, Southland Registry. 30

Town Board.

Manaia Town
Board authorized
to expend certain
moneys held in
trust.

27. Whereas the Manaia Town Board (hereinafter called the Board) holds in its Municipal Reserve Account certain moneys, being the proceeds from the sale of certain municipal reserves in the Town District of Manaia, in trust for the purchase of municipal reserves: And whereas the said moneys are not required for the purpose for which they are now held in trust, and it is desired to utilize the said moneys for the purpose of effecting urgent repairs to the Manaia Town Hall: Be it therefore enacted as follows:— 35 40

Notwithstanding anything to the contrary in any Act, it shall be and be deemed to have been lawful for

the Manaia Town Board to expend the whole or part of the said moneys, not exceeding a sum of three hundred pounds, in or towards the costs of repairing the said town hall.

5

Road Board.

28. (1) Notwithstanding anything contained in the Municipal Corporations Act, 1933 (hereinafter referred to as the said Act) every person who possesses any of the qualifications set out in section six of the said Act or section seven of the Local Elections and Polls Amendment Act, 1941, within the Mount Roskill Road District shall be entitled to sign a petition under section one hundred and thirty-five of the said Act and to vote at a poll under that section on a proposal to constitute the said Road District a borough.

Making provision with respect to proposal that Mount Roskill Road District be constituted a borough. 1933, No. 30 1941, No. 2

(2) In respect of any poll taken as aforesaid the voters roll to be prepared pursuant to paragraph (f) of subsection one of the said section one hundred and thirty-five shall contain the names of all persons who are entitled to vote by virtue of the *last preceding* subsection.

(3) In the event of a proposal that part only of the Mount Roskill Road District shall be constituted a borough the foregoing provisions of this section shall apply to that part accordingly.

(4) The proviso to section forty of the Road Boards Act, 1908, shall not apply with respect to any such petition or poll as aforesaid.

See Reprint of Statutes, Vol. V, p. 281

Harbour Boards.

29. Whereas the Auckland Harbour Board (hereinafter called the Board) entered into a contract on the sixteenth day of November, nineteen hundred and thirty-nine, for the erection of a building at St. Mary's Bay Boat-harbour, Auckland, for the occupation of the Richmond Cruising Club: And whereas the building contractor under such contract failed to complete the said building, and it was necessary for the Board to enter into a further contract with another builder for the completion of the said building: And whereas the contractor under the contract firstly hereinbefore mentioned failed to pay certain workmen, merchants, and others for work done

Validating application by Auckland Harbour Board of credit balance of £150.

and material supplied in connection with the erection of the said building: And whereas the Board was able to have the said building finally completed at a cost of approximately one hundred and fifty pounds less than the price as fixed by the said first-mentioned contract: 5
 And whereas the Board has made or intends to make *ex gratia* payments, not exceeding in all one hundred and fifty pounds (inclusive of expenses), in or towards payment of the claims of the said workmen, merchants, and others: Be it therefore enacted as follows:— 10

The Board is hereby empowered to make payments, not exceeding in all one hundred and fifty pounds (including expenses), in or towards payment of the claims of such of the said workmen, merchants, and others as the Board may decide, and any such payment made 15
 before the passing of this Act is hereby validated.

Provision
 regarding
 the operation
 of the
 Equalization,
 Renewal,
 and Reserve
 Funds of
 Timaru
 Harbour
 Board.
 1937 (Local),
 No. 9

30. Whereas by section fourteen of the Timaru Harbour Board Loan Amendment Act, 1937, the Timaru Harbour Board (hereinafter called the Board) was authorized to create a fund, to be called the Equalization Fund, and 20
 from its revenues to set apart and appropriate for the purposes of that Fund the sums of money set out in that section: And whereas by section sixteen of the said Act the Commissioners of the Equalization Fund are authorized to transfer out of the Equalization Fund from time to 25
 time certain sums as set out in the said section: And whereas it is deemed expedient to vary the provisions made for the payment of moneys into and out of the Equalization Fund: And whereas by section seventeen of the said Act it is provided that the Board shall repay 30
 the moneys referred to therein to the Renewal and Reserve Fund of the Board over a period of thirty years by annual payments of eight hundred and eighty-one pounds thirteen shillings and threepence: And whereas 35
 the amount of the Renewal and Reserve Fund is now deemed to be sufficient for the purposes of the Board, and it is desirable that the payment of the said sum shall be discontinued and the capital of the Fund reduced accordingly: Be it therefore enacted as follows:—

