

LOCAL LEGISLATION BILL, 1944

EXPLANATORY NOTES

County Councils

Clause 2: Validating payment of compassionate allowance by Wallace County Council (I.A. 105/306).—The purpose of this clause is to validate the payment by the Wallace County Council of a compassionate allowance of £100 to the widow of Mr. J. G. C. Baker, late County Engineer, in recognition of his services to the Council over a long period.

Clause 3: Provisions of Local Authorities (Members' Contracts) Act, 1934, not to apply to members of Matakaoa County Council (I.A. 103/33).—Mr. C. M. Williamson, of Te Araroa, is a member of the Matakaoa County Council.

By section 10 of the Local Legislation Act, 1932, the Matakaoa County is placed under the control of a Commissioner. He possesses absolute powers in regard to the administration of the county. During the period of Commissioner control the Matakaoa County Council is divested entirely of all its powers and responsibilities. Accordingly, the members of the Council have no statutory rights in regard to the administration of the county nor any control over the expenditure of county funds.

The late Commissioner, Mr. C. H. Bull, purchased some posts from Mr. Williamson and made payment to him of £61 4s. for the cost thereof. By reason of the provisions of the Local Authorities (Members' Contracts) Act, 1934, Mr. Williamson was precluded from entering into this contract with the County Commissioner, inasmuch as he is a member of the Matakaoa County Council. He thus loses his seat on the Council and also has to refund the amount paid to him. It is quite obvious that both parties to the transaction considered that, as the members of the Matakaoa County Council have no powers whatever in regard to that county, the usual disqualifying provisions will not apply. It is also fair that in the circumstances they should not apply. However, they did technically apply, notwithstanding those circumstances.

It is reasonable that in such a case Mr. Williamson should not suffer the penalties of the Act. Furthermore, as such a position is likely to arise in the future whilst Commissioner control is in force in that county, it is also reasonable that the members of the Matakaoa County Council should be exempt from the provisions of the Local Authorities (Members' Contracts) Act, 1934.

The clause is intended to provide for this, thus also protecting the position of Mr. Williamson in relation to the past contract.

Clause 4: Provision with respect to overdraft and other liabilities of Buller County Council (I.A. 103/237).—This clause is intended to authorize the Buller County Council to capitalize the sum of £20,000, being the bulk of certain excess liabilities of that Council, and to repay the amount by annual instalments of £2,000 or more per annum over a period of ten years.

The position is that, through certain circumstances beyond the control of the Buller County Council, that Council has got into financial difficulties. The cause of these difficulties is known to the Government, and at the present time investigations are being made with a view to determining a more permanent solution to the Council's financial troubles. This, however, is not a simple matter and it may take some time to bring about a permanent solution. In the meantime the Government has placed the finances of the Council under the control of Treasury and Internal Affairs Departments with a view to those Departments reviewing the estimates of revenue and expenditure each year and generally determining what methods should be employed in bringing about financial equilibrium each year.

Up till the 31st March, 1944, the Council had accumulated excess liabilities to the extent of £22,810 15s. 4d. With liabilities such as this remaining it would be impossible for the Council to restore financial equilibrium or to continue to carry on.

Consultations have taken place with the Council's bankers, who have agreed to capitalize this amount and secure repayment over a period of ten years. It is necessary that this be done before any scheme can be worked out towards adequately placing the county on a sound financial basis. Legislation is necessary to enable this capitalization of liabilities to be effected, and this is the primary purpose of the clause.

Clause 5: Authorizing the Raglan County Council to grant lease of certain land to Plunket Society at a peppercorn rental (I.A. 105/325).—By reason of the Public Bodies Leases Act, 1908, a local authority must sell a lease of any of its property by public auction or tender.

The Raglan County Council is desirous of leasing to the Plunket Society at a peppercorn rental a property adjacent to the Raglan Town Hall for the purpose of erecting thereon a building for which certain moneys have been raised by local effort.

The purpose of this clause is to obviate the necessity for the sale of this lease by public auction or tender, as such procedure would preclude the possibility of a peppercorn rental.

City and Borough Councils

Clause 6: Authorizing remission of rates by Gisborne Borough Council (I.A. 100/11).—The purpose of this clause is to authorize the Gisborne Borough Council to remit rates amounting in all to £86 11s. 10d. due and payable by the Gisborne and East Coast Young Men's Christian Association during the two financial years commencing on the 1st day of April, 1943, and ending on the 31st day of March, 1945, in respect of the property of the association in the Borough of Gisborne.

Clause 7: Authorizing Masterton Borough Council to expend the proceeds of the sale of the Mangaone endowment for street purposes (I.A. 103/198/4).—The Mangaone endowment property, held by the Masterton Borough Council under a Crown grant, has been disposed of by sale for the sum of £4,666. The Council is required by law to hold this money in trust for the purchase of land to be held for the same purposes as the land disposed of. The Borough of Masterton is, however, well endowed with undeveloped reserve lands which do not return in rent as much as the loss in rates, and the Council proposes to expend the above sum on the purchase of land for essential street purposes. The Council's proposal will create a lasting asset for the public benefit, and the clause confers authority on the Council to utilize the above sum for this purpose.

Clause 8: Validating special grant of £100 made by Tauranga Borough Council (I.A. 100/60).—Miss Alice Heron Maxwell is the owner of a property situate in the Borough of Tauranga known as "The Elms". This property is of great historical interest, and Miss Maxwell has devoted her whole life to conducting visitors over the property and explaining the historical associations of the buildings and surroundings. The Tauranga Borough Council is desirous of recognizing the services rendered by Miss Maxwell in this connection over a very long period. The Council therefore has made a grant of £100 to Miss Maxwell, and the purpose of the clause is to validate the Council's action in this respect.

Clause 9: Authorizing Wellington City Council to convert Kelburn Tea Kiosk into a boardinghouse or flats (I.A. 105/307).—In order to assist in the relief of the acute housing shortage in the City of Wellington, the Wellington City Council is desirous of converting the property known as the Kelburn Tea Kiosk into a boardinghouse or flats,

The Council has no authority to do this, as the land on which the kiosk is situated is vested in the Corporation of the City of Wellington as a public reserve. The purpose of the clause is to authorize the Council to convert the above building into a boardinghouse or flats, or, if it thinks fit, to demolish the building and erect flats.

Clause 10: Special provision with respect to replacement of loans guaranteed under the Wellington City Housing Act, 1938 (I.A. 58/21).—Under the Wellington City Housing Act, 1938, the Wellington City Council is empowered to guarantee loans advanced by financial institutions for housing purposes. Since the passing of this Act the Council has guaranteed a considerable sum of money and a number of prospective owners of houses have benefited thereby. Several of the persons who have taken out mortgages are desirous of replacing them by Starr Bowkett mortgages—that is, mortgages on which no interest is payable, although the mortgagors will be liable for a small premium. These mortgages will, in most cases, be paid off in a period of twenty years. This is satisfactory from the City Council's point of view, as its liability as guarantor will be discharged much earlier than was anticipated under the Act. There is no authority, however, for the Council to act as guarantor for the loans under the new mortgages, and the purpose of the clause is to provide the necessary authority.

Clause 11: Authorizing Takapuna Borough Council to raise a special loan for completion of improvements to waterworks (I.A. 105/226).—In 1942 the Takapuna Borough Council was authorized to raise a loan of £23,300 for the purpose of effecting improvements to the borough water-supply to cope with the normal requirements of the inhabitants of the borough. The loan has been raised and the work completed, the cost of which was £3,300 in excess of the loan.

The reasons for the additional expenditure were, first, the delay in obtaining a satisfactory firm to instal the 9 in. water-supply line, which resulted in increased cost of materials; and secondly, the imposition of the additional 10-per-cent. sales tax on a large portion of the materials required. The latter actually accounted for £800 of the additional expenditure incurred.

In view of the fact that the Council's District Fund Account is not large enough to permit the additional expenditure being met from revenue, the Council desires authority to raise the above sum by a special loan without taking a poll of ratepayers. The clause confers the necessary authority on the Council and also provides for the repayment to the Council's General Fund of certain moneys which have already been advanced for the purpose of meeting the additional expenditure incurred.

Clause 12: Authorizing a payment by the Crown to the Waitara Borough Council (I.A. 105/266).—In the year 1942 certain land vested in the Corporation of the Borough of Waitara, and comprising the area known as Nelson Park and a portion of Strange Street, was taken by the Crown for housing purposes. The Nelson Park area was vested in the borough as a recreation reserve, but the reservation was revoked by Order in Council dated 23rd December, 1942. The legal effect of this was that the land in question reverted to the Crown.

By way of compensation it is proposed to pay the sum of £390 to the Waitara Borough Council. In view of the reversion of the land in question to the Crown on the revocation of trust, this payment would be in the nature of a gift which must be authorized by legislation. In accordance with established policy, the sum payable to the Council must be held in trust to be applied in or towards the purchase of additional lands to be held for the same purposes as the land disposed of. The purpose of the clause is therefore to authorize the payment of the above sum to the Waitara Borough Council and to provide for it to be held in trust accordingly.

Clause 13: Wellington City Council authorized to raise a special loan for extension of facilities at Wellington City Abattoir (I.A. 105/308).—During the year 1943 the demand for meat increased to such an extent that the facilities for killing sheep and pigs at the Wellington City Municipal Abattoirs at Ngahauranga became inadequate. To meet this demand the mutton-boards were extended and certain consequential alterations were made. Available funds to the extent of £3,500 were expended for this purpose. Further extensions to the facilities for the killing of sheep and pigs are, however, necessary, and, in addition, the provision of plant for the refrigeration of small goods as well as a motor-truck and garage is deemed to be desirable.

It is desired to finance the cost of the work to be carried out and recoup the expenditure already incurred by means of a loan not exceeding £13,000.

