

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,
29th November, 1948*

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, 1948.

County Councils

2. Notwithstanding anything to the contrary in any Act, while a Matakaoa County Commissioner is in office pursuant to section ten of the Local Legislation Act, 1932-33, the following provisions shall apply:—

Authorizing Matakaoa County Commissioner to transfer moneys from General Account to meet deficiencies in Hicks Bay Harbour Fund Account. 1932, No. 47

(a) If at any time the balance in the Hicks Bay Harbour Fund Account is insufficient to meet the lawful charges thereon, the Commissioner may transfer to that account from the General Account of the County of Matakaoa such sums as he may deem necessary to meet the deficiency:

(b) The accounts relating to the Hicks Bay Harbour shall be balanced at the thirty-first day of March in every year.

3. 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 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-eight, amounted to seventeen thousand nine hundred and thirty-seven pounds two shillings and threepence: And 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 it therefore enacted as follows:—

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

(1) Notwithstanding anything to the contrary in the said Act or 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.

(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 sixteen thousand pounds.

(3) The Council shall repay the said sum of sixteen thousand pounds by eight 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 eight years commencing on the first day of April, nineteen hundred and forty-nine: 5

Provided that the Council may in any year repay out of the said General Account an amount greater than an eighth part.

(4) The said sum of sixteen 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. 10

(5) The said sum of sixteen 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. 15
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Validating
hospital rates
made and
levied by
Inangahua
County Council.
See Reprint
of Statutes,
Vol. VII,
p. 1015

4. Whereas the system of rating on the unimproved value was in force in the Inangahua County on the commencement of the Rating Amendment Act, 1911, and that system has continued in force without a poll being carried in accordance with the provisions of subsection two of section ninety-five of the Rating Act, 1925: And whereas hospital rates made and levied by the Inangahua County Council for the year ended on the thirty-first day of March, nineteen hundred and forty-eight, were made and levied, in contravention of subsection three of section ninety-five of the Rating Act, 1925, on the unimproved value and not on the capital value: And whereas it is desired to validate the said hospital rates made and levied as aforesaid: Be it therefore enacted as follows:— 25
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All hospital rates made and levied by the Inangahua County Council in respect of the year ended on the thirty-first day of March, nineteen hundred and forty-eight, on the unimproved value are hereby validated and declared to have been lawfully made and levied. 35

5. Whereas by Order in Council made on the sixteenth day of September, nineteen hundred and thirty-six, all the powers in respect of drainage and sanitation exercisable by a Borough Council under section ninety-one and Part XIX of the Municipal Corporations Act, 1933, were conferred on the Hutt County Council (in this section referred to as the Council): And whereas pursuant to the powers and authorities so conferred on the Council the Council raised a special loan known as Point Howard Advances to Owners Private Connections Loan, 1938, of the sum of two thousand pounds for the purpose of making advances to owners of premises situated in the Number 39 Point Howard Special Rating District as defined in the *Gazette* of the first day of August, nineteen hundred and forty: And whereas, pursuant to the same powers and authorities, the council raised a special loan known as York Bay Advances to Owners Private Connections Loan, 1939, of the sum of one thousand pounds for the purpose of making advances to owners of premises situated in the Number 41 York Bay Special Rating District, as defined in the *Gazette* of the first day of August, nineteen hundred and forty: And whereas the moneys so raised under the aforesaid loans are unlikely to be required for the purposes for which the loans were authorized: And whereas the debentures issued in respect of the said loans have been redeemed: And whereas the Council raised a loan of the sum of four thousand five hundred pounds known as the Point Howard Water and Sewerage Loan, 1938, for the purpose of providing water and sewerage for properties within the said Point Howard Special Rating District: And whereas the said sum of four thousand five hundred pounds, comprising the Point Howard Water and Sewerage Loan, 1938, is insufficient to meet the cost of the works for which that loan was raised: And whereas the Council is desirous of utilizing the moneys in the Point Howard Advances to Owners Private Connections Loan, 1938, and the York Bay Advances to Owners Private Connections Loan, 1939, for the purposes for which the

Authorizing
diversion of
certain loan-
moneys by
Hutt County
Council.
1933, No. 30

Point Howard Water and Sewerage Loan, 1938, was authorized to be raised: Be it therefore enacted as follows:—

(1) The Council is hereby authorized to divert and utilize the loan-moneys in the Point Howard Advances to owners Private Connections Loan, 1938, and the York Bay Advances to Owners Private Connections Loan, 1939, to and for all or any of the purposes for which the Point Howard Water and Sewerage Loan, 1938, was authorized to be raised.

(2) Nothing in this section shall be deemed to prevent the Council from making advances to owners of premises situated in the said Special Rating Districts pursuant to the powers conferred by section two hundred and thirty-four of the Municipal Corporations Act, 1933:

Provided that any such advances shall be made by the Council out of its general revenue account.

Authorizing
Waikouaiti
County Council
to raise a
special loan
for housing
purposes.