(1) Section fourteen of the Timaru Harbour Board 40
 Loan Amendment Act, 1937, is hereby amended by omitting all words after the words "nineteen hundred

and forty”, and substituting the words “ The sum of four thousand pounds in the year ending on the thirtieth day of September, nineteen hundred and forty-one ”.

(2) Section sixteen of the Timaru Harbour Board Loan Amendment Act, 1937, is hereby repealed and the following section substituted therefor :—

“ 16. (1) Such Commissioners may, when requested by the Board so to do, transfer out of the Equalization Fund to the General Revenue Account sums not exceeding five thousand eight hundred pounds annually at any time during the financial years of the Board ending on the thirtieth day of September in the years nineteen hundred and forty-three to nineteen hundred and fifty-two (inclusive) :

“ Provided that with the consent of the Local Government Loans Board the amount authorized by this section to be transferred out of the said Fund in any year may be increased by such amount as that Board may authorize.

“ (2) Any moneys standing to the credit of the Equalization Fund as at the thirtieth day of September, nineteen hundred and fifty-two, shall be applied by the Commissioners in and towards reduction of the loan-moneys raised under the authority of this Act.”

(3) On the passing of this Act the Renewal and Reserve Fund established by section twenty-two of the Timaru Harbour Board Loan Act, 1929, shall be deemed to be reduced by the sum of fifteen thousand two hundred and thirty-nine pounds seventeen shillings and fivepence, being the balance of the moneys required by section seventeen of the Timaru Harbour Board Loan Amendment Act, 1937, to be repaid to the said Fund and remaining unpaid.

(4) Section twenty-two of the Timaru Harbour Board Loan Act, 1929, is hereby amended by omitting from subsection one all words after the word “ respectively ”.

(5) Section seventeen of the Timaru Harbour Board Loan Amendment Act, 1937, is hereby repealed.

(6) No moneys shall hereafter be borrowed by the Board under the authority conferred on it by section three of the Timaru Harbour Board Loan Act, 1904.

(7) Notwithstanding the provisions of section twenty-two of the Timaru Harbour Board Loan Act, 1929, or of any other enactment, it shall not be lawful, without the

1929 (Local),
No. 8

1904 (Local),
No. 18

prior consent of the Local Government Loans Board, for the capital sum of the Fund established by the said section twenty-two to be reduced below the sum of sixty thousand pounds except for the purpose of paying claims under the Workers' Compensation Act, 1922, against the Board. 5

See Reprint
of Statutes,
Vol. V, p. 597

River and Drainage Boards.

Judea Drainage
Board
authorized
to levy
special rates
on a new
classification.
1935, No. 22

31. Notwithstanding the provisions of section three of the Rating Amendment Act, 1935, any special rate heretofore levied by the Judea Drainage Board may be levied and collected in accordance with any classification or amended classification hereafter made by the said Board. 10

Provision
with respect to
disqualification
of members of
Hawke's Bay
Rivers Board.
1934, No. 17

32. (1) Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act, 1934, or in any other Act the payment by the Hawke's Bay Rivers Board (hereinafter called the Board) to Christian Lassen, a member of the Board, of the sum of three hundred and eighty-five pounds seventeen shillings during the financial year ended on the thirty-first day of March, nineteen hundred and forty, in respect of compensation for land taken by the Board under the Public Works Act, 1928, shall be deemed to have been lawfully made, and the said Christian Lassen shall not be deemed to have been disqualified from being a member of the Board by reason of the payment of the said sum or by reason of his being concerned or interested in the contract in respect of which the payment was made nor shall he be deemed to have committed any offence by reason of having done any act as a member of the Board while concerned or interested in such contract. 20 25 30