The Wellington City Council has accordingly made application for legislation authorizing the raising of a special loan of £13,000 without taking a poll of ratepayers and also validating the expenditure of the sum of £3,500 already incurred. The clause provides accordingly.

Clause 14: Authorizing Auckland City Council to transfer certain land to Auckland University College Council (I.A. 105/323).—The Auckland City Council desires to transfer an area of land comprising 8 acres 2 roods to the Auckland University College Council to be used as a site for a School of Engineering at Western Springs.

The land in question was acquired by the Council many years ago for waterworks purposes. It is not necessary or desirable that the land should be used for the purpose for which it was acquired. The clause accordingly authorizes the transfer of the land to the Auckland University College Council.

Clause 15: Authorizing Paeroa Borough Council to erect a building for the storage of hides and skins (I.A. 105/317).—It has been the practice of the butchers carrying on business in Paeroa to store skins within the borough. This practice has become objectionable from a public health point of view, and the Health Department has instructed that it should be discontinued.

The Paeroa Borough Council accordingly desires to construct a suitable building on a piece of land vested in the Council situated outside the borough boundaries for the purpose of permitting the storage of hides and skins.

The Council proposes to lease the land and buildings to the butchers concerned. The butchers are agreeable to the Council's proposal, but the Council's leasing powers are restricted under section 8 of the Public Bodies Leases Act, 1908, which provides that every lease granted by a leasing authority shall be sold by public auction or public tender.

The clause confers authority on the Council to lease the proposed building to any of the butchers desirous of availing themselves of the storage space provided, and also authorizes the Council to make certain conditions of lease.

Clause 16: Provision with respect to overdraft and other liabilities of Kumara Borough Council (I.A. 128/52).—During the financial year ended on the 31st March, 1943, the Kumara Borough Council incurred liabilities in excess of the limits prescribed by section 9 of the Local Bodies' Finance Act, 1921-22, and these liabilities were carried over in respect of the ensuing financial year ended on the 31st March, 1944. During that year, however, further liabilities were incurred, and, in addition, the Board's bank overdraft for that period exceeded the limits prescribed by section 3 of the above Act.

The position now disclosed by the balance-sheet is that the total excess liabilities of the Council as at the 31st March, 1944, amount to the sum of £414 4s. 9d. The Council's indebtedness is due to the fact that the borough water-supply system was recently overhauled, necessitating, in addition to certain extensions, the renovation of existing pipe-lines. The renovation of the pipe-lines was not anticipated when the Council decided to proceed with the extension of its water-supply system.

Owing to the Council's limited revenue, it is not possible for its outstanding liabilities to be met during the current year. It is therefore proposed that the Council should borrow from its bankers the sum of £400 in order to discharge these liabilities. Such sum to be repaid by annual instalments of £80 over a period of five years.

The purpose of the clause is to authorize the Council to adjust its finances accordingly and also to validate the Council's action in incurring liabilities in excess of the limits fixed by the Local Bodies' Finance Act, 1921-22.

Clause 17: Authorizing Whangarei Borough Council to raise a special loan for the repair of war damage to streets (I.A. 105/320).—During the war period a number of military camps have been constructed within a ten-mile radius of Whangarei. These camps were for some considerable time occupied by artillery and tank regiments. The military manœuvres carried out in the area, and also the conveyance of essential supplies, subjected the streets of Whangarei to much traffic by heavy transport vehicles and modern tanks. The borough roads and streets, not being designed to carry this class of traffic, consequently sustained considerable damage. The cost of resurfacing these roads and streets has been assessed at £8,340.

The Public Works Department has advised the Council that a subsidy of £4 for £1 up to a limit of £6,672 has been approved in order to assist the Council to restore the roads damaged by military traffic. On this basis the Council is required to raise the sum of £1,650. The Council desires to do this by means of a loan without a poll of ratepayers.

The clause confers the necessary authority on the Council.

Clause 18: Authorizing Eltham Borough Council to donate certain trust funds to the Eltham Sub-branch of the Royal New Zealand Society for the Health of Women and Children (I.A. 105/299).—A number of years ago the Eltham Borough Council accepted certain lands to be held in trust as a benefit for the general purposes of the Eltham Sub-branch of the Royal New Zealand Society for the Health of Women and Children. With the consent of the society the Council disposed of a portion of the land in question for the sum of £20. Pursuant to the authority under which the land was transferred to the Council, this sum is required to be held in trust for the purpose of purchasing additional land to be used for the benefit of the society. This is neither practicable nor necessary, and the purpose of the clause is to permit the Council to donate the sum in question to the Eltham Sub-branch of the above-mentioned society.

Clause 19: Authorizing Lyttelton Borough Council to raise a special loan for extension of water-supply (I.A. 105/333).—The Lyttelton Borough Council has been supplying the Army, Navy, and other Services and Departments of State with water from the Council's waterworks. It is anticipated that this supply will continue in the future, necessitating an extension of the Council's waterworks.

For the purpose of financing the necessary works the Crown have agreed to advance the City Council the sum of £3,300 by way of special loan, and, in addition, to pay the sum of £1,200 in payment for water supplied up to the 1st day of March, 1943, on condition that this sum be applied by the Council towards the cost of the extensions.

The purpose of this clause is to permit the Council to raise the loan of £3,300 without a poll of ratepayers and to validate expenditure already incurred in connection with the works.

Clause 20: Authorizing Pukekohe Borough Council to raise a special loan for water-supply purposes (I.A. 105/338).—Negotiations have been entered into by the Public Works Department and the Pukekohe Borough Council to expedite the provision of additional water-supply facilities by the Council for the purpose of supplying water

to the Internal Marketing Department's Dehydration and Vegetable Processing Factory. Arrangements have been made for the Council to acquire a site and carry out the construction of an additional 200,000 gallon reservoir, together with the necessary incidentals thereto.

It is anticipated that the scheme will cost approximately £5,000, and for the purpose of raising this sum the Council desires to raise a special loan without a poll of ratepayers. The clause authorizes the raising of this sum and validates the payment of certain moneys already expended from the Council's General Account in connection with the initial works already carried out.

Clause 21: Validating payment of compassionate allowances by Masterton Borough Council (I.A. 105/339).—The Masterton Borough Council has paid compassionate allowances of £104 10s. 8d. to the widow of Mr. J. Y. Douglas, formerly manager of the Council's gasworks, and to the widow of Mr. W. C. Holes, an employee of long service, the sum of £43 12s. 1d. The Council's "Unauthorized" Account was insufficient to cope with these payments, which were accordingly made without authority at law.

Legislation is necessary to validate these payments, and this is the purpose of the clause.

Town Boards

Clause 22: Authorizing Kaikohe Town Board to raise a special loan of £2,500 (I.A. 103/35/28).—Owing to the erection of a soldiers' hospital at Kaikohe it became necessary for the Kaikohe Town Board to extend its water-supply in order to cater for the needs of the hospital. The project was considered by War Cabinet in February, 1943, and finance to the extent of £4,500 was approved. Of this sum, the Board was required to pay £2,000 and the remaining £2,500 is to be met by the Government.

It was agreed at the time that the passage of legislation enabling the Board to raise a loan of £2,000 without taking a poll of ratepayers should be facilitated.

Owing to circumstances beyond the control of the Board—namely, the increased cost of materials and wages—it has now been ascertained that the scheme will cost considerably more than was anticipated, and the Board is desirous of obtaining authority to raise a loan of £2,500.

The clause confers the necessary authority on the Board.

Harbour Boards

Clause 23: Validating certain payments made by Auckland Harbour Board (I.A. 105/314).—The Auckland Harbour Board has during the financial year ended on 30th September, 1944, made a donation of the sum of £100 to the Auckland Sailors' Home, which urgently required funds to carry out certain essential improvements. The Board has also made compassionate grants of £50 to each of the widows of two deceased employees who rendered long and faithful service to the Board. As a result of these actions the Board has expended the sum of £200, and as this expenditure cannot be met from the Board's Unauthorized Expenditure Account an application for validating legislation has been lodged.

The clause accordingly validates the Board's action.

Clause 24: Authorizing Auckland Harbour Board to make donations to Auckland Y.W.C.A. and the Auckland Y.M.C.A. (I.A. 105/319).—In the course of their Centennial Celebrations the Young Women's Christian Association and Young Men's Christian Association at Auckland made a special appeal for donations.

The Auckland Harbour Board desires to donate £100 to each of these organizations. The purpose of this clause is to permit the Board to donate the sums in question.

Clause 25: Authorizing Wairoa Harbour Board to transfer moneys from its Special Rates Trust Account to its General Cash Account (I.A. 105/334).—At the close of the financial year ended on the 30th September, 1943, the Wairoa Harbour Board had an accumulated surplus in its Special Rates Trust Account of £9,638 5s. 6d. after meeting all loan instalments due and owing by the Board. This sum has accumulated as a result of the Board's action in levying and collecting a greater amount by way of special rates than has been necessary to meet its annual loan charges.

Under normal circumstances the excess amount raised in such a case should be applied to the annual loan charge, and to that extent ease the later burden of the ratepayers. The position is, however, that the Board's General Cash Account as at the above date was in debit to the extent of £4,236 16s. 9d. The reason for this debit is that since the year 1927 amounts totalling £5,259 have been expended out of the General Account for the undermentioned purposes:—

	£	s.	d.
Office site and premises	1,650	0	0
Wharf "B" shed	1,523	0	0
Contribution to River-protection Loan	1,828	0	0
Earthquake Loan	258	0	0
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	£5,259	0	0

This expenditure covers items which might legitimately have been charged to capital expenditure and eventually met by the ratepayers.

The Harbour Board therefore proposes to transfer the sum of £5,259 from its Special Rates Trust Account to its General Account as it is not possible to recoup that account from revenue as the Board's revenue-producing undertakings have, for practical purposes, ceased. This will eliminate the debit balance and leave a credit in the General Account. Legislative authority is, of course, necessary to permit the Board to make this financial adjustment, and this is the purpose of the clause.