6. Whereas the Waikouaiti County Council (in this section referred to as the Council) on the fifth day of March, nineteen hundred and forty-eight, agreed to purchase all that parcel of land situated in the Township of Hawksbury, containing by admeasurement one rood, more or less, being Allotment 4, Block VII, on the plan of the said Township, deposited in the Deeds Registration Office at Dunedin as Number 51, and being the whole of the land comprised and described in certificate of title, Volume 241, folio 1, Otago Registry: And whereas the Council purchased the said land and the buildings erected thereon for the purpose of providing a dwelling for an employee of the Council: And whereas the purchase-price payable by the Council for the said land and buildings amounted to the sum of one thousand two hundred and fifty pounds, which amount was borrowed from the Bank of New Zealand: And whereas the Council is now desirous of repaying the said sum of one thousand two hundred and fifty pounds advanced to it by the Bank of New Zealand, and for that purpose desires to raise a loan of the sum of one thousand two hundred and fifty pounds: Be it therefore enacted as follows:—

The Council is hereby authorized to raise a special loan of the sum of one thousand two hundred and fifty pounds, to be known as the Housing Loan, 1948, by special order and without taking the steps prescribed by sections

nine to thirteen of the Local Bodies' Loans Act, 1926, for the purpose of enabling the Council to repay the said sum of one thousand two hundred and fifty pounds advanced to the Council for the purpose of meeting the
 5 cost of the purchase of the said land and buildings erected thereon.

See Reprint
of Statutes,
Vol. V, p. 365

7. Whereas the Rodney County Council (in this section referred to as the Council), in anticipation of the sanction of the Local Government Loans Board
 10 being given to the raising of a housing loan, has expended out of its County Fund Account the sum of one thousand nine hundred and ninety-three pounds in the purchase of houses for the Council's employees:
 15 And whereas the Local Government Loans Board has no authority to sanction an application by the Council for authority to raise a loan for the purpose of enabling the Council to refund to its County Fund Account the moneys so expended in the purchase of the said houses:
 20 And whereas it is desirable to authorize the Council to raise a loan for that purpose: Be it therefore enacted as follows:—

Authorizing
Rodney County
Council to
raise a loan
for housing
purposes.

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act, 1926, by special order and without taking
 25 the steps prescribed by sections nine to thirteen of that Act, an amount not exceeding the sum of one thousand nine hundred and ninety-three pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the
 30 purchase of the said houses.

Ibid., p. 360

City and Borough Councils

8. Whereas by Order in Council made on the twenty-ninth day of May, nineteen hundred and forty-one, consent was given to the raising by the Kaitaia
 35 Town Board of a loan of one thousand two hundred and thirty-six pounds, to be known as Water-supply Supplementary Loan 1941 (in this section referred to as the loan) on condition that none of the loan-moneys should be raised after two years from the date of the
 40 said Order in Council: And whereas by Order in Council made on the twenty-sixth day of May, nineteen hundred and forty-three, the time within which the

Validating
raising of loan
by Kaitaia
Borough
Council.

loan was authorized to be raised was extended for a further period of two years: And whereas the Kaitaia Borough Council (in this section referred to as the Council) as successor to the Kaitaia Town Board issued twenty debentures each for the sum of seventy-two pounds eight shillings and nine pence in order to provide for the repayment of the loan and interest thereon: And whereas the loan was raised by the Council and the moneys received therefrom at a date subsequent to the date authorized by the said Orders in Council: And whereas it is expedient that the action of the Council in raising the loan and issuing the debentures in respect thereof should be validated: Be it therefore enacted as follows:—

The action of the Council in raising the loan after the expiration of the periods specified by the said Orders in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council, and the said debentures shall have full force and effect according to their tenor.

Validating an *ex gratia* payment made by Dunedin City Council in respect of certain contracts.

9. Whereas the Dunedin City Council (in this section referred to as the Council) during the financial year ended on the thirty-first day of March, nineteen hundred and forty-seven, paid to Wilkins and Davies Construction Company, Limited, a company engaged in the work of raising the Mahinerangi Dam and the erection of a road bridge at Waipori known as the Edgar E. Stark Bridge, sums amounting in all to three thousand one hundred and fourteen pounds eighteen shillings and one penny in excess of the amounts which were properly payable under the contracts for the said works: And whereas the said excess payments covered only increased costs incurred by the said company in respect of annual holiday-pay, wages, cartage, and materials, and were made in good faith for the sake of ensuring the completion of the said works and upon the certificate of the Corporation's Consulting Engineer and in the belief that the items

covered by such payments were in fact extras within the meaning of the said contracts: And whereas it is desirable to validate the expenditure of the said moneys: Be it therefore enacted as follows:—

5 The payment made by the Council to Wilkins and Davies Construction Company, Limited, of moneys amounting in all to the sum of three thousand one hundred and fourteen pounds eighteen shillings and one penny in excess of the amounts properly payable under
10 the said contracts is hereby validated and declared to have been lawfully made.

10. Whereas the Waipawa Borough Council (in this section referred to as the Council) has for the year ending on the thirty-first day of December, nineteen
15 hundred and forty-eight, and for all the preceding years since its constitution levied an annual water-charge of a fixed sum payable by the owner or occupier of each building in the Borough of Waipawa connected with the Council's water supply, other than those supplied through a meter: And whereas the said water-charges have been levied without legal authority and were validated up to and including those made by the Council for the year ended on the thirty-first day of
20 December, nineteen hundred and forty-five: And whereas it is desirable that the said water charges levied subsequent to that date should be validated: Be it therefore enacted as follows:—

Validating certain water-charges levied by Waipawa Borough Council.

The said water-charges levied by the Council for the period commenced on the first day of January,
30 nineteen hundred and forty-six, and ending on the thirty-first day of December, nineteen hundred and forty-eight, shall for all purposes be and be deemed to have been at all times lawfully levied.

11. Whereas by a poll of ratepayers taken on the
35 twenty-seventh day of May, nineteen hundred and forty-four, the Wellington City Council (in this section referred to as the Council) was authorized to raise a loan of thirty thousand pounds, to be known as the Wellington City Suburban Libraries Loan, 1944 (in
40 this section referred to as the loan) for the purpose of providing branch libraries at Island Bay, Brooklyn, Northland, Ngaio, and Khandallah in the City of Wellington: And whereas the Council has been unable

Authorizing extension of time for the raising of the Wellington City Suburban Libraries Loan, 1944.