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

(2) Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act, 1934, or in any other Act the contracts between the Board and Lewis Edward Harris, a member of the Board, fixing the amount of compensation to be paid to the said Lewis Edward Harris for land taken under the Public Works Act, 1928, at the sum of three thousand one hundred and thirteen pounds together with interest thereon at the rate of five pounds per centum per annum computed from the seventeenth day of March, nineteen hundred and forty-one, to the date of actual payment thereof 35 40

to the said Lewis Edward Harris, shall be deemed to have been lawfully made and the said Lewis Edward Harris shall not be disqualified from being a member of the Board by reason of his being concerned or
 5 interested in the said contracts, nor shall he be deemed to have committed any offence by reason of having done any act as a member of the Board while concerned or interested in such contracts:

(3) The Board is hereby authorized and empowered
 10 to pay the said sum of three thousand one hundred and thirteen pounds together with interest as aforesaid to the said Lewis Edward Harris, and the said Lewis Edward Harris shall not be deemed incapable of being a member of the Board by reason of the
 15 payment of the said sum of three thousand one hundred and thirteen pounds together with interest as aforesaid being made to him in respect of the said contracts, nor shall he be deemed to commit any offence by reason of his doing any act as a member of the Board while
 20 concerned or interested in such contracts or in the payment to be made thereunder.

Fire Board.

33. The payment made by the Dunedin Metropolitan
 Fire Board out of its General Account of the sum of two
 25 hundred and fifty pounds to Christina Price, the widow of Robert Henry Pelling Price, deceased, the late Superintendent of the Board, as a compassionate allowance is hereby validated and declared to have been lawfully made.

Validating
 payment of a
 compassionate
 allowance by the
 Dunedin
 Metropolitan
 Fire Board.

30 *Hospital Boards.*

34. Whereas the Local Government Loans Board on
 the ninth day of August, nineteen hundred and forty,
 sanctioned the borrowing in New Zealand by the Bay
 of Plenty Hospital Board (hereinafter called the
 35 Board) of the sum of four thousand pounds by a loan
 to be known as "Additions to Buildings Loan, 1940":
 And whereas the Board duly borrowed the said sum of
 four thousand pounds: And whereas contrary to the
 provisions of section three of the Local Government
 40 Loans Board Act, 1926, the consent of the Governor-

Validating
 raising of
 £4,000 by
 Bay of Plenty
 Hospital Board.

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

General in Council in accordance with sections ten and eleven of that Act, to the raising of the loan was not first obtained: Be it therefore enacted as follows:—

The action of the Board in borrowing the sum of four thousand pounds without the prior consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed and the securities given in respect thereof to have been lawfully issued. 5

Authorizing
diversion of
loan-moneys
by Wellington
Hospital
Board.

1939, No. 25

35. Whereas by section forty-eight of the Local Legislation Act, 1939, the Wellington Hospital Board (hereinafter called the Board) was authorized and empowered to divert and utilize the moneys representing the Wellington Hospital Centenary Block Loan, 1937-40, for other purposes, subject, however, to the provisions of the said section: And whereas the Board is desirous of diverting and utilizing such moneys or part thereof for further and additional purposes: Be it therefore enacted as follows:— 10 15

Subsection one of section forty-eight of the Local Legislation Act, 1939, is hereby amended by adding the following paragraphs:— 20

“(i) In making additions and extensions to the eye ward at the Wellington Hospital:

“(j) The acquisition of land in or near Paekakariki as a site for a Tuberculosis Hospital, the erection of buildings thereon, and the purchase of necessary equipment for such hospital: 25

“(k) The provision, erection, and equipping of emergency buildings on the Board’s property at Lower Hutt, and the provision of necessary services in connection therewith for the purposes of providing additional bed accommodation.” 30 35

Validating
expenditure
by Waipawa
Hospital Board
towards making
good losses
sustained by
nurses by fire.