Electric-power Boards

Clause 26: Validating the borrowing of portion of loan-moneys by Waitaki Electric-power Board (I.A. 105/326).—By an Order in Council dated the 22nd December, 1941, the above Electric-power Board was authorized to raise a loan of £20,000 to be known as the Board's Extension Loan, 1941. One of the conditions of the loan authority was that no moneys should be borrowed after the expiration of two years from the date of this Order in Council.

Owing to the absence of the Secretary of the Board on military service as from December, 1941, and the fact that the Acting-Secretary was not aware of the limitation of time for the raising of the loan-moneys in question, the sum of £1,000, being portion of the loan, was borrowed in January, 1944. The Board, on becoming aware of this irregularity, took the matter up with the Local Government Loans Board, which advised that special legislation would be necessary to validate the borrowing of this sum. Application has accordingly been made for validating legislation, and the clause provides accordingly.

River and Drainage Boards

Clause 27: Authorizing extension of time for the raising of the Permanent Outlet of Lake Ellesmere Loan, 1938, by Ellesmere Lands Drainage Board (I.A. 103/138).—The Ellesmere Lands Drainage Board was authorized in September, 1939, to raise a loan of £15,000, called the Permanent Outlet of Lake Ellesmere Loan, 1938, for the purpose of providing the Board's contribution to certain drainage works connected with the control of Lake Ellesmere.

An Order in Council authorizing the raising of the loan was issued consequent on the authority of the poll of ratepayers. This Order in Council expired on the 18th October, 1941, but the authority conferred thereby may be revived at any time, provided the authority of the poll referred to is still valid. The authority of the poll, however, expired on the 9th September, 1944.

Owing to the intervention of the war the work for which the loan was raised was not commenced, and the representations which have now been made indicate that it will not be possible to proceed with the project in the near future and it is probable that nothing will be done until after the war. The Drainage Board, however, does not desire the loan authority to lapse, and an application has been made for legislation providing for the authority of the poll of ratepayers to be revived and extended for a further term of five years as from the 9th day of September, 1944.

The clause provides accordingly.

Clause 28: Authorizing Auckland and Suburban Drainage Board to raise a special loan of £2,000 for the purpose of completing certain works (I.A. 105/329).—The Auckland and Suburban Drainage Board was authorized to raise a special loan for the purpose of carrying out extensions to its Branch Sewer No. 9 and other works.

All the works have been completed, and the Board finds that, owing to increased cost of labour and materials, the works have cost an additional £2,000.

The Board, under its special Act, has no power to borrow an additional 10 per cent. loan as is the case with other local authorities, and accordingly is at a disadvantage in this respect.

The purpose of the clause is to give the Board power to borrow a sum of £2,000 (being 10 per cent. of the original loan) in order to meet the cost involved in completing the works set out under the original loan programme.

Hospital Boards

Clause 29: Validating diversion of loan-moneys by Waipawa Hospital Board (I.A. 105/321).—In the years 1939 and 1940 the Waipawa Hospital Board obtained sanction to raise building loans totalling £79,350. The buildings planned included provision for a laboratory, including an examination room for out-patients at the Waipukurau Hospital. By reason of the subsequent development of the out-patient work, however, it became necessary to adapt all the above accommodation for this department. The Department of Health, which was consulted, approved of this course of action.

The conditions of the loans did not allow for expenditure on this work, and the purpose of this clause is to validate the expenditure of £768 13s. 4d. involved.

Clause 30: Authorizing Otago Hospital Board to recoup its Capital Account out of loan-moneys in respect of moneys advanced for building purposes (I.A. 105/330).—In anticipation of the raising of its Hospital (No. 1) Loan, 1943, of £183,000, the Otago Hospital Board expended moneys amounting to £15,888 17s. out of its General Account for the purpose of erecting a physio-therapy block as an addition to the hospital in Dunedin.

On approaching the Local Government Loans Board for its sanction to the raising of the loan it was pointed out to the Board that legislative authority would be required to permit the Board to recoup its Capital Account in respect of the moneys expended therefrom. The Local Government Loans Board has sanctioned the loan of £183,000 and the Hospital Board has now applied for legislative authority to recoup its Capital Account accordingly. The clause confers this authority on the Board.

Affecting Two or More Classes of Public Bodies

Clause 31: Validating the remission of rates by Wellington City Council (I.A. 105/322).—The Wellington Harbour Board is the owner of certain land situated in the Evans Bay area which is entirely non-productive and cannot be availed of for any purpose beneficial to the Board.

During the period commencing on the 1st April, 1935, and ended on the 31st March, 1943, rates, including penalties, amounting to the sum £4,847 7s. 11d. were due and payable to the Wellington City Council.

In view of the fact that the Board derives no benefit from the land in question, the Council has remitted the above sum to the Board. The Council had no authority to do this, and the clause validates this action accordingly.

Clause 32: Provision with respect to transfer of doctor's residence to Hikurangi Town Board by Whangarei Hospital Board (I.A. 105/303).—A residential property was purchased a number of years ago in the Hikurangi Town Board area by the Whangarei Hospital Board for use by the Medical Officer of Health, who was at that time attached to the Hospital Board. The Medical Officer of Health in that area, however, is not controlled by the Hospital Board at the present time, and the Board desires, in order to avoid the cost of maintenance and certain necessary renovations, to hand the property over to the Hikurangi Town Board to be held in trust as a doctor's residence at a sufficient rental to provide for maintenance and renovations.

Legislative authority is necessary to permit the transfer of the land and buildings thereon and also to provide for acceptance of trust by the Town Board, and the clause provides accordingly.

Clause 33: Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District (I.A. 105/153).—By section 4 of the Local Legislation Act, 1940, the Southland County Council was authorized to advance from its County Fund the sum of £600 to the Waimumu Stream Drainage Board for the purpose of widening, deepening, and straightening the Waimumu Stream. By the same provision the Council was authorized to levy a special rate in the drainage district over a period of three years to recoup its County Fund.

The work has almost been completed, but it has been found that the amount authorized to be advanced and rated for is insufficient owing to expenditure on unforeseen works and also for compensation which was not anticipated when the work commenced. The Council has already advanced moneys in excess of the above authority, and in an endeavour to recoup its County Fund, to which the sum of £500 is still owing, a separate rate on the district was levied for the year ended 31st March, 1944.

It is estimated that in order to complete the work a further sum of £450 will be required, which means that a total sum of £950 must be raised by way of rates. Assuming that a similar rate to that contained in the original authority is levied for a further period of four years, a sum of £950 would be raised.

The Council has accordingly made application for legislative authority validating the advances already made and authorizing a further advance to the extent of £450, in addition to conferring authority to levy a special rate over the district for the next four years.

The clause provides accordingly.

Clause 34: Validating supplementary agreement entered into between Manukau County Council and Howick Town Board relating to water-supply (I.A. 103/35/29).—By an agreement dated the 18th March, 1930, made between the Manukau County Council and the Howick Town Board, the Howick Town Board was permitted to take

water from certain land vested in the county, subject to certain conditions with reference to the supply of such water to the County Council as may be required. Owing to the fact that the land on which the flow of water existed was vested in the county as a reserve in trust for quarrying purposes, legislation was necessary to validate the agreement, and the necessary provision is contained in section 64 of the Local Legislation Act, 1930.

It has since been considered desirable by the parties to the agreement that further sources of water-supply be tapped and made available to supplement the supply already used, and to do this it was necessary to amend the original agreement to cover such other sources of supply. At the same time it was desired to make certain minor alterations to the agreement, one of which was to abrogate the right of the County Council to terminate the agreement on one year's notice.

A supplementary agreement providing accordingly has been entered into between the parties, and as such agreement covers an entirely new source of supply it is considered that this agreement should also be validated by legislation. This is the purpose of the clause.

Clause 35: Provision with respect to dissolution of Port Chalmers Mechanics' Institute and vesting of property in the Corporation of the Borough of Port Chalmers (I.A. 103/15/28).—The Port Chalmers Borough Council has been considering for some time the question of the establishment of a library service in the Borough of Port Chalmers for the purpose of fulfilling the needs of the reading public in the borough. With this end in view, the Borough Council has been negotiating with the Port Chalmers Mechanics' Institute with a view to the acquisition by the Council of the property of the Institute. The Institute has rendered library service on a small scale in the borough for many years past, but the time has now arrived for a more extensive service.

It is considered that if the existing library facilities controlled by the Institute were placed under the control of the Council such facilities could be greatly extended for the benefit of the residents of the borough, particularly as the Council has in view the erection of an up-to-date library building. The trustees of the Institute are quite agreeable to the proposal for the taking-over of the present library and the property of the Institute, to be held in trust for the purposes of a public library under the control of the Council.

The purpose of the clause is to give effect to an agreement between these two bodies for the transfer of the Institute property and library service to the Council and for the repeal of the Port Chalmers Mechanics' Institute Incorporation and Reserves Act, 1877, and also the Port Chalmers Mechanics' Institute Reserves Vesting Act, 1898, which Acts relate to the constitution and operations of the Institute.

Miscellaneous

Clause 36: Abolishing Maru Rabbit-proof Fencing District (I.A. 105/309).—The purpose of this clause is to abolish the Maru Rabbit-proof Fencing Board, which has now ceased to operate.

Clause 37: Abolishing Mangare Rabbit-proof Fencing District (I.A. 105/315).—The purpose of this clause is to abolish the Mangare Rabbit-proof Fencing Board, which has now ceased to operate.