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

to proceed with the necessary construction work involved in the provision of the said branch libraries and the loan has not been raised: And whereas under section sixteen of the Local Bodies' Loans Act, 1926, the authority to raise the loan will lapse after the twenty-seventh day of May, nineteen hundred and forty-nine: And whereas it is desirable that the authority to raise the loan be extended for a further period of five years: Be it therefore enacted as follows:—

Notwithstanding the provisions of section sixteen of the Local Bodies' Loans Act, 1926, the Council may raise the loan in accordance with the authority given by the ratepayers at any time before the twenty-seventh day of May, nineteen hundred and fifty-four.

Authorizing
Opunake
Borough
Council to grant
lease of certain
land to
Plunket Society
at a peppercorn
rental.

12. (1) Notwithstanding anything to the contrary in any Act the Opunake Borough Council is hereby authorized to lease to the Opunake Branch of the Royal New Zealand Society for the Health of Women and Children, Incorporated (commonly known as the Plunket Society) such portion as it deems fit of the land vested in the Council described in certificate of title, Volume 143, folio 49, Taranaki Registry, being part of Section 11, Block 38, Town of Opunake, or to grant to the said Society such rights, easements, or privileges affecting the said land as it may deem fit.

(2) Every such lease or grant shall be for a term not exceeding twenty-one years, and may contain such provision for rights of renewal for further terms, not exceeding twenty-one years each, as may be agreed upon between the parties, and shall be at such rental (whether nominal or otherwise) and upon such terms and conditions as may be agreed upon between the parties.

Authorizing
Wanganui City
Council to grant
renewal of
certain lease.

13. Whereas by deed of lease dated the twelfth day of October, nineteen hundred and four, registered in the Deeds Registry Office at Wellington as Number 89731, the land described in subsection *three* hereof was leased to one James Wallace, of Wanganui, Cooper, for a term of thirty-nine years from the first day of May, nineteen hundred and four: And whereas on or about

the twenty-ninth day of December, nineteen hundred and ten, the lease became vested in one Mary Jane Grantham, of Wanganui, Widow: And whereas the said Mary Jane Grantham inadvertently omitted to take the
5 necessary steps before the expiry of the lease to obtain a surrender of the lease and a new lease of the said land: And whereas the said Mary Jane Grantham has requested the Wanganui City Council (in this section referred to
10 as the Council) as lessor to grant a new lease to her and one John Douglas Grantham, of Wanganui, Painter (in this section referred to as the lessees): And whereas the Council is desirous of granting to the lessees a new lease of the said land providing for perpetual rights of renewal for successive periods of twenty-one
15 years: Be it therefore enacted as follows:—

(1) The Council is hereby authorized to grant to the lessees a new lease of the said land for a term of twenty-one years from the date of the expiry of the term of the said lease registered as Number 89731 in a form approved
20 by the Council and providing for perpetual rights of renewal for successive periods of twenty-one years.

(2) The Council is hereby authorized to execute all necessary deeds and documents and do all other things necessary for the effectual granting of the new lease to
25 the lessees.

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

All that parcel of land containing 1 rood and 3 perches, more or less, situate in the City of Wanganui,
30 being part of Reserve " L " of the Wanganui Town Belt, and being also Lot 22 on a plan deposited in the Deeds Registry Office at Wellington as Number 236, and being all the land described in certificate of title, Volume 478,
35 Folio 35, Wellington Registry (limited as to parcels and title).

14. Whereas the Lower Hutt City Council (in this section referred to as the Council) on the twenty-fourth day of March, nineteen hundred and forty-seven, made a payment without authority by way of grant of the
40 sum of four hundred and forty pounds to the Hutt Valley and Bays Boy Scouts County for the purpose of assisting forty-four boys from the City of Lower Hutt

Validating certain expenditure incurred by Lower Hutt City Council.

to attend the World Scouts Jamboree held in Paris: And whereas it is expedient that the said payment should be validated: Be it therefore enacted as follows:—

The payment by the Council of the said sum of 5
four hundred and forty pounds is hereby validated and declared to have been lawfully made.

Provision with respect to payment of increased slaughtering charges by Timaru Borough Council.

15. Whereas the Timaru Borough Council (in this section referred to as the Council) entered into an agreement dated the twenty-second day of May, nineteen 10
hundred and forty-six, with Henry Davidson and James Leslie Brown, of Timaru, contractors (in this section referred to as the contractors) for slaughtering stock at the Timaru Abattoir at certain prescribed charges: And whereas during the currency of the said agreement 15
the wages payable by the contractors were increased but the contractors were unable to increase their charges under the said agreement: And whereas the Council desires to pay to the contractors increased slaughtering charges in respect of the period commenced on the 20
first day of April, nineteen hundred and forty-seven, and ended on the thirty-first day of March, nineteen hundred and forty-eight, and it is expedient that the Council be authorized to pay the said increased charges to the 25
contractors: Be it therefore enacted as follows:—

(1) The Council is hereby authorized in respect of the period commenced on the first day of April, nineteen hundred and forty-seven, and ended on the thirty-first day of March, nineteen hundred and forty-eight, 30
to pay to the contractors charges in excess of those set out in the said agreement to the extent of fourpence each for cattle, calves, and pigs, and twopence each for sheep and lambs, slaughtered by the contractors during that period.