36. The expenditure by the Waipawa Hospital Board (hereinafter called the Board) of sums totalling two hundred and fifty-five pounds as compensation to nurses employed by the Board in respect of losses of clothing and personal effects sustained when the nurses’ home annexe of the Board at the Pukeora Sanatorium was destroyed by fire is hereby validated and declared to have been lawfully made. 40

37. Whereas the Wanganui Hospital Board (hereinafter called the Board) was authorized by Order in Council dated the twentieth day of November, nineteen hundred and forty, made pursuant to section eleven
- 5 of the Local Government Loans Board Act, 1926, to raise a loan of eight thousand pounds (hereinafter referred to as the said loan) for the purposes of making alterations and extensions to the Taihape Hospital, the provision of equipment and furnishing, and the payment
- 10 of fees and other incidental expenses: And whereas on the thirtieth day of January, nineteen hundred and forty-one, the Minister of Health consented, pursuant to subsection three of section seventy-five of the Hospitals and Charitable Institutions Act, 1926, to the
- 15 work for which the said loan was authorized to be raised: And whereas by reason of the urgency of such work the Board incurred expenditure amounting to nine hundred and thirty-one pounds nine shillings and fivepence, and made payments of one hundred and five
- 20 pounds fifteen shillings and sixpence to Bullock and Company, seven hundred pounds to J. F. Wight, and one hundred and twenty-five pounds one shilling and fivepence to Taylors, Limited, and twelve shillings and sixpence for Architect's commission, prior to the issue
- 25 of the said Order in Council or the said consent of the Minister of Health: And whereas the aforesaid payments have been charged to the account opened in the books of the Board in connection with the said loan and known as the Taihape Hospital Special Loan
- 30 £8,000 Account: And whereas it is desirable that the incurring of the said expenditure and the said payments and the charging of such payments to the said Loan Account should be validated: Be it therefore enacted as follows:—
- 35 The action of the Board in incurring expenditure amounting to nine hundred and thirty-one pounds nine shillings and fivepence before the issue of the said Order in Council and consent of the Minister of Health, and in paying the said respective sums of one hundred
- 40 and five pounds fifteen shillings and sixpence, seven hundred pounds, one hundred and twenty-five pounds one shilling and fivepence, and twelve shillings and

Validating certain proceedings in connection with loan of £8,000 raised by Wanganui Hospital Board.
See Reprint of Statutes, Vol. V, p. 415

Ibid., Vol. III, p. 725

sixpence, and in charging such payments to the Taihape Hospital Special Loan £8,000 Account in the books of the Board is hereby validated and declared to have been lawful.

Affecting Two or More Classes of Public Bodies. 5

Validation
of lease of
portion of
Kilbirnie
Recreation
Reserve to
the Wellington
Hospital Board.

38. (1) The lease dated the third day of September, nineteen hundred and forty, Registered Number 22667, from the Mayor, Councillors, and Citizens of the City of Wellington to the Wellington Hospital Board of the land described in subsection *two* hereof, a copy of which 10
lease is deposited in the Office of the Minister of Internal Affairs at Wellington under Number I.A. 105/204, is hereby validated.

(2) The land to which this section relates is more particularly described as follows:— 15

All that piece of land in the Wellington Land District, containing one acre one rood thirty-four perches and eighty-three one-hundredths of a perch, be the same a little more or less, being the Lot numbered 2 on a plan deposited in the Lands Registry Office in Wellington as Plan Number 11975, and being also 20
part of the land comprised in certificate of title, Volume 478, folio 228.

Otago Harbour
Board
authorized
to sell
certain land
to Dunedin
City Council.

39. Whereas all those lands comprising Sections 25, 26, 27, 28, 29, 30, and 31, Block LXXIII, Dunedin, on 25
the plan prepared by Edward Fletcher Roberts, of Dunedin, Registered Surveyor, for deposit in the Lands Registry Office at Dunedin, and being part of the land included in certificate of title, Register Book Volume 177, folio 97 (Otago Lands Registry) are vested in the 30
Otago Harbour Board (hereinafter called the Board) subject to the provisions of the Otago Harbour Board Empowering Act, 1875: And whereas the said lands are required by the Dunedin City Council (hereinafter called the Council) in connection with the operations 35
of the Council: Be it therefore enacted as follows:—

Notwithstanding the provisions of any Act it shall be lawful for the Board to sell and transfer to the Council and for the Council to purchase the lands hereinbefore described for such consideration and 40
upon and subject to such terms and conditions as may be agreed upon between the Board and the Council,

and the moneys received by the Board as the price of the lands sold and purchased as aforesaid shall be paid into and form part of the sinking fund in connection with the Otago Harbour Board Redemption

5 Loan, 1934.

40. Whereas the Wanganui Harbour Board (hereinafter called the Harbour Board) is possessed of an estate in fee-simple in the lands hereinafter described:

Authorizing Wanganui Harbour Board to transfer certain land to Wanganui City Council.

