

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

House of Representatives,

24th November, 1944.

Hon. Mr. Parry

LOCAL LEGISLATION

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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 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.

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

9. (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).

(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 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, 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.

(3) The principal moneys (exclusive of the moneys payable by way of premiums as aforesaid) secured by any replacement mortgage guaranteed by the Council

1939, No. 25

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
5 the amount of the principal moneys secured by the original mortgage at the time of its repayment.

(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,
10 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:

15 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.

20 (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.

25 **10.** 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 three hundred pounds, by way of special loan known as the Takapuna Borough Waterworks Improvement
30 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 mains and pipes thereof, and cleaning and lining the existing mains and pipes thereof, and acquiring,
35 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 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
40 said works, and for this purpose the Council has

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

expended moneys from its District Fund Account: And 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:— 5

(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 special order, and without taking the steps prescribed by sections nine to thirteen of that Act. 10

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

(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 of this Act, on account of the cost of carrying out and completing the said works. 15

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

11. (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 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. 20

(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. 25

(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. 35 40

- 12.** 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
- 5** 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
- 10** 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
- 15** 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.
- 13.** The Auckland City Council is hereby empowered
- 20** 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
- 25** Number 31373, and being portion of Allotments 17 and 18 of Section 9 of the Suburbs of Auckland.
- 14.** 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
- 30** of land, situated in the County of Ohinemuri, containing 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
- 35** described in certificate of title, Volume 91, folio 272, 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

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

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

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

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

to erect a building on the said land for the purpose of 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. 5

(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, at such rent, for such term, and upon such conditions as the Council thinks fit; or 10

(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 said building or of the said land for the purpose of storing hides and skins, upon such conditions as the Council thinks fit. 15

Provision with respect to overdraft and other liabilities of Kumara Borough Council.

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

15. Whereas the Kumara Borough 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 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 four hundred and fourteen pounds four shillings and ninepence: And whereas the aforesaid excess borrowing and owing of moneys and 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:— 20 30

(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. 35 40

(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.

(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:

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

(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.

20 **16.** (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.

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

30 (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 borrowed under the authority of this section.

35 **17.** 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 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

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

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 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 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 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 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 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.

- 5 **18.** (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
15 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.

Authorizing Lyttelton Borough Council to raise a special loan for extension of water-supply. See Reprint of Statutes, Vol. V, p. 360

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

- 20 **19.** (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
25 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.

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

Ibid.

- 30 (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.

- 35 **20.** 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 Holes of the sum of forty-three pounds twelve shillings
40 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

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

21. 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 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. 5

Harbour Boards

Validating
certain
payments
made by
Auckland
Harbour
Board.

22. The payments made by the Auckland Harbour 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 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 been lawfully made. 15 20

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

23. 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 (Incorporated), and the sum of one hundred pounds by way of donation to the Auckland Young Men's Christian Association (Incorporated). 25

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

24. 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 30 35 40

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

25. 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 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 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

Validating the borrowing of portion of loan-moneys by Waitaki Electric-power Board.

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

raising of that part of the said loan and the borrowing of the said sum of one thousand pounds should be 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 shall be deemed to have been lawfully borrowed. 5

River and Drainage Boards

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

26. 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 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 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 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 September, nineteen hundred and forty-four: And 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:— 10 15 20 25 30

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. 35

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

27. 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 40

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
 5 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 (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.

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

Hospital Boards

20 **28.** 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
 25 aggregate to seven hundred and sixty-eight pounds thirteen shillings and fourpence for the construction of additions to the Board's Outpatients' Department and the purchase and installation of equipment therein is hereby validated and declared to have been lawfully
 30 made out of such loan-moneys as aforesaid, notwithstanding that the additions to, and equipment for, the Outpatients' Department were not included in the particulars submitted to the Local Government Loans Board upon the application for its sanction.

35 **29.** Whereas the Otago Hospital Board (in this section referred to as the Board), in anticipation of the 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
 40 thousand pounds (in this section referred to as the loan), expended out of its Capital Account moneys amounting in the aggregate to the sum of fifteen

Validating
diversion of
loan-moneys
by Waipawa
Hospital
Board.

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

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 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: 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 eight hundred and eighty-eight pounds seventeen shillings.

Validating
remission of
rates by
Wellington
City Council.

Affecting Two or More Classes of Public Bodies

30. The remission by the Wellington City Council of the sum of four thousand eight hundred and forty-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 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.

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

31. 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 Govern-
5 ment 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 con-
10 cerned 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
15 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
20 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
25 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
30 shillings and tenpence, being the amount of the moneys
expended by the Hospital Board on repairs and reno-
vations to the dwelling-house and buildings situated on
the said land.

(3) The Town Board may from time to time let the
35 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.

40 (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

1943, No. 16

(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.

Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District. 1940, No. 16

32. 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 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 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 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 10 15 20 25 30 35 40

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
5 that a further sum of four hundred and fifty pounds 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
10 empowered to provide that further sum by way of an advance to the Drainage Board and that the Drainage 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
15 the said further sum of four hundred and fifty pounds 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
20 Fund to the Drainage Board an amount not exceeding 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
25 separate bank account kept by the Drainage Board with 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
30 Council may charge that sum to the separate account of the riding within which such part of the lands in the Drainage District as are within the County of Southland are situated.

(3) The amounts already paid by the Council by
35 way of advances to the Drainage Board, in so far as those amounts in the aggregate exceed the amount 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
40 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 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 section. 5 10

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 subsection. 15

(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 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. 20 25

(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 lawfully made and levied. 30

(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 35 40

of this section, and already expended on any of such works, matters, or things shall be deemed to have been lawfully expended.

5 **33.** 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
10 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
15 agreement made between the Council and the Board
(in this section referred to as the supplementary agree-
ment) 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
20 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 agree-
ment should be validated: Be it therefore enacted as
follows:—

25 (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 supple-
30 mentary agreement and to grant, accept, and undertake
the rights, privileges, and obligations therein mentioned.

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

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

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

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

34. 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 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 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 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 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 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 take over the conduct and control thereof, which the 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.

(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
5 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
10 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.

(3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and
15 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.

(4) The Institute is hereby dissolved.

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

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

Miscellaneous

25 **35.** 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
30 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 whereas all liabilities and assets of the Board of
35 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:—

Abolishing
Maru Rabbit-
proof Fencing
District.

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

40 The Maru 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

36. 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 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 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:—

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