(2) All payments already made to the contractors 35
by the Council by way of increased slaughtering charges during the period and at the rates provided for in subsection *one* of this section are hereby validated and declared to have been lawfully made.

Authorizing remission of rates by Gisborne Borough Council.

16. Whereas the Gisborne Borough Council (in this section referred to as the Council) is desirous of obtaining authority to remit rates amounting to the sum of fifty-two pounds fifteen shillings and sixpence, being the rates levied by the Council for the year ending on 40

the thirty-first day of March, nineteen hundred and forty-nine, 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
 5 Borough of Gisborne, containing one rood and thirty-six perches more or less, being Lot 1, Deposited Plan No. 3003, of 6A Fitzherbert Street, in the Borough of Gisborne, and numbered 3228 on the district valuation roll for that borough: And whereas the Council has
 10 no legal authority to make the said remission: Be it therefore enacted as follows:—

The Council is hereby authorized to remit the sum of fifty-two pounds fifteen shillings and sixpence, being the total amount of the said rates, and to absolve the
 15 said Association and the said lands from liability in respect thereof.

17. Whereas the Whangarei Borough Council (in this section referred to as the Council) is constituted as the Whangarei Milk Authority under the Milk Act,
 20 1944: And whereas the Council has agreed to purchase certain milk-vending businesses carried on in the Whangarei Borough: And whereas it has been necessary for the Council to expend the sum of five thousand and twenty-five pounds seven shillings and one penny in
 25 providing for goodwill payments to the vendors of the said businesses and for the cost of providing necessary plant and incidentals thereto: Be it therefore enacted as follows:—

(1) The Council is hereby authorized to raise a
 30 special loan not exceeding the sum of five thousand and twenty-five pounds seven shillings and one penny, to be known as the Whangarei Borough Milk Loan No. 2, 1948, by special order and without taking the steps prescribed by sections nine to thirteen of the Local
 35 Bodies' Loans Act, 1926, for the purpose of meeting the expenditure incurred in the purchase of the milk-vending business of Ernest Arthur Richer, of Whangarei, Milk-vendor, and the cost of providing necessary
 40 plant, and the purchase of the milk-vending business of Winifred Rose Fricker, of Whangarei, Milk-vendor, and the cost of providing necessary plant and incidentals thereto.

(2) The Council is hereby authorized out of the proceeds of the said loan when raised to refund to its
 45 General Account all moneys advanced thereout for the

Authorizing Whangarei Borough Council to raise a loan for the purpose of meeting expenditure incurred in connection with Municipal Milk Department.
 1944, No. 30

See Reprint of Statutes, Vol. V, p. 365

purpose of meeting the cost of the purchase of the said milk-vending businesses and the said plant and incidentals thereto.

Provision with respect to certain payments made by Lower Hutt City Council in anticipation of raising of loan-moneys.

18. Whereas by Orders in Council made on the third day of March, nineteen hundred and forty-eight, and the twenty-eighth day of April, nineteen hundred and forty-eight, consent was given to the raising by the Lower Hutt City Council (in this section referred to as the Council) of loans of thirteen thousand five hundred pounds to be known as the Street Reconstruction Loan, 1947, and of two hundred and eighty-five thousand five hundred pounds to be known as the Street Reconstruction and Water-supply Improvement Loan, 1948 (in this section referred to as the loans), respectively, for street reconstruction and water-supply improvements within the City of Lower Hutt: And whereas it was necessary to carry out certain of the works, for the purposes for which the loans were authorized to be raised, prior to the authorization of the loans: And whereas payments to contractors have been made from the Council's District Fund Account in anticipation of the authorization of the loans: And whereas it is expedient that the action of the Council in making the said payments in anticipation of the authorization of the loans should be validated and that the Council should be authorized to reimburse its District Fund Account out of the loan-moneys as the same are received: Be it therefore enacted as follows:—

(1) The payments made by the Council to contractors out of its District Fund Account in anticipation of the authorization of the loans are hereby validated and declared to have been lawfully made.

(2) The Council is hereby authorized, out of the loan-moneys, to reimburse its District Fund Account in respect of all sums paid by the Council out of that Account to contractors as aforesaid in anticipation of the receipt of the loan-moneys.

Authorizing Auckland City Council to make an *ex gratia* payment in respect of a contract.

19. Whereas by an agreement dated the twelfth day of March, nineteen hundred and forty-five, made between Downer and Company, Limited, a duly incorporated company having its registered office at Wellington (in this section referred to as the company) of the one part, and the Mayor, Councillors, and Citizens of the City of Auckland (in this section referred to as the Corporation), of the other part, the company agreed with the Corporation to execute and complete by the

second day of March, nineteen hundred and forty-seven, the construction of an earth-fill dam and ancillary works at Lower Nihotupu, in the County of Waitemata, at the price mentioned in the agreement and according
 5 to the plans, specifications, and conditions thereto attached: And whereas the Auckland City Council (in this section referred to as the Council) on behalf of the Corporation agreed to extend the time for the completion of the said works by a period of one year:
 10 And whereas, owing to increased costs incurred in respect of increased wages and cost of materials, and other circumstances beyond its control causing delay in completion of the work, the company suffered considerable loss: And whereas the Council has
 15 made full inquiry into the matter and is satisfied that substantial losses have in fact been incurred by the company: And whereas the Council in the circumstances is desirous of making a payment of thirteen thousand six hundred and eighty-three pounds to the
 20 company: Be it therefore enacted as follows:—

The Council is hereby empowered to pay the sum of thirteen thousand six hundred and eighty-three pounds to the company by way of compensation in respect of the loss incurred by the company in respect
 25 of the completion of the said works.