Hon. Mr. Parry

LOCAL LEGISLATION

Title.	ANALYSIS
1. Short Title.	10. Special provision with respect to replacement of loans guaranteed under the Wellington City Housing Act, 1938.
<i>County Councils</i>	11. Authorizing Takapuna Borough Council to raise a special loan for completion of improvements to water-works.
2. Validating payment of compassionate allowance by Wallace County Council.	12. Authorizing a payment by the Crown to the Waitara Borough Council.
3. Provisions of Local Authorities (Members' Contracts) Act, 1934, not to apply to members of Matakaoa County Council.	13. Wellington City Council authorized to raise a special loan for extension of facilities at Wellington City Abattoir.
4. Provision with respect to overdraft and other liabilities of Buller County Council.	14. Authorizing Auckland City Council to transfer certain land to Auckland University College Council.
5. Authorizing the Raglan County Council to grant lease of certain land to Plunket Society at a peppercorn rental.	15. Authorizing Paeroa Borough Council to erect a building for the storage of hides and skins.
<i>City and Borough Councils</i>	16. Provision with respect to overdraft and other liabilities of Kumara Borough Council.
6. Authorizing remission of rates by Gisborne Borough Council.	17. Authorizing Whangarei Borough Council to raise a special loan for the repair of war damage to streets.
7. Authorizing Masterton Borough Council to expend the proceeds of the sale of the Mangaone Endowment for street purposes.	18. Authorizing Eltham Borough Council to donate certain trust funds to the Eltham sub-branch of the Royal New Zealand Society for the Health of Women and Children.
8. Validating special grant of £100 made by Tauranga Borough Council.	
9. Authorizing Wellington City Council to convert Kelburn Tea Kiosk into a boarding-house or flats.	

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| <p>19. Authorizing Lyttelton Borough Council to raise a special loan for extension of water-supply.</p> <p>20. Authorizing Pukekohe Borough Council to raise a special loan for water-supply purposes.</p> <p>21. Validating payment of compassionate allowances by Masterton Borough Council.</p> <p style="text-align: center;"><i>Town Boards</i></p> <p>22. Authorizing Kaikohe Town Board to raise a special loan of £2,500.</p> <p style="text-align: center;"><i>Harbour Boards</i></p> <p>23. Validating certain payments made by Auckland Harbour Board.</p> <p>24. Authorizing Auckland Harbour Board to make donations to the Auckland Y.W.C.A. and the Auckland Y.M.C.A.</p> <p>25. Authorizing Wairoa Harbour Board to transfer moneys from its Special Rates Trust Account to its General Cash Account.</p> <p style="text-align: center;"><i>Electric-power Boards</i></p> <p>26. Validating the borrowing of portion of loan-moneys by Waitaki Electric-power Board.</p> <p style="text-align: center;"><i>River and Drainage Boards</i></p> <p>27. Authorizing extension of time for the raising of the Permanent Outlet of Lake Ellesmere Loan, 1938, by Ellesmere Lands Drainage Board.</p> <p>28. Authorizing Auckland and Suburban Drainage Board to raise a special loan of £2,000 for the purpose of completing certain works.</p> | <p style="text-align: center;"><i>Hospital Boards</i></p> <p>29. Validating diversion of loan-moneys by Waipawa Hospital Board.</p> <p>30. Authorizing Otago Hospital Board to recoup its Capital Account out of loan-moneys in respect of moneys advanced for building purposes.</p> <p style="text-align: center;"><i>Affecting Two or More Classes of Public Bodies</i></p> <p>31. Validating remission of rates by Wellington City Council.</p> <p>32. Provision with respect to transfer of doctor's residence to Hikurangi Town Board by Whangarei Hospital Board.</p> <p>33. Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District.</p> <p>34. Validating supplementary agreement entered into between Manukau County Council and Howick Town Board relating to water-supply.</p> <p>35. Provision with respect to dissolution of Port Chalmers Mechanics' Institute and vesting of property in the Corporation of the Borough of Port Chalmers. Repeals.</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>36. Abolishing Maru Rabbit-proof Fencing District.</p> <p>37. Abolishing Mangarei Rabbit-proof Fencing District.</p> |
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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:—

Short Title. 1. This Act may be cited as the Local Legislation Act, 1944.

County Councils

2. The payment made by the Wallace County Council out of its County Fund Account on the twenty-seventh day of October, nineteen hundred and
5 forty-three, of the sum of one hundred pounds as a compassionate allowance to Isabella Baker, widow of James George Charles Baker, an officer of the Council who died on the thirtieth day of September, nineteen hundred and forty-three, is hereby validated and
10 declared to have been lawfully made.
3. Nothing in the Local Authorities (Members' Contracts) Act, 1934, shall, while a Matakaoa County Commissioner is in office pursuant to section ten of the Local Legislation Act, 1932-33, apply with respect
15 to any member of the Council of the County of Matakaoa, nor shall anything in the Local Authorities (Members' Contracts) Act, 1934, be deemed at any time heretofore to have applied with respect to any member of that Council.
- 20 4. Whereas the Buller County Council (in this section referred to as the Council) has from time to time borrowed and owed moneys and incurred liabilities in excess of the limits prescribed by the Local Bodies' Finance Act, 1921-22 (in this section referred to as the
25 said Act): And whereas the excess liabilities of the Council in terms of the said Act as at the thirty-first day of March, nineteen hundred and forty-four, amounted to the sum of twenty-two thousand eight hundred and ten pounds fifteen shillings and fourpence: And
30 whereas the aforesaid excess borrowing and owing of moneys and incurring of liabilities were due to exceptional conditions in the County of Buller beyond the control of the Council and it is desirable to make provision in manner hereinafter appearing: Be
35 it therefore enacted as follows:—
- (1) Notwithstanding anything to the contrary in the said Act or in any other Act, all moneys heretofore borrowed and owed by the Council, and all other liabilities heretofore incurred by the Council, in excess of

Validating payment of compassionate allowance by Wallace County Council.

Provisions of Local Authorities (Members' Contracts) Act, 1934, not to apply to members of Matakaoa County Council.

1932-33, No. 47
1934, No. 17

Provision with respect to overdraft and other liabilities of Buller County Council.

See Reprint of Statutes, Vol. V, p. 354

the limits prescribed by the said Act shall for all purposes be deemed to have been at all times lawfully borrowed and owed and incurred by the Council.

(2) For the purpose of partially repaying the said excess liabilities, the Council shall borrow from its bankers by way of overdraft, in the manner prescribed by section three of the said Act, the sum of twenty thousand pounds. 5

(3) The Council shall repay the said sum of twenty thousand pounds by ten equal payments out of the moneys credited to the General Account of the County Fund, one such payment to be made in each year during the period of ten years commencing on the first day of April, nineteen hundred and forty-four: 10

Provided that the Council may in any year repay out of the said General Account an amount greater than a one-tenth part. 15

(4) The said sum of twenty thousand pounds so borrowed shall be carried to a separate account at the bank and all payments made in reduction of the said sum shall be credited to that account. 20

(5) The said sum of twenty thousand pounds 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 the said Act. 25

Authorizing the Raglan County Council to grant lease of certain land to Plunket Society at a peppercorn rental.

5. The Raglan County Council (in this section referred to as the Council) is hereby authorized to lease to the Royal New Zealand Society for the Health of Women and Children, Incorporated, commonly known as the Plunket Society, or to the Royal New Zealand Society for the Health of Women and Children (Hamilton Branch), Incorporated, all that area of land situated in the Township of Raglan, containing twenty-two perches and thirty-five hundredths of a perch, more or less, being Lot 9 on a plan deposited in the Land Registry Office at Auckland as Number 12113, and being the whole of the land comprised and described in certificate of title, Volume 291, folio 80, Auckland Registry, 30 35 40

without complying with the provisions of section eight of the Public Bodies' Leases Act, 1908, for the term of twenty-one years, with a right of renewal of the said lease for a further term of twenty-one years thereafter, upon such terms as the Council may agree with the lessee, and, if the Council shall so decide, at a nominal or peppercorn rental.

See Reprint
of Statutes,
Vol. IV, p. 1034

City and Borough Councils

6. Whereas the Gisborne Borough Council (in this section referred to as the Council) is desirous of obtaining authority to remit arrears of rates for the year ended on the thirty-first day of March, nineteen hundred and forty-four, amounting to the sum of forty-two pounds fifteen shillings, and also rates for the year ending on the thirty-first day of March, nineteen hundred and forty-five, amounting to the sum of forty-three pounds sixteen shillings and tenpence, being in each case the rates 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 and thirty-six perches, more or less, being Lot 1, Deposited Plan No. 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 the
Gisborne
Borough
Council.

The Council is hereby authorized to remit the sum of eighty-six pounds eleven shillings and tenpence, being the total amount of such rates and arrears of rates as aforesaid, and to absolve the said association and the said lands from liability in respect thereof.

7. Notwithstanding anything to the contrary in any Act, the Masterton Borough Council is hereby empowered to expend the whole or such part as it thinks fit of the proceeds of the sale of the Mangaone Endowment held under Crown Grant No. 5850, amounting to the sum of four thousand four hundred and sixty-six pounds, in the purchase of land for street purposes and for widening existing streets of the Borough of Masterton.

Authorizing
Masterton
Borough
Council to
expend the
proceeds of the
sale of the
Mangaone
Endowment for
street
purposes.

Validating
special grant
of £100 made
by Tauranga
Borough
Council.

8. Whereas Miss Alice Heron Maxwell, of Mission Street, in the Borough of Tauranga, is the owner of the property situated in the Borough of Tauranga and known as "The Elms": And whereas that property is of great historical interest: And whereas for many years past the said Miss Alice Heron Maxwell has permitted and assisted the public to visit and inspect the property: And whereas in recognition of the generosity and services of the said Miss Alice Heron Maxwell in so doing the Tauranga Borough Council has made to her a grant of one hundred pounds: Be it therefore enacted as follows:—

The payment by the Tauranga Borough Council out of its District Fund Account of the sum of one hundred pounds to the said Miss Alice Heron Maxwell is hereby validated and declared to have been lawfully made.