10 And whereas such lands are leased to one, Hopeful Gibbons, of Wanganui, Brewer: And whereas the lease contains a covenant by the said Hopeful Gibbons that he will not use the said lands (known as the James McGregor Memorial (Kowhai) Park) except for the purpose of converting the same into a park or

15 recreation-ground and any purpose incidental thereto: And whereas by a deed of trust, bearing date the thirtieth day of October, nineteen hundred and thirty-five, there was constituted a Board called the James McGregor Memorial Park Trust Board (hereinafter

20 called the Trust Board) for the purposes of administering the said park: And whereas the Harbour Board and the said Hopeful Gibbons and the Trust Board and the Wanganui City Council (hereinafter called the Council) desire that the said lands should be vested in

25 the Council for an estate in fee-simple freed from the said lease for the purposes of providing pleasure-grounds, gardens, or other means of enjoyment or recreation: And whereas the Harbour Board has no power to transfer the said land to the Council: Be

30 it therefore enacted as follows:—

(1) Notwithstanding anything contained in any Act, the Harbour Board is hereby empowered to transfer without consideration the lands hereinafter described to the Council to be held by the Council for the purposes

35 of providing pleasure-grounds, gardens, or other means of enjoyment or recreation.

(2) The said Hopeful Gibbons and the Trust Board are hereby authorized to surrender without consideration the said lease of the said lands, and the Harbour

40 Board is hereby authorized to accept such surrender.

(3) Upon completion of the surrender of the said lease and the transfer of the said land to the Council the James McGregor Memorial Park Trust Board shall, without further authority than this section, be dissolved, and the trusts set out in the said deed of trust shall be determined. 5

(4) The lands to which this section relates are described as follows:—

All those pieces of land situated in the Provincial District of Wellington, containing respectively three roods nine perches and twenty-eight acres three roods thirty-five perches (approximately) being portions of Lot 2 on Deposited Plan Number 734, part of Section 355 left bank of the Wanganui River, and being part of the land in certificate of title, Volume 82, folio 58 (Wellington Registry), the said pieces of land being shown outlined in colour green on a plan marked M.D. 8092, and deposited in the Office of the Marine Department at Wellington. 10 15

Validating
agreement
between Hutt
County Council
and Wellington
Harbour Board.

41. Whereas the Wellington Harbour Board at the request of the Minister of Health has entered into a deed of agreement with the Hutt County Council, a copy of which deed is deposited in the Office of the Department of Internal Affairs under Number I.A. 105/222, dated the twelfth day of September, nineteen hundred and forty-one, providing, *inter alia*, for the carrying-out of certain work and the granting by the Wellington Harbour Board of certain rights in connection with the laying of an outfall drain over certain parts of the foreshore of the Wellington Harbour and the land belonging to the Board contiguous thereto, the carrying-out and granting of which are not in conformity with the provisions of a certain deed of agreement made between the Hutt River Board of the first part, the Wellington Harbour Board of the second part, and His Majesty the King, acting by and through the Minister of Public Works, of the third part, referred to and validated by section twenty of the Reserves and Other Lands Disposal Act, 1936: And whereas it is desired 20 25 30 35

that such deed of agreement dated the twelfth day of September, nineteen hundred and forty-one, be validated: Be it therefore enacted as follows:—

The said deed of agreement dated the twelfth day
 5 of September, nineteen hundred and forty-one, is hereby declared to be valid and binding in all respects and shall have full force and effect as if it were specifically enacted in terms thereof in this Act; and the parties thereto shall be deemed to have been duly
 10 empowered to enter into and execute the same, and, further, shall have full power to carry out the works therein referred to, which may be deemed necessary to give full force and effect to the said deed of agreement.