20. Whereas difficulties have been caused to the New Plymouth Borough Council (in this section referred to as the Council) by reason of large sums of money belonging to the Council having been stolen: And
 30 whereas it is expedient that the Council should be vested with certain powers to enable it to overcome those difficulties: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act or rule of law, the Council is hereby authorized, for
 35 the purpose of restoring to any account of the Council moneys which have been stolen therefrom,—

(a) From time to time from any moneys or fund set aside by it under the provisions of section one hundred and thirty of the Municipal Corporations Act, 1933, or of section eight of the New
 40 Plymouth Borough Council Empowering Act, 1929, to transfer to its General Account or to any separate account (whether any such

Conferring certain powers on New Plymouth Borough Council for purpose of meeting defalcations.

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separate account be in respect of any trading undertaking or otherwise) such sums as the Controller and Auditor-General may authorize:

- (b) To borrow moneys from its bankers in accordance with the provisions of section seven of the Local Bodies' Finance Act, 1921-22, to the extent and in the manner provided by that section. 5

See Reprint of Statutes, Vol. V, p. 358

(2) Moneys transferred by the Council under the authority of paragraph (a) of subsection *one* hereof shall be considered as a liability of the account into which the transfer has been made, and shall be repaid and restored to the fund or account from which the transfer was made on the dates and in amounts to be fixed by the Controller and Auditor-General. 10 15

Authorizing Nelson City Council to transfer certain land held for street purposes.

21. The Nelson City Council is hereby empowered and authorized to transfer to Noel Watson, of Nelson, Insurance Agent, all that piece of land containing one rood sixteen perches and four-tenths of a perch, being Lot 5 on Deposited Plan No. 1592, and being parts of Sections 135 and 136 on the plan of the City of Nelson, and being the whole of the land comprised in certificate of title, Volume 83, folio 179, Nelson Registry, which was dedicated by and at the direction of Annie Watson, late of Nelson, to the Corporation of the City of Nelson, for the purposes of a reserve for a street, the said land being no longer required for that purpose. 20 25

Provision with respect to overdraft of Manurewa Borough Council.
See Reprint of Statutes, Vol. V, p. 354

22. Whereas the Manurewa 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 liabilities of the Council in excess of those permitted by the said Act as at the thirty-first day of March, nineteen hundred and forty-eight, amounted to approximately the sum of four thousand pounds: And whereas it is desirable to make provision as hereinafter appearing: Be it therefore enacted as follows:— 30 35

(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 40

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 (2) For the purpose of repaying partially the said excess liabilities the Council is hereby authorized and empowered to borrow from its bankers by way of overdraft, in the manner prescribed by section three of the said Act, the sum of four thousand pounds.

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

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

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

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

30 *Harbour Boards*

23. The expenditure by the Lyttelton Harbour Board during the financial year ended on the thirtieth day of September, nineteen hundred and forty-eight, of the sum of two hundred and thirty-three pounds eleven
35 shillings and fourpence, in connection with the holding of the fifteenth Conference of the Harbours Association of New Zealand in Christchurch, and the entertainment of delegates thereto, is hereby validated and declared to have been lawfully incurred.

Validating
certain
expenditure
incurred by
Lyttelton
Harbour Board.

Validating
certain deeds of
lease entered
into by
Wellington
Harbour Board.

24. Whereas by a deed of lease dated the first day of June, nineteen hundred and forty-eight, made between the Wellington Harbour Board (in this section referred to as the Board) of the one part, and the Union Steamship Company of New Zealand, Limited, and the Wellington Patent Slip Company, Limited (in this section referred to as the lessees) of the other part, a copy of which deed of lease is recorded in the Department of Internal Affairs at Wellington as I.A. 105/486, the Board leased to the lessees at the rental and on the terms and conditions therein appearing certain pieces of land therein described situate at Evans Bay in the Port Nicholson Survey District, together with the two patent slips, the two guide jetties, and the buildings and machinery, plant, and tools on the said land or used in connection with the said patent slips, for a term of seven years from the first day of October, nineteen hundred and forty-seven, with a right of renewal for a further period of seven years from the expiration of that term: And whereas by a deed of lease dated the first day of June, nineteen hundred and forty-eight, made between the same parties, a copy of which deed of lease is recorded in the Department of Internal Affairs at Wellington as I.A. 105/486, the Board leased to the lessees at the rentals and upon the terms and conditions therein appearing a certain wharf and structure at Evans Bay, in the said Survey District, known as the repair wharf, and certain land in the same locality, together with the buildings and fixtures thereon and plant and machinery used therewith, for a term of seven years from the first day of October, nineteen hundred and forty-seven, with a right of renewal for a further term of seven years from the expiration of that term: And whereas it is desirable that the two said deeds of lease should be validated and given full force and effect: Be it therefore enacted as follows:—

The said two deeds of lease referred to in this section are hereby validated and given full force and effect, and the Board and the lessees shall be deemed to have been duly empowered to enter into and execute the same.