Authorizing
Wellington City
Council to
convert
Kelburn Tea
Kiosk into
a boarding-
house or flats.

9. Whereas the piece of land described in subsection six of this section is vested for an estate in fee simple in the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington: And whereas there is erected on the said land a building known as the Kelburn Tea Kiosk: And whereas by reason of the shortage of houses in the said City the Wellington City Council (in this section referred to as the Council) is desirous of converting the said building into a boarding-house or into flats: Be it therefore enacted as follows:—

(1) The Council is hereby authorized,—

(a) To convert the said building into a boarding-house, or to construct such flats therein as the Council thinks fit; or

(b) To demolish and remove the said building and to construct on the said land such flats as it thinks fit.

(2) The Council may from time to time lease any flat constructed under this section, at such rent, for such term, and on such conditions as it thinks fit, to any worker within the meaning of Part XXVII of the Municipal Corporations Act, 1933.

(3) The powers of leasing hereby conferred are in addition to, and not in substitution for, any powers of leasing conferred upon the Council by any other Act.

(4) Nothing in the Municipal Corporations Act, 1933, or in the Public Reserves, Domains, and National Parks Act, 1928, shall be construed to restrict or limit the powers conferred upon the Council by this section.

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

5 (5) The existing way, ten feet in width, passing through the said land and leading from the land occupied by the Kelburne and Karori Tramway Company, Limited, to Rawhiti Terrace in the said City shall remain open for the use of pedestrians.

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

All that piece of land situated in the City of Wellington, containing by admeasurement one acre five perches and seventy-seven hundredths of a perch, more
15 or less, bounded by a line commencing at the intersection of the northernmost point of Lot 19 on Deposited Plan 1188 and Upland Road, thence in a north-easterly direction along the south-eastern boundary of the land occupied by the Kelburne and Karori
20 Tramway Company, Limited, for 313·63 links, thence in a south-easterly direction along the south-western boundary of the land contained in S.O. Plan 16650 for 185·94 links, thence generally in a southerly direction along the western boundary of Rawhiti Terrace for
25 220·87 links and 149·47 links, thence in a north-westerly direction along the north-eastern boundary of Lot 19 on Deposited Plan 1188 for 314·11 links and 116·44 links to the point of commencement; be all the aforesaid linkages a little more or less: as the same is
30 more particularly delineated on the plan on certificate of title, Volume 491, folio 240, Wellington Registry.

10. (1) This section shall be read together with and deemed part of the Wellington City Housing Act, 1938 (in this section referred to as the principal Act).

Special
provision with
respect to
replacement of
loans
guaranteed
under the
Wellington City
Housing Act,
1938.
1938, No. 11
(Local).

35 (2) Subject to the provisions of subsection *three* of this section, where, in respect of any advance by way of first mortgage (in this section referred to as the original mortgage) granted under the principal Act to any person, whether before or after the passing of this
40 Act, the Council has, at the time of the giving of the original mortgage, entered into any guarantee under section twenty-two of the Local Legislation Act, 1939,

1939, No. 25

and that person, for the purpose of repaying all moneys then secured by the original mortgage, applies to a financial institution for an advance by way of first mortgage (in this section referred to as the replacement mortgage) upon the security over which the original mortgage was given, the principal moneys secured by the replacement mortgage to be free of interest, but to include moneys by way of premiums payable by the mortgagor, the Council may guarantee to the financial institution making the advance under the replacement mortgage repayment of the moneys so advanced, or of any portion of those moneys. 5 10

(3) The principal moneys (exclusive of the moneys payable by way of premiums as aforesaid) secured by any replacement mortgage guaranteed by the Council under subsection *two* hereof shall not exceed the sum of one thousand five hundred and fifteen pounds, and the Council shall not guarantee in respect of the replacement mortgage repayment of any moneys in excess of the amount of the principal moneys secured by the original mortgage at the time of its repayment. 15 20

(4) The power to enter into guarantees conferred upon the Council by the said section twenty-two may hereafter be exercised in respect of any mortgage, given for the purposes of that section, under which the moneys secured include moneys by way of premiums payable by the mortgagor, and under which no interest is payable, notwithstanding that the principal moneys so secured exceed the limits prescribed by that section: 25

Provided that the principal moneys (exclusive of the amount of any such premiums as aforesaid) secured by the mortgage shall not in any case exceed the sum of one thousand five hundred and fifteen pounds. 30

(5) Subject to the foregoing provisions of this section, the provisions of the principal Act, as amended by the said section twenty-two, shall apply with respect to every guarantee given under this section. 35

11. Whereas pursuant to the provisions of section seven of the Local Legislation Act, 1942, the Takapuna Borough Council (in this section referred to as the Council) has raised the sum of twenty-three thousand
5 three hundred pounds, by way of special loan known as the Takapuna Borough Waterworks Improvement Loan, 1942, for the purpose of constructing a reservoir and developing and improving the water-supply system of the borough and extending and replacing the water
10 mains and pipes thereof, and cleaning and lining the existing mains and pipes thereof, and acquiring, cleaning, and lining the water mains and pipes heretofore owned by the Devonport Borough Council (in this section referred to as the said works): And whereas
15 the sum so raised was insufficient to pay for the cost of the said works: And whereas it has been found necessary to expend further moneys for carrying out the said works, and for this purpose the Council has expended moneys from its District Fund Account: And
20 whereas in order to recoup the District Fund Account in respect of any moneys so expended and to complete the said works it is desirable that the Council be authorized to raise a special loan without taking a poll of ratepayers: Be it therefore enacted as follows:—
25 (1) The Council may, for the purpose of meeting the cost of carrying out and completing the said works, borrow a further amount not exceeding the sum of three thousand three hundred pounds, by way of special loan under the Local Bodies' Loans Act, 1926, by
30 special order, and without taking the steps prescribed by sections nine to thirteen of that Act.

Authorizing Takapuna Borough Council to raise a special loan for completion of improvements to waterworks.
1942, No. 17

(2) The Council may out of the proceeds of such loan refund to its District Fund Account all moneys advanced thereout, whether before or after the passing
35 of this Act, on account of the cost of carrying out and completing the said works.

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

12. (1) There may be paid to the Waitara Borough Council out of the Housing Account the sum of three hundred and ninety pounds in respect of the land
40 described in subsection three of this section, being land formerly vested in the Corporation of the Borough of Waitara and since acquired on behalf of the Crown for housing purposes.

Authorizing a payment by the Crown to the Waitara Borough Council.

(2) The said sum of three hundred and ninety pounds shall be applied by the Council in and towards the purchase or acquisition, and the expenses of and incidental to the purchase or acquisition, of other lands within the Borough of Waitara or elsewhere to be held in trust for recreation purposes. 5

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

All that parcel of land containing three acres one rood thirty-four perches and five-tenths of a perch, more or less, being Sections 4, 6, 8, 10, 11, 12, 13, 14, and 15, and parts of Sections 1, 2, 3, 5, 7, and 9, of Block 91 Town of Waitara West (the said Section 15 being formerly a portion of Strange Street duly closed), and being the whole of the land comprised in certificate of title, Volume 151, folio 193, Taranaki Registry. 10 15

Wellington City Council authorized to raise a special loan for extension of facilities at Wellington City Abattoir.

13. The Wellington City Council may, for the purpose of constructing and providing works and facilities necessary in the opinion of the Council for the efficient working and control of the Wellington City Abattoir, and particularly for the purpose of constructing and providing at the Abattoir extensions of slaughtering and hanging facilities, plant for the refrigeration of small goods, a motor-truck, a garage, and a shed, and for the purpose of refunding moneys expended since the thirty-first day of March, nineteen hundred and forty-two, or hereafter expended by the Council for the aforesaid purposes, borrow an amount or amounts not exceeding in the aggregate the sum of thirteen thousand pounds by way of special loan or special loans under the provisions of the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act. 20 25 30

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

Authorizing Auckland City Council to transfer certain land to Auckland University College Council.

14. The Auckland City Council is hereby empowered to transfer to the Auckland University College Council, to be held by that Council for the purposes of the College, all that piece of land containing eight acres and two roods, more or less, being Lot 1 on a plan lodged in the Land Registry Office at Auckland under Number 31373, and being portion of Allotments 17 and 18 of Section 9 of the Suburbs of Auckland. 35 40

15. Whereas the Paeroa Borough Council (in this section referred to as the Council) is registered as the proprietor of an estate in fee simple in all that piece of land, situated in the County of Ohinemuri, containing
 5 by admeasurement four acres three roods and thirty-six perches, more or less, being the block of land situated in the Ohinemuri Survey District called Te Tawatakuao No. 3A, and being all the land comprised and described in certificate of title, Volume 91, folio 272,
 10 Auckland Registry: And whereas it is necessary that proper arrangements should be made for the storage of hides and skins by butchers carrying on business in the Borough of Paeroa: And whereas the Council proposes to erect a building on the said land for the purpose of
 15 the storage of hides and skins: Be it therefore enacted as follows:—
- (1) The Council is hereby empowered to erect a building on the said land for the purpose of the storage of hides and skins.
- 20 (2) The Council may from time to time—
- (a) Let the said land and building to any butcher or butchers for the time being carrying on business in the Borough of Paeroa, or to any association of any such butchers as aforesaid,
 25 at such rent, for such term, and upon such conditions as the Council thinks fit; or
- (b) Grant to any such butcher or butchers as aforesaid, or to any such association as aforesaid, the right to use any part or parts of the
 30 said building or of the said land for the purpose of storing hides and skins, upon such conditions as the Council thinks fit.
16. Whereas the Kumara Borough Council (in this section referred to as the Council) has from time to
 35 time borrowed and owed moneys and incurred liabilities in excess of the limits prescribed by the Local Bodies' Finance Act, 1921-22 (in this section referred to as the said Act): And whereas the excess liabilities of the Council in terms of the said Act as at the thirty-first
 40 day of March, nineteen hundred and forty-four, amounted to the sum of four hundred and fourteen pounds four shillings and ninepence: And whereas the aforesaid excess borrowing and owing of moneys and

Authorizing
 Paeroa Borough
 Council to
 erect a
 building for
 the storage of
 hides and
 skins.