42. Whereas the Corporation of the Mayor, Council-
 15 lers, and Burgesses of the Borough of Balclutha (hereinafter called the Corporation) is seized of an estate in fee-simple in all that parcel of land described in subsection *three* of this section: And whereas the said land is portion of a street along the bank of the
 20 Clutha River: And whereas the Corporation being satisfied that the said land is of no value for street purposes has agreed to transfer the said land to the Lower Clutha River Trust (hereinafter called the Trust) on payment of the sum of seventy-five pounds to
 25 enable the Trust to erect thereon certain buildings: And whereas there is no authority for the Balclutha Borough Council to stop the said portion of street or to sell such portion to the Trust: And whereas it is expedient that provision should be made as hereinafter
 30 appears. Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Municipal Corporations Act, 1933, the Council may,
 in the manner prescribed by paragraph (h) of sub-
 35 section four of section one hundred and seventy-five of the said Act, stop that portion of the street hereinbefore referred to.

(2) The Corporation is hereby empowered, upon the said portion of street being stopped, to transfer the said land to the Trust at such price and on such
 40 terms and conditions as may be agreed upon between the Corporation and the Trust.

Provision
 with respect
 to closing of
 street by
 Balclutha
 Borough
 Council and
 sale thereof
 to Lower
 Clutha River
 Trust.

1933, No. 30

(3) The parcel of land referred to in this section is described as follows:—

All that parcel of land situated in the Provincial District of Otago, being part of Hasborough Place in the Town of Balclutha, containing an area of three 5 acres two roods twenty-six perches, more or less.

Commencing at a point on the original left bank of the Clutha River, distant by traverse as stated hereunder from the standard survey tube shown on Dunedin Survey Office Plan B77 at the Junction of Newarp Street and Hasborough Place: Bounded towards the north by other part of Hasborough Place by a line bearing $128^{\circ} 11' 30''$, distance 412 links; and again bounded towards the north by other part of Hasborough Place by a line bearing $119^{\circ} 39'$, distance 915.56 links; 15 bounded towards the east by other part of Hasborough Place by a line bearing $152^{\circ} 52' 20''$, distance 670.54 links; bounded towards the south by the Clutha River, distance 2375 links, back to the commencing-point.

Commencing-point distant by traverse from standard 20 survey tube shown on Dunedin Survey Office Plan B77 at the junction of Newarp Street and Hasborough Place as follows:—

Firstly, by a line bearing $207^{\circ} 46'$, a distance of 180.82 links; secondly, by a line bearing $308^{\circ} 11'$, a 25 distance of 91.51 links; thirdly, by a line bearing $207^{\circ} 46'$, a distance of 101.68 links; fourthly, by a line bearing $128^{\circ} 11' 30''$, a distance of 86.86 links.

As the same is more particularly shown on a plan prepared by Edward Fletcher Roberts, licensed surveyor, Dunedin, and to be deposited in the Lands Registry Office at Dunedin. 30

Authorizing
Timaru Borough
Council to
purchase portion
of cemetery
reserve.
See Reprint
of Statutes,
Vol. I, p. 731

43. Whereas the lands described in subsection *two* of this section (hereinafter referred to as the said lands) 35 form part of the Timaru Cemetery established under the Cemeteries Act, 1908: And whereas the said lands are no longer required for cemetery purposes, and the Timaru Borough Council (hereinafter called the Council) is desirous of acquiring the said lands from the Timaru Cemetery

Board Trustees: And whereas the Trustees have no authority to sell the said lands: Be it therefore enacted as follows:—

(1) The sale of the said lands by the Timaru Cemetery Board Trustees to the Council is hereby authorized.