Electric-power Boards

25. Whereas by an Order in Council made on the
twenty-fourth day of October, nineteen hundred and
forty-five, consent was given to the raising by the
5 Springs-Ellesmere Electric-power Board (in this section
referred to as the Board) of a loan of twenty-five
thousand pounds to be known as the No. 6 Reticulation
Loan, 1945 (in this section referred to as the loan),
subject to the determinations as to borrowing and
10 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 Board borrowed, as parts
15 of the loan, on the thirtieth day of October, nineteen
hundred and forty-seven, the sum of two hundred
pounds, on the sixth day of November, nineteen hundred
and forty-seven, the sum of one hundred pounds, and
20 on the first day of December, nineteen hundred and
forty-seven, the sum of seventeen hundred pounds,
comprising in all the sum of two thousand pounds: And
whereas it is desirable that the raising of those parts
of the loan and the borrowing of the said sums totalling
two thousand pounds should be validated: Be it
25 therefore enacted as follows:—

The action of the Board in borrowing as aforesaid
the said sums of two hundred pounds, one hundred
pounds, and seventeen hundred pounds respectively as
parts of the loan after the expiration of the period
30 specified in the said Order in Council is hereby valid-
ated, and the said sums shall be deemed to have been
lawfully borrowed.

26. (1) Notwithstanding anything to the contrary
contained in any Act, the election held on the nineteenth
35 day of November, nineteen hundred and forty-seven, for
the purpose of electing one member of the Otago Central
Electric-power Board to represent the Borough of
Queenstown on the Board is hereby declared to be valid,
and the member declared to be elected at the said
40 election shall be deemed to have been duly elected.

Validating
raising of
portion of
Reticulation
Loan, 1945, by
Springs-
Ellesmere
Electric-power
Board.

Provision with
respect to
election of a
member of
Otago Central
Electric-power
Board.

1939, No. 25

(2) Section thirty-nine of the Local Legislation Act, 1939, is hereby amended by omitting from subsection thirteen the word "nine", and substituting the word "ten"; and also by inserting, after the word "apportioning" in the same subsection, the words "or otherwise altering".

Authorizing
Opunake
Electric-power
Board to raise
a loan for
housing
purposes.

27. Whereas the Opunake Electric-power Board (in this section referred to as the Board), prior to the sanction of the Local Government Loans Board being given to the raising of a Housing Loan of the sum of five thousand pounds, to be known as the Housing Loan, 1948 (in this section referred to as the loan), expended out of its Power Fund Account moneys amounting to the sum of three thousand pounds for the purposes for which the loan was to be raised: And whereas the Local Government Loans Board has sanctioned the raising of that portion of the loan not expended—namely, the sum of two thousand pounds—but cannot sanction the raising of the balance of the loan amounting to the sum of three thousand pounds until legislative authority exists for that purpose: And whereas it is expedient that authority be given for the raising of the balance of the loan and for the Board to reimburse its Power Fund Account out of the proceeds of the loan, when raised, in respect of all moneys advanced thereout for the purposes for which the loan is to be raised: Be it therefore enacted as follows:—

See Reprint
of Statutes,
Vol. V, p. 365

The Board is hereby authorized to raise the balance of the loan amounting to three thousand pounds by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, and to refund to its Power Fund Account out of the proceeds of the loan, when raised, the sum of three thousand pounds, or such sum as may have been advanced thereout for the purposes for which the loan is to be raised.

Validating
certain actions
of King-country
Electric-power
Board with
respect to
loan-moneys.

28. Whereas the King-country Electric-power Board (in this section referred to as the Board) applied to the Local Government Loans Board for authority to raise a loan of the sum of eighty thousand pounds (in this section referred to as the proposed loan) for the purpose of providing for further reticulation of the Board's district: And whereas, in anticipation of the necessary authority being granted to the raising of

the proposed loan, the Board expended moneys from its Power Fund Account for the purpose of the proposed loan and also borrowed the sum of twenty-two thousand five hundred pounds for that purpose: And
 5 whereas by Order in Council made on the eighteenth day of August, nineteen hundred and forty-eight, the proposed loan was authorized to the extent only of the reduced amount of seventy thousand pounds, owing to the fact that the Board had already spent on account
 10 of the proposed loan certain moneys from its Power Fund Account: And whereas repayment of the moneys so expended from the Board's Power Fund Account for the purpose aforesaid has been made from the Board's Reticulation Loan, 1948, Account: And whereas it is
 15 desirable that the borrowing of the said sum of twenty-two thousand five hundred pounds and the repayment so made to the Board's Power Fund Account should be validated: Be it therefore enacted as follows:—

(1) The action of the Board in borrowing sums
 20 amounting in the aggregate to twenty-two thousand five hundred pounds as part of the proposed loan before the date of the said Order in Council is hereby validated and the said sum shall be deemed to have been lawfully borrowed.

(2) The payment by the Board into its Power Fund Account from its Reticulation Loan, 1948, Account of all moneys expended for the purpose of the proposed loan by the Board from its Power Fund Account before the date of the said Order in Council is hereby validated
 30 and declared to have been lawfully made.

29. Whereas the Otago Electric-power Board (in this section referred to as the Board) made application to the Local Government Loans Board for sanction to the raising of a loan of twenty-five thousand pounds,
 35 to be known as the Palmerston-Deepdell Loan, 1948, £25,000 (in this section referred to as the loan), for the purpose of erecting a new transmission-line of thirty-three thousand volts from Palmerston to Deepdell to replace the existing transmission-line of eleven
 40 thousand volts: And whereas, prior to the sanction of the Local Government Loans Board being given to the raising of the loan, the Board expended the sum of one thousand and forty-one pounds out of its Power Fund Account for the purposes of the loan: And whereas

Provision with respect to expenditure incurred by Otago Electric-power Board in anticipation of raising of loan-moneys.

it is desirable to authorize the Board to refund the said sum of one thousand and forty-one pounds to its Power Fund Account out of the proceeds of the loan when raised: Be it therefore enacted as follows:—

The Board is hereby authorized and empowered to refund to its Power Fund Account out of the proceeds of the loan, when raised, the said sum of one thousand and forty-one pounds. 5

Fire Boards

Validating raising of portion of Building Loan, 1945, by Timaru Fire Board.