Provision with
 respect to
 overdraft and
 other liabilities
 of Kumara
 Borough
 Council.
 See Reprint
 of Statutes,
 Vol. V, p. 354

incurring of liabilities were due to exceptional conditions in the Borough of Kumara and it is desirable to make provision in manner hereinafter appearing: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the said Act or in any other Act, all moneys heretofore borrowed and owed by the Council, and all other liabilities heretofore incurred by the Council, in excess of the limits prescribed by the said Act shall for all purposes be deemed to have been at all times lawfully borrowed and owed and incurred by the Council. 5 10

(2) For the purpose of partially repaying the said excess liabilities, the Council shall borrow from its bankers by way of overdraft, in the manner prescribed by section three of the said Act, the sum of four hundred pounds. 15

(3) The Council shall repay the said sum of four hundred pounds by five equal payments out of the moneys credited to its General Account, one such payment to be made in each year during the period of five years that commenced on the first day of April, nineteen hundred and forty-four: 20

Provided that the Council may in any year repay out of the said General Account an amount greater than a one-fifth part. 25

(4) The said sum of four hundred pounds 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 the said Act. 30

17. (1) For the purpose of meeting a proportion of the cost of restoring roads in the Borough of Whangarei that have been damaged by military traffic, the Whangarei Borough Council (in this section referred to as the Council) is hereby authorized to borrow an amount not exceeding the sum of one thousand six hundred and fifty 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 40

Authorizing Whangarei Borough Council to raise a special loan for the repair of war damage to streets.

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

(2) Any moneys heretofore expended by the Council from its General Account for the purposes aforesaid are hereby declared to have been lawfully expended and may be repaid to that account out of the moneys to be
5 borrowed under the authority of this section.

18. Whereas by section twenty of the Local Legislation Act, 1935, the Eltham Borough Council (in this section referred to as the Council) was authorized to accept on behalf of the Corporation of the Borough of
10 Eltham (in this section referred to as the Corporation) a transfer of the land therein described, being that piece of land situated in the Borough of Eltham, containing twenty perches and forty-eight hundredths of a perch, more or less, being Lots 48, 49, and 50, and part
15 Lot 47, on Deposited Plan Number 2690, and being part of section 59 on the Public Map of the Eltham Village Settlement, and being the whole of the land comprised and described in certificate of title, Volume 138, folio 184, Taranaki Registry, subject to the trusts set out
20 in the said section twenty and in a certain deed of trust executed by the Council pursuant to that section: And whereas pursuant to the authority contained in the said section twenty the said land was transferred to the Corporation subject to the said trusts: And whereas
25 in exercise of the powers conferred upon it under the said trusts, and with the consent of the Eltham sub-branch of the Royal New Zealand Society for the Health of Women and Children, Incorporated, the Council sold part of the said land, namely an area containing one
30 perch and eighty-five hundredths of a perch, more or less, being part Lot 47 on Deposited Plan Number 2690, and being part of section 59 on the Public Map of Eltham Village Settlement, and being the whole of the land now comprised and described in certificate of
35 title, Volume 147, folio 270, Taranaki Registry, to the Taranaki Electric-power Board for the sum of twenty pounds: And whereas pursuant to the said consent and the said trusts the whole of the said sum of twenty pounds was retained by the Council: And whereas pursuant to the said trusts the Council is required to hold the said sum of twenty pounds in trust for the purpose of purchasing land to be held and used upon and subject to the said trusts: And whereas it has been agreed that

Authorizing
Eltham
Borough
Council to
donate certain
trust funds to
the Eltham
sub-branch of
the Royal New
Zealand Society
for the Health
of Women and
Children.

1935, No. 33

the Council shall not be required to use the said sum of twenty pounds for such purpose as aforesaid and that the Council shall dispose of that sum in the manner hereinafter set out: Be it therefore enacted as follows:—

Notwithstanding anything in section twenty of the Local Legislation Act, 1935, it shall be lawful for the Council to make a donation of the said sum of twenty pounds, either in one sum or in several sums, to the Eltham sub-branch of the said Society, to be spent by that sub-branch in and towards the maintenance or improvement of that part of the said land now remaining unsold, being the balance of the land now comprised and described in certificate of title, Volume 138, folio 184, Taranaki Registry, and in and towards the repair, maintenance, and improvement of the buildings and other improvements from time to time thereon.

Authorizing
Lyttelton
Borough
Council to
raise a special
loan for
extension of
water-supply.

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

19. (1) For the purpose of meeting a proportion of the cost of extending the water-supply system of the Borough of Lyttelton, the Lyttelton Borough Council (in this section referred to as the Council) is hereby authorized to borrow an amount not exceeding the sum of three thousand three hundred 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.

(2) The Council may out of the proceeds of such special loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, for the aforesaid purpose.

Authorizing
Pukekohe
Borough
Council to
raise a special
loan for
water-supply
purposes.

ibid.

20. (1) The Pukekohe Borough Council (in this section referred to as the Council) is hereby authorized to borrow an amount not exceeding the sum of five thousand 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, for the purpose of acquiring land and meeting the cost of construction of Kitchener Road Reservoir, and for all other works necessary for or incidental to the supply of water to the Internal Marketing Department's dehydration and vegetable processing factory.

(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 carrying out the works mentioned in subsection *one* of this section.

21. The payments by the Masterton Borough Council to the widow of the late James Young Douglas of the sum of one hundred and four pounds ten shillings and eightpence and to the widow of the late William Colman
10 Holes of the sum of forty-three pounds twelve shillings and one penny, by way of compassionate allowances, are hereby validated and declared to have been lawfully made.

Validating payment of compassionate allowances by Masterton Borough Council.

Town Boards

15 22. The Kaikohe Town Board is hereby authorized to borrow an amount not exceeding the sum of two thousand five hundred pounds, by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by
20 sections nine to thirteen of that Act, for the purpose of meeting a proportion of the cost of extending the water-supply system of the Kaikohe Town District.

Authorizing Kaikohe Town Board to raise a special loan of £2,500. See Reprint of Statutes, Vol. V, p. 360

Harbour Boards

23. The payments made by the Auckland Harbour
25 Board during the financial year ended on the thirtieth day of September, nineteen hundred and forty-four, of a sum of one hundred pounds to the Council of the Auckland Sailors' Home for the purpose of effecting improvements to the home, and of a sum of fifty pounds
30 as a compassionate allowance to Violet Alberta Wolfe, widow of a former employee of the Board, and of a sum of fifty pounds as a compassionate allowance to Emma Caroline East, widow of a former employee of the Board, are hereby validated and declared to have
35 been lawfully made.

Validating certain payments made by Auckland Harbour Board.

24. The Auckland Harbour Board is hereby empowered to expend out of its Harbour Fund the sum of one hundred pounds by way of donation to the Auckland Young Women's Christian Association
40 (Incorporated), and the sum of one hundred pounds by way of donation to the Auckland Young Men's Christian Association (Incorporated).

Authorizing Auckland Harbour Board to make donations to the Auckland Y.W.C.A. and the Auckland Y.M.C.A.

Authorizing
Wairoa
Harbour Board
to transfer
moneys from
its Special
Rates Trust
Account to
its General
Cash Account.

25. Whereas on the thirtieth day of September, nineteen hundred and forty-three, the Wairoa Harbour Board (in this section referred to as the Board) had in its Special Rates Trust Account an accumulated surplus amounting to the sum of nine thousand six hundred and thirty-eight pounds five shillings and sixpence, after making all payments due on or before that date in respect of loans raised and owing by the Board: And whereas at that date the General Cash Account of the Board was in debit to the extent of four thousand two hundred and thirty-six pounds sixteen shillings and ninepence, and the undertakings of the Board are such that the said debit cannot be made good out of the future revenues of the Board: And whereas since the thirtieth day of September, nineteen hundred and twenty-seven, the Board has paid out of its General Cash Account the following amounts: For office premises, the sum of one thousand six hundred and fifty pounds; for wharf " B " shed, the sum of one thousand five hundred and twenty-three pounds; for river-protection works, the sum of one thousand eight hundred and twenty-eight pounds; for earthquake repairs, the sum of two hundred and fifty-eight pounds; the said payments amounting in the aggregate to the sum of five thousand two hundred and fifty-nine pounds: And whereas it is desired that the said sum of five thousand two hundred and fifty-nine pounds be transferred from the Special Rates Trust Account to the General Cash Account: Be it therefore enacted as follows:—

The Board may transfer from its Special Rates Trust Account to its General Cash Account the sum of five thousand two hundred and fifty-nine pounds by way of refund to the General Cash Account of the moneys paid thereout for the special purposes hereinbefore mentioned.

Electric-power Boards

Validating the
borrowing of
portion of loan-
moneys by
Waitaki
Electric-power
Board.
See Reprint
of Statutes,
Vol. V, p. 415

26. Whereas by Order in Council made under the Local Government Loans Board Act, 1926, and dated the twenty-second day of December, nineteen hundred and forty-one, consent was given to the raising by the Waitaki Electric-power Board (in this section referred to as the Board) of a loan of twenty thousand pounds, to be known as the Extension Loan, 1941 (in this

section referred to as the said loan), subject to the determinations as to borrowing and repayment set forth in the Order in Council, one of those determinations being that no moneys should be borrowed under
 5 such consent as aforesaid after the expiration of two years from the date of the Order in Council: And whereas the said period of two years expired on the twenty-second day of December, nineteen hundred and forty-three: And whereas on the twenty-eighth day of
 10 January, nineteen hundred and forty-four, the Board borrowed, as part of the said loan, the sum of one thousand pounds: And whereas it is desirable that the raising of that part of the said loan and the borrowing of the said sum of one thousand pounds should be
 15 validated: Be it therefore enacted as follows:—

The action of the Board in borrowing as aforesaid the sum of one thousand pounds as part of the said loan after the expiration of the period specified in the said Order in Council is hereby validated, and that sum
 20 shall be deemed to have been lawfully borrowed.