(2) The lands to which this section relate are more particularly described as follows:—

(a) All that piece of land situated in Block II of the Patiti Survey District, containing one rood, more or less, being Lot 108 on plan deposited in the Lands Registry Office at Christchurch as Number 263, part of Rural Section 1706, and being the whole of the land comprised and described in certificate of title, Volume 210, folio 195, Canterbury Registry:

(b) All that piece of land situated in Block II of the Patiti Survey District, containing one acre two roods thirty-one perches, more or less, being part of Rural Section 2367, and being the whole of the land comprised and described in certificate of title, Volume 228, folio 296, Canterbury Registry:

(c) All that piece of land situated in Block II of the Patiti Survey District, containing one acre two roods nine perches, more or less, being Lot 1 on plan deposited in the Lands Registry Office at Christchurch as Number 11843, part of Rural Section 1702, and being part of the land comprised and described in certificate of title, Volume 243, folio 116, Canterbury Registry.

44. Whereas the King George the Fifth Memorial Fund Board (hereinafter called the Board) has received the offer of a gift, pursuant to section thirteen of the King George the Fifth Memorial Fund Act, 1938, from the Waikato Children's Camp League, Incorporated, of all that piece of land containing thirteen acres thirty-two decimal five perches, more or less, being part of Allotment 6 of the Parish of Whaingaroa, being all the land in certificate of title, Volume 577, folio 242 (Auckland Registry), limited as to parcels, together with right-of-way or other easements over Lot 19 on a plan deposited in the Land Registry Office at Auckland

Authorizing transfer of certain land from Corporation of Borough of Hamilton to King George the Fifth Memorial Fund Board. 1938, No. 11

under Number 18604, being part of the land in certificate of title, Volume 633, folio 189, created in and by Conveyance Number 314313 (Auckland Registry), and subject to right-of-way or other easements appurtenant to the land in certificate of title, Volume 576, folio 281, created in and by Conveyance Number 311334 (Auckland Registry). And whereas the said land was conveyed by Conveyance Number 396032 (Auckland Registry) to the Mayor, Councillors, and Burgesses of the Borough of Hamilton (hereinafter called the Corporation) as a recreation reserve and community camp site forever under the administration of the Hamilton Community Camp Association, Incorporated: And whereas the District Land Registrar at Auckland lodged Caveat Number 13215 against the said land to protect the purposes as aforesaid for which the said land was so conveyed: And whereas the Board desires to accept the gift of the said land and to hold the same under and for the purposes of the said Act without being restricted by virtue of the trusts created by the said Conveyance Number 396032 in the exercise of any of its powers or authorities under the said Act: Be it therefore enacted as follows:—

(1) It shall be lawful for the Council of the Corporation or any assignee or transferee from the Corporation to execute a memorandum of transfer of the said land to the Board pursuant to the provisions of section thirteen of the King George the Fifth Memorial Fund Act, 1938, and for the Board to hold the said land for the ordinary purposes of the said Act without being restricted by virtue of the trusts created by the said Conveyance Number 396032 in the exercise of any of the powers, authorities, and provisions as set forth in the said Act.

(2) The said land shall be vested in the Board freed, released, and absolutely discharged from all trusts created by the said Conveyance Number 396032.

(3) The District Land Registrar at Auckland shall for such purpose withdraw the said Caveat Number 13215, and shall accept for registration a memorandum of transfer of the said land as aforesaid in favour of the Board freed, released, and absolutely discharged from the aforesaid trusts.

Miscellaneous.

45. Whereas by memorandum of lease bearing date the first day of June, nineteen hundred and twenty-five, the Waimakariri River Trust (hereinafter called the Trust) leased portion of the land comprised in Crown Grant Volume 58, folio 206 (Canterbury Registry) to the Harewood Golf Club, Incorporated (hereinafter called the Club): And whereas it was provided by the said lease that upon the determination thereof all improvements on the land comprised therein should revert to the Trust free from payment of compensation: And whereas the Club proposes to wind up voluntarily under the provisions of the Incorporated Societies Act, 1908, and has requested the Trust to allow it to lift and remove from the said land the whole of the piping-system installed by the Club for the purpose of watering the golf course on the said land: And whereas the Trust has no legal authority to transfer the said piping to the Club: Be it therefore enacted as follows:—

Authorizing
Waimakariri
River Trust
to transfer
piping-system
to Harewood
Golf Club.