30. Whereas by Order in Council made on the twenty-third day of January, nineteen hundred and forty-six, consent was given to the raising by the Timaru Fire Board (in this section referred to as the Board) of a loan of thirteen thousand five hundred pounds known as Building Loan, 1945 (in this section referred to as the loan), for the purpose of erecting flats for married men's quarters, subject to the determinations as to borrowing and repayment set forth in the said Order in Council, one of those determinations being that no moneys should be borrowed after the expiration of two years from the date of the Order in Council: And whereas the Board borrowed as part of the loan the sum of five hundred pounds after the twenty-third day of January, nineteen hundred and forty-eight: And whereas it is desirable that the borrowing of the said sum of five hundred pounds should be validated: Be it therefore enacted as follows:— 10 15 20 25

The action of the Board in borrowing the sum of five hundred pounds as part of the loan after the expiration of the period specified in the said Order in Council is hereby validated, and the said sum of five hundred pounds shall be deemed to have been lawfully borrowed. 30

Validating constitution of North Shore Fire District. 1946, No. 28

31. Whereas the Local Government Commission pursuant to the Local Government Commission Act, 1946, approved as final a scheme bearing date the third day of November, nineteen hundred and forty-seven, containing proposals for the constitution of the North Shore Fire District and certain other matters incidental thereto: And whereas by Order in Council made on the seventeenth day of March, nineteen hundred and 35 40

forty-eight, and published in the *Gazette* of the eighteenth day of March, nineteen hundred and forty-eight, effect was given to the proposals contained in the said final scheme: And whereas doubts have arisen
 5 as to the validity of the said Order in Council and it is expedient to make provision as hereinafter appears: Be it therefore enacted as follows:—

The said Order in Council, constituting the North Shore Fire District and making incidental provisions
 10 with respect thereto, is hereby validated and shall have and be deemed to have had full force and effect according to its tenor as from the date of the making thereof.

Drainage Board

32. The payment of the sum of two hundred and
 15 sixty-seven pounds five shillings and fivepence made by the Christchurch Drainage Board to Frederick John Smith of Riccarton, Contractor, on the twenty-eighth day of March, nineteen hundred and forty-seven, in respect of increased costs arising under a contract for
 20 the Opawa Sewer Extension is hereby validated and declared to have been lawfully made.

Validating an *ex gratia* payment by Christchurch Drainage Board in respect of a contract.

Hospital Board

33. Whereas by Proclamation published in the
 25 *Gazette* of the fourteenth day of March, nineteen hundred and forty-six, part of Allotment Number 86 of the Parish of Pukete (in this section referred to as the said land) vested in the Waikato Hospital Board (in this section referred to as the Board) as an endowment in aid of the Board's funds was taken for a public
 30 work by the Minister of Works: And whereas the compensation agreed to be paid for the taking of the said land, amounting to the sum of one thousand one hundred pounds, was paid into the Public Trust Office, and is now held by the Public Trustee under the provisions of
 35 section ninety-two of the Public Works Act, 1928: And whereas the Board is unable to purchase any land suitable for an endowment: And whereas the Board is indebted to the Public Trustee in the sum of approximately twelve thousand five hundred pounds: And
 40 whereas it is desirable that the said sum of one thousand

Authorizing Waikato Hospital Board to divert certain compensation-moneys held for endowment purposes.

See Reprint of Statutes, Vol. VII, p. 661

one hundred pounds should be applied in reduction of the moneys owing by the Board to the Public Trustee: Be it therefore enacted as follows:—

The Public Trustee is hereby authorized and directed to apply the said sum of one thousand one hundred pounds, or such other sum as may be in the hands of the Public Trustee as compensation for the taking of the said land, in reduction of the moneys owing by the Board to the Public Trustee. 5

Affecting Two or More Classes of Public Bodies 10

Provision with respect to levying of Catchment Board rates by Thames Borough Council.
1941, No. 12

34. Whereas the Borough of Thames is a constituent district of the Hauraki Catchment District: And whereas the Hauraki Catchment Board (in this section referred to as the Board), pursuant to section ninety-five of the Soil Conservation and Rivers Control Act, 1941, has by special order directed the Thames Borough Council (in this section referred to as the Council) to make and levy on behalf of the Board an administrative rate in accordance with section eighty-four of the said Act: And whereas the Board is unable to notify the Council until May of each rating year of the amount of the said administrative rate to be made and levied for that year: And whereas the Council, pursuant to section nineteen of the Local Legislation Act, 1947, demands the Borough rates on the first day of April in each year: And whereas it is expedient that, in respect of the financial year ending on the thirty-first day of March, nineteen hundred and fifty, the Council be empowered to make and levy the Board's administrative rate at the same time as it makes and levies the Borough rates: Be it therefore enacted as follows:— 15 20 25 30

1947, No. 56

The Council is hereby authorized and empowered to make and levy an administrative rate on behalf of the Board in respect of the financial year ending on the thirty-first day of March, nineteen hundred and fifty, at the maximum rate allowed by section eighty-four of the Soil Conservation and Rivers Control Act, 1941. 35

Validating an agreement between the Te Ore Ore River Board and the Wairarapa Catchment Board.