River and Drainage Boards

27. Whereas by a poll of ratepayers taken on the ninth day of September, nineteen hundred and thirty-nine, the Ellesmere Lands Drainage Board (in this
 25 section referred to as the Board) was authorized to raise a loan of fifteen thousand pounds, to be known as the Permanent Outlet of Lake Ellesmere Loan, 1938, for the purpose of providing the Board's contribution to works to be undertaken by the Government under
 30 section thirty of the Finance Act (No. 2), 1936, for the drainage and control of Lake Ellesmere in the Canterbury Land District, and for the protection of lands adjacent to the lake, including the construction of a permanent outlet from the lake to the sea: And
 35 whereas owing to difficulties arising out of the present war the construction of the said permanent outlet has not been proceeded with: And whereas under section sixteen of the Local Bodies' Loans Act, 1926, the authority to raise the said loan lapsed on the ninth day of
 40 September, nineteen hundred and forty-four: And

Authorizing extension of time for the raising of the Permanent Outlet of Lake Ellesmere Loan, 1938, by Ellesmere Lands Drainage Board.

1936, No. 36

See Reprint of Statutes, Vol. V, p. 368

whereas it is desirable that the authority to raise the said loan be revived and extended for a further period of five years: Be it therefore enacted as follows:—

The authority to raise the said loan granted to the Board by the ratepayers at the poll held on the ninth day of September, nineteen hundred and thirty-nine, is hereby revived and extended for a term of five years from the ninth day of September, nineteen hundred and forty-four. 5

Authorizing
Auckland and
Suburban
Drainage Board
to raise a
special loan of
£2,000 for the
purpose of
completing
certain works.

28. Whereas the Auckland and Suburban Drainage Board (in this section referred to as the Board), pursuant to authority duly given in that behalf, raised a special loan known as Loan Number 19, for the sum of twenty thousand pounds, for the purpose of extending its Branch Sewer Number 9 and carrying out other works: And whereas the Board has carried out and completed all such works as aforesaid, but owing to increases in the cost of labour and materials the amount of the special loan so raised has been insufficient to meet the cost of completing the said works and the Board has incurred in respect thereof an additional expenditure amounting to the sum of two thousand pounds: Be it therefore enacted as follows:— 10 15 20

(1) The Board may, for the purpose of meeting the cost of completing the said works, by special order, raise a special loan not exceeding the sum of two thousand pounds. 25

(2) The Board may out of the proceeds of such loan refund to its General Account all moneys heretofore advanced thereout on account of the cost of the said works. 30

Hospital Boards

Validating
diversion of
loan-moneys
by Waipawa
Hospital
Board.

29. The expenditure by the Waipawa Hospital Board (in this section referred to as the Board), out of loan-moneys raised by the Board with the sanction of the Local Government Loans Board for the erection of additions to the Board's hospital and the provision of equipment therefor, of sums of money amounting in the aggregate to seven hundred and sixty-eight pounds thirteen shillings and fourpence for the construction of additions to the Board's Outpatients' Department and 35 40

the purchase and installation of equipment therein is hereby validated and declared to have been lawfully made out of such loan-moneys as aforesaid, notwithstanding that the additions to, and equipment for, the

5 Outpatients' Department were not included in the particulars submitted to the Local Government Loans Board upon the application for its sanction.

30. Whereas the Otago Hospital Board (in this section referred to as the Board), in anticipation of the
- 10 consent of the Governor-General in Council being given to the raising of the Hospital (No. 1) Loan, 1943, amounting to the sum of one hundred and eighty-three thousand pounds (in this section referred to as the loan), expended out of its Capital Account moneys
- 15 amounting in the aggregate to the sum of fifteen thousand eight hundred and eighty-eight pounds seventeen shillings in and towards the erection of a physiotherapy block as an addition to the hospital in the City of Dunedin: And whereas the loan has since been
- 20 raised pursuant to authority granted in that behalf and the Board is desirous of recouping its Capital Account out of the proceeds of the loan: And whereas it is expedient to authorize the Board to recoup its Capital Account in respect of the expenditure already made:
- 25 Be it therefore enacted as follows:—
- Notwithstanding anything to the contrary in any Act or rule of law, the Board is hereby authorized and empowered to refund to its Capital Account, out of the proceeds of the loan, the said sum of fifteen thousand
- 30 eight hundred and eighty-eight pounds seventeen shillings.

Authorizing Otago Hospital Board to recoup its Capital Account out of loan-moneys in respect of moneys advanced for building purposes.

Affecting Two or More Classes of Public Bodies

31. The remission by the Wellington City Council of the sum of four thousand eight hundred and forty-
- 35 seven pounds seven shillings and elevenpence, being rates and penalties for the period that commenced on the first day of April, nineteen hundred and thirty-five, and ended on the thirty-first day of March, nineteen hundred and forty-three, due and payable to the Council
- 40 by the Wellington Harbour Board in respect of land owned by the Board and situated at Evans Bay in the City of Wellington, is hereby validated and declared to have been lawfully made.

Validating remission of rates by Wellington City Council.

Provision with
respect to
transfer of
doctor's
residence to
Hikurangi
Town Board
by Whangarei
Hospital Board.

32. Whereas the Whangarei Hospital Board (in this section referred to as the Hospital Board) is registered as the proprietor of an estate in fee simple in that parcel of land containing two roods thirty-two perches and six-tenths of a perch, more or less, situated in the Hikurangi Town District, being Lot 2 on a plan deposited in the Land Registry Office at Auckland under Number 14232, and being part of Allotment 5 of the Parish of Hikurangi, and being the whole of the land comprised and described in certificate of title, Volume 323, folio 199, Auckland Registry, together with a right of way over Lot 1 on the said deposited plan reserved by and more particularly described in Transfer Number 138158 (the said land and right of way together being referred to in this section as the said land): And whereas the said land was purchased by the Hospital Board, out of moneys subscribed by the inhabitants of the Hikurangi Town District together with a Government subsidy thereon, for the purposes of a residence for a Medical Officer for the said Town District, such Medical Officer being then in the employ of the Hospital Board: And whereas the Hospital Board no longer employs such a Medical Officer and is not now concerned with the provision of medical services in the said Town District: And whereas the Hikurangi Town Board (in this section referred to as the Town Board) is desirous of acquiring the said land for the purposes of a residence for a medical practitioner for the benefit of the inhabitants of the said Town District, and the Hospital Board has agreed to transfer the said land to the Town Board for the purposes aforesaid: Be it therefore enacted as follows:—

(1) The Hospital Board is hereby empowered to execute a transfer to the Town Board of its estate and interest in the said land, and the Town Board is hereby empowered to accept the said land which shall be held by the Town Board in trust for the purposes of a residence for a medical practitioner practising in the Hikurangi Town District and surrounding districts.

(2) Upon the execution by the Hospital Board of the said transfer and its delivery to the Town Board, the Town Board shall refund to the Hospital Board the

sum of two hundred and eighty-three pounds five shillings and tenpence, being the amount of the moneys expended by the Hospital Board on repairs and renovations to the dwelling-house and buildings situated on the said land.

(3) The Town Board may from time to time let the said land and the dwellinghouse and other buildings thereon to any medical practitioner for the time being practising in the Hikurangi Town District and surrounding districts, for such term, at such rent, and upon such conditions as it thinks fit.

(4) Notwithstanding anything in subsection one of this section, if at any time the said land is no longer required for the purposes of a residence for a medical practitioner as aforesaid the Town Board shall, if the Minister of Health so directs, transfer the said land to the Hospital Board upon such terms and conditions as the Minister directs, and shall take all such steps as are necessary to give effect to any such direction.

(5) Nothing in the Servicemen's Settlement and Land Sales Act, 1943, shall apply with respect to the transfer of the said land pursuant to this section.

33. Whereas by section four of the Local Legislation Act, 1940, the Southland County Council (in this section referred to as the Council) was authorized and empowered to advance to the Drainage Board of the Waimumu Stream Drainage District (in this section referred to as the Drainage Board) a sum not exceeding six hundred pounds for the purpose of carrying out the works of straightening, widening, and deepening the Waimumu Stream in the Waimumu Stream Drainage District (in this section referred to as the Drainage District), and the Drainage Board was authorized and empowered to make and levy in each of the financial years within the period which commenced on the first day of April, nineteen hundred and forty, and ended on the thirty-first day of March, nineteen hundred and forty-three, a separate rate calculated to produce one-third of the amount so advanced: And whereas the sum of six hundred pounds authorized to be so advanced was insufficient for the above-mentioned purpose by reason of further moneys being required for additional

1943, No. 16

Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District.