See Reprint
of Statutes,
Vol. III, p. 922

Upon the determination of the said lease the Trust is hereby authorized to give possession of the whole of the piping-system forming part of the watering scheme installed by the Club on the said land without receiving payment of purchase-money or other consideration and on such terms as the Trust thinks fit.

46. (1) Notwithstanding anything to the contrary in the War Funds Act, 1915, the rules of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund (a society incorporated under that Act), as amended by section sixty-four of the Local Legislation Act, 1932-33, are hereby further amended by omitting from Rule 2 the words "in relation to the war with Germany and her Allies", and by omitting paragraph (a) of the said rule, and substituting the following paragraphs:—

Extension of
objects of
New Zealand
Sheepowners'
Acknowledgment of Debt
to British
Seamen Fund.
Ibid.,
Vol. VIII,
p. 1058
1932-33, No. 47

"(a) For the relief and benefit of any of the following persons, whether in New Zealand or not, namely:—

40 "(i) Any person who during the last war or the present war has been or may be engaged as a member of any of His Majesty's Naval or Air Forces or as an officer, pilot, or member of the

crew of any British ship or ship under any British flag and who is or may become incapacitated or in need of relief whether as a result of wounds or injuries sustained or illness contracted whilst so engaged or otherwise howsoever: 5

“(ii) Any dependant of any person who during the last war or the present war has been or may be engaged as a member of any of His Majesty’s Naval or Air Forces or as an officer, pilot, or member of the crew of any British ship or ship under any British flag and who is or may become incapacitated or in need of relief as aforesaid or has died or may die as a result of injuries sustained or illness contracted whilst so engaged: 10 15

“(iii) Any person who was admitted by the Board of Trustees into residence at Flock House for farm-training purposes.

“(aa) For the purposes of paragraph (a) of this rule—

“The expression ‘British flag’ includes any flag of any portion of the British Commonwealth of Nations: 20

“The expression ‘His Majesty’s Naval or Air Forces’ includes the Naval or Air Forces of any portion of the British Commonwealth of Nations: 25

“The expression ‘the last war’ means the war with Germany and its Allies that commenced on the fourth day of August, nineteen hundred and fourteen: 30

“The expression ‘the present war’ means the war with the German Reich that commenced on the third day of September, nineteen hundred and thirty-nine, and includes any extension of the same.” 35

(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 been in force shall be deemed to have been lawfully done. 40

Repeal.

(3) Section sixty-four of the Local Legislation Act, 1932-33, is hereby repealed.

47. Whereas, by his will, John Macmillan Brown, late of Holmbank, near Christchurch, deceased, bequeathed to the Corporation of Canterbury College his library at Holmbank to be kept at all times intact and to be known and indicated as the Macmillan Brown Library: And
 5 whereas the said library comprises not only anthropological and ethnological works but also works of a more general character the separation of which from the general collections of the Canterbury College
 10 Library militates against their extended usefulness and value to students: And whereas being of opinion that the dominant wishes of the testator were to establish as the Macmillan Brown Library his collection of works on anthropology, ethnology, and philology and works
 15 relating to the Pacific area and the peoples thereof and, subject thereto, to make his bequest as widely serviceable as possible, and that the usefulness of the said library will be increased and the memory of the testator better perpetuated by the provisions herein-
 20 after contained, the Advisory Trustees of the said will—namely, William David Campbell, of Timaru, and Heinrich Ferdinand von Haast, of Wellington, both Barristers and Solicitors, have intimated that they do not object to the said provisions: And whereas the
 25 Perpetual Trustees Estate and Agency Company of New Zealand, Limited, the executor and trustee of the said will, has given a like intimation: Be it therefore enacted as follows:—

Conferring certain powers on the Corporation of Canterbury College with respect to the Macmillan Brown Library.

It shall not be deemed a breach of the hereinbefore
 30 recited directions of the will of the late John Macmillan Brown if any work belonging to the Macmillan Brown Library, other than works on anthropology, ethnology, or philology, and works relating to the Pacific area and the peoples thereof, be incorporated in the general
 35 collections of the Canterbury College Library so long as such work bears a distinctive book-plate identifying it as a volume of the Macmillan Brown Library.