35. Whereas by an agreement dated the sixteenth day of July, nineteen hundred and forty-eight, which is deposited in the Department of Internal Affairs at Wellington under Number I.A. 105/496, made between the Te Ore Ore River Board (in this section referred to as the River Board) and the Wairarapa Catchment 45

Board (in this section referred to as the Catchment Board), the River Board agreed to pay certain moneys, to make, levy, and collect rates for the year ending on the thirty-first day of March, nineteen hundred and forty-
 5 nine, and to pay certain further moneys from the said rates to the Catchment Board in respect of river works urgently required to be carried out in the District of the River Board upon the terms and conditions set out in the agreement: And whereas it is desirable to validate the
 10 said agreement: Be it therefore enacted as follows:—

Notwithstanding anything contained in the River Boards Act, 1908, the Rating Act, 1925, the Soil Conservation and Rivers Control Act, 1941, or in any other Act, the River Board and the Catchment Board shall be
 15 deemed to have been at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto, and shall for all purposes be effective according to its tenor.

36. Whereas by the terms of a certain deed bearing
 20 date the twenty-sixth day of October, nineteen hundred and forty-eight, the Hutt River Board, the Corporation of the Mayor, Councillors, and Citizens of the City of Lower Hutt, and the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Petone have
 25 entered into an agreement in respect of the respective liabilities of the said local bodies for the clearing, maintenance, and improvement of certain streams within the City of Lower Hutt and the Borough of Petone respectively: And whereas it is expedient that the said
 30 Deed should be validated and declared to have been lawfully made: Be it therefore enacted as follows:—

The said Deed bearing date the twenty-sixth day of October, nineteen hundred and forty-eight, and made between the Hutt River Board, of the first part, the
 35 Corporation of the Mayor, Councillors, and Citizens of the City of Lower Hutt, of the second part, and the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Petone, of the third part, a copy whereof is deposited at the office of the Department of Internal Affairs at Wellington under Number
 40 I.A. 105/497, is hereby validated and declared to have been lawfully made by the respective parties thereto.

See Reprint
 of Statutes,
 Vol. IV, p. 513
 Ibid., Vol. VII,
 p. 977
 1941, No. 12

Validating
 agreement made
 by Hutt River
 Board, Lower
 Hutt City
 Council, and
 Petone Borough
 Council.

Provisions with respect to inclusion of Borough of Petone in the Hutt River District.
1946, No. 28

37. Whereas the Local Government Commission, pursuant to section eighteen of the Local Government Commission Act, 1946, has promulgated a final scheme bearing date the twenty-fourth day of September, nineteen hundred and forty-eight, providing for the inclusion 5 of the whole of the Borough of Petone in the Hutt River District (in this section referred to as the River District) from the first day of April, nineteen hundred and forty-nine: And whereas by the said final scheme it is further provided that upon the inclusion of the 10 Borough of Petone in the River District, the Board of the River District shall consist of seven members of whom two shall represent a subdivision of the River District comprising the Borough of Petone, and five shall represent a further subdivision of the River District 15 comprising the whole of the area within the River District as described by Order in Council dated the fourth day of December, nineteen hundred and sixteen, and published in the *Gazette* of the seventh day of the same month: And whereas in order to enable full effect to 20 be given to the said final scheme it is expedient that provision be made as hereinafter appearing: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the River Boards Act, 1908, the Governor-General may, by 25 Order in Council, declare—

(a) That the River District shall be divided into two subdivisions comprising the area within the River District as described by Order in Council dated the fourth day of December, 30 nineteen hundred and sixteen, and published in the *Gazette* of the seventh day of the same month as one subdivision, and the Borough of Petone as the other subdivision; and

(b) That the Hutt River Board shall consist of seven 35 members of whom two shall represent the subdivision comprising the Borough of Petone and five shall represent the subdivision comprising the remainder of the area within the River District referred to in the *last preceding* 40 paragraph.

(2) The first two members of the Hutt River Board to represent the subdivision comprising the Borough of Petone shall be Councillors of the Borough of Petone

See Reprint of Statutes, Vol. IV, p. 513

and, upon the issue of the Order in Council authorized by subsection *one* of this section, shall be appointed by resolution of the Petone Borough Council to hold office from the date of coming into force of the said Order in
 5 Council until the next general election of members of the Hutt River Board.

(3) The five members of the Hutt River Board elected on the nineteenth day of November, nineteen hundred and forty-seven, shall continue in office as repre-
 10 sentatives of the subdivision comprising the area within the River District referred to in paragraph (*a*) of subsection *one* of this section and shall continue in office until the next general election of members of the Board.

Miscellaneous

15 **38.** Whereas pursuant to a certain deed dated the nineteenth day of March, nineteen hundred and forty, and made between the Wellington Hostel for Returned Soldiers, Incorporated, of the one part, and
 20 the National War Funds Council (in this section referred to as the Council) of the other part, the Council became possessed of the sum of five thousand four hundred and ninety-five pounds which it agreed to hold and administer as a trustee in terms of the
 25 said deed: And whereas the funds now held by the Council in terms of the said deed amount to the sum of five thousand five hundred and seven pounds sixteen shillings and sixpence: And whereas the Council is desirous of applying the funds in whole or in part in
 30 and towards the establishment of a Veterans' Home to be used for the benefit of soldiers and sailors of the 1914-18 War: And whereas doubts have arisen as to whether the Council has power to apply the said funds for that purpose: Be it therefore enacted as follows:—

35 Notwithstanding the provisions of the said deed the Council is hereby authorized and empowered to apply the whole or any part of the funds at present held by it as trustee under the said deed in and towards the establishment of a home or hostel for the benefit of soldiers and sailors of the 1914-18 War in such manner and upon such terms and conditions as the Council may determine.

Authorizing National War Funds Council to utilize trust-moneys towards the establishment of a hostel for returned servicemen.