1940, No. 16

excavation work, compensation, bridges, protective works, and fencing in relation to the said works: And whereas the Council, without having authority at law, has advanced amounts in excess of the amount authorized by the said section four, and there is now owing 5
to the Council, on account of such advances, the sum of five hundred pounds: And whereas the Drainage Board, for the purpose of refunding to the Council amounts advanced in excess of the amount authorized as aforesaid, made and levied in the financial year ended on the 10
thirty-first day of March, nineteen hundred and forty-four, a separate rate upon rateable properties in the Drainage District of the same amount and in the same proportions as in the three financial years immediately preceding that year: And whereas doubts have arisen 15
as to the validity of the last-mentioned rate and it is desirable that such doubts be removed: And whereas the Drainage Board has in hand the sum of fifty pounds five shillings and elevenpence but it is estimated that a further sum of four hundred and fifty pounds 20
is required for the purpose of completing the work and for paying compensation in respect thereof: And whereas it is desirable that the Council should be empowered to provide that further sum by way of an advance to the Drainage Board and that the Drainage 25
Board should be empowered to make and levy rates on rateable properties in the Drainage District for the purpose of refunding to the Council the sum of five hundred pounds advanced as aforesaid, together with the said further sum of four hundred and fifty pounds 30
after the same shall have been advanced: Be it therefore enacted as follows:—

(1) The Council is hereby authorized and empowered to advance free of interest from its County Fund to the Drainage Board an amount not exceeding 35
the sum of four hundred and fifty pounds (in addition to the sum mentioned in subsection one of section four of the Local Legislation Act, 1940, and all other sums already so advanced) by paying such sum into the separate bank account kept by the Drainage Board with 40
the Bank of New Zealand at Invercargill and known as The Waimumu Stream Drainage Board Account.

(2) Upon payment by the Council of any sum of money as provided in the *last preceding* subsection, the Council may charge that sum to the separate account of the riding within which such part of the lands in
5 the Drainage District as are within the County of Southland are situated.

(3) The amounts already paid by the Council by way of advances to the Drainage Board, in so far as those amounts in the aggregate exceed the amount
10 authorized to be so advanced by section four of the Local Legislation Act, 1940, are hereby validated and declared to have been lawfully so paid and shall for all purposes be deemed to have been paid under the authority of this section.

(4) The Drainage Board may, in respect of each of the financial years within the period commenced on the first day of April, nineteen hundred and forty-four, and ending on the thirty-first day of March, nineteen hundred and forty-eight, make and levy on all rateable
20 property in the Drainage District, in manner prescribed by the Land Drainage Act, 1908, and the Rating Act, 1925, a separate rate calculated to produce one-fourth of the total of the amounts advanced and intended to be advanced by the Council under the authority of this
25 section.

See Reprint
of Statutes,
Vol. IV, p. 466;
Ibid, Vol. VII,
p. 977

(5) The separate rates mentioned in the *last preceding* subsection may be made and levied in addition to any general rates levied by the Drainage Board during the financial years mentioned in that
30 subsection.

(6) The Drainage Board shall, out of the proceeds of such separate rates, as and when they are received, and out of any other moneys in the Waimumu Stream Drainage Board Account, repay to the Council such
35 amounts as shall from time to time be available for the purpose of repaying the amount paid into the Waimumu Stream Drainage Board Account under the authority of this section until the whole of that amount shall have been repaid.

(7) The separate rate made and levied during the financial year which ended on the thirty-first day of March, nineteen hundred and forty-four, on lands in the Drainage District, is hereby declared to have been
40 lawfully made and levied.

(8) All moneys which shall hereafter be advanced by the Council under the authority of this section shall be expended on works of straightening, widening, and deepening the Waimumu Stream within the Drainage District, and in payment of compensation, and in the erection of protective works or fences in relation to the said works, and on other matters or things reasonably incidental to the said works, and any moneys heretofore advanced by the Council under the authority of section four of the Local Legislation Act, 1940, or of this section, and already expended on any of such works, matters, or things shall be deemed to have been lawfully expended. 5 10

Validating supplementary agreement entered into between Manukau County Council and Howick Town Board relating to water-supply. 1930, No. 39

34. Whereas by section sixty-four of the Local Legislation Act, 1930, the Manukau County Council (in this section referred to as the Council) and the Howick Town Board (in this section referred to as the Board) were deemed to have been at all times authorized and empowered to enter into an agreement dated the eighteenth day of March, nineteen hundred and thirty, for the grant by the Council to the Board of certain rights to take water from lands vested in the Council for a public water-supply, and for the supply of water by the Board to the Council: And whereas by a further agreement made between the Council and the Board (in this section referred to as the supplementary agreement) and dated the twenty-first day of March, nineteen hundred and forty-four, of which a copy is recorded in the Department of Internal Affairs at Wellington as No. I.A. 103/35/29, the terms and conditions of the original agreement were varied and extended: And whereas it is expedient that the supplementary agreement should be validated: Be it therefore enacted as follows:— 15 20 25 30

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

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, or in any other Act, the Council and the Board are hereby and shall be deemed to have been at all times authorized and empowered to enter into the supplementary agreement and to grant, accept, and undertake the rights, privileges, and obligations therein mentioned. 35 40

(2) The Council and the Board are hereby authorized and empowered, and shall be deemed as from the date of the supplementary agreement to have been at all times authorized and empowered, to enter into
 5 and execute all such further leases, licenses, contracts, and agreements as they may deem necessary or expedient to give full effect to the objects and purport of the supplementary agreement and to confirm to the Board the benefit and uninterrupted use and enjoyment of
 10 the rights and privileges therein mentioned.

35. Whereas the Port Chalmers Mechanics' Institute (in this section referred to as the Institute) was incorporated by the Port Chalmers Mechanics' Institute Incorporation and Reserves Act, 1877, for the purposes
 15 set out in the rules of the Institute, which purposes include the conduct and maintenance of a library and reading-room in the Borough of Port Chalmers: And whereas by virtue of the said Act certain lands, being Sections 393, 394, and 395, and part of Section 396, on
 20 the Record Map of the Town of Port Chalmers, and being the whole of the land comprised and described in certificate of title, Volume 233, folio 19, Otago Registry, and certain personal property, are vested in the Institute for the purposes of the Institute upon the trusts
 25 set out in the said Act: And whereas by virtue of the Port Chalmers Mechanics' Institute Reserves Vesting Act, 1898, all that piece of land, being Section 405 on the Record Map of the said town, is vested in the Institute upon like trusts: And whereas the principal activity of
 30 the Institute since its incorporation has been the conduct and maintenance of a library and reading-room: And whereas by reason of altered circumstances it now appears to the Institute that the library and reading-room would be more advantageously and effectively
 35 conducted as a public library by the Port Chalmers Borough Council on behalf of the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Port Chalmers (in this section referred to as the Corporation) and the Institute has requested the Council to
 40 take over the conduct and control thereof, which the

Provision with respect to dissolution of Port Chalmers Mechanics' Institute and vesting of property in the Corporation of the Borough of Port Chalmers.

1877 (Local),
No. 6

1898 (Local),
No. 5

Council has agreed to do upon the condition that the whole of the property of the Institute shall be vested in the Corporation: Be it therefore enacted as follows:—

(1) The lands of the Institute hereinbefore described, being Sections 393, 394, 395, and 405, and part of Section 396, of the said Town of Port Chalmers, are hereby vested in the Corporation for an estate in fee simple, subject to all existing leases and tenancies affecting the said lands, and shall be held by the Corporation as public reserves for the purposes of a public library in the Borough of Port Chalmers. 5 10

(2) All the personal property of whatsoever nature, including all choses in action and the benefit of all contracts and agreements and all rights and powers exercisable thereunder or pertaining thereto, belonging to the Institute are hereby vested in the Corporation free from all trusts and reservations heretofore affecting the same, and all debts and other liabilities lawfully incurred by the Institute and existing on the passing of this Act shall hereafter be debts and liabilities of the Corporation, and the said Council is hereby authorized and empowered to meet the said debts and liabilities out of its ordinary revenues. 15 20

(3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to make such entries in the Register and to issue, on the application of the Corporation, such certificates of title as are necessary to give effect to the provisions of this section. 25

(4) The Institute is hereby dissolved. 30

Repeals.
1877 (Local),
No. 6
1898 (Local),
No. 5

(5) The Port Chalmers Mechanics' Institute Incorporation and Reserves Act, 1877, and the Port Chalmers Mechanics' Institute Reserves Vesting Act, 1898, are hereby repealed. 30

Miscellaneous

Abolishing
Maru Rabbit-
proof Fencing
District.

See Reprint
of Statutes,
Vol. I, p. 252

36. Whereas by Warrant dated the twenty-second day of December, nineteen hundred and twenty-one, and published in the *Gazette* of that date at page 3008, the Governor-General constituted the Maru Rabbit-proof Fencing District under Part IV of the Rabbit Nuisance Act, 1908: And whereas, by virtue of section twenty-nine of the Rabbit Nuisance Act, 1928, the said district enures for the purposes of Part II of the last-mentioned 40

Act, and is deemed to have been constituted thereunder: And whereas all liabilities and assets of the Board of Trustees established for the said district have been duly discharged and disposed of: And whereas it is deemed desirable to abolish the said district: Be it therefore enacted as follows:—

The Maru Rabbit-proof Fencing District is hereby abolished and the Board of Trustees thereof is hereby dissolved.

- 10 **37.** Whereas by Warrant dated the twenty-second day of April, nineteen hundred and twenty-six, and published in the *Gazette* of the sixth day of May, nineteen hundred and twenty-six, the Governor-General constituted the Mangare Rabbit-proof Fencing District
- 15 under Part IV of the Rabbit Nuisance Act, 1908: And whereas, by virtue of section twenty-nine of the Rabbit Nuisance Act, 1928, the said district enures for the purposes of Part II of the last-mentioned Act, and is deemed to have been constituted thereunder: And
- 20 whereas the Board of Trustees established for the said district has no assets, and its liabilities have been duly discharged or otherwise disposed of: And whereas it is deemed desirable to abolish the said district: Be it therefore enacted as follows:—
- 25 The Mangare Rabbit-proof Fencing District is hereby abolished and the Board of Trustees thereof is hereby dissolved.

Abolishing
Mangare
Rabbit-proof
Fencing
District.

See Reprint
of Statutes,
Vol. I, p. 252