

## New Zealand.



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1939, No. 25.

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

[6th October, 1939.]

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

1. This Act may be cited as the Local Legislation Act, 1939. Short Title.

*County Councils.*

2. The expenditure by the Coromandel County Council out of its County Fund Account of the sum of sixteen pounds nineteen shillings and elevenpence, being part of the costs incurred in celebrating the diamond jubilee of the Coromandel County, is hereby validated and declared to have been lawfully made. Validating expenditure by Coromandel County Council in connection with jubilee celebrations.

3. The Matakaoa County Commissioner may, in the name and on behalf of the Matakaoa County Council, in manner prescribed by the Local Bodies' Loans Act, 1926, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, raise a special loan for any amount not exceeding in the aggregate two thousand seven hundred pounds, and may apply the proceeds of such loan for the repayment of moneys owing by the said Council to its bankers by way of overdraft. Provision respecting overdraft of Matakaoa County Council. See Reprint of Statutes, Vol. V, p. 360

4. Whereas certain lands, including the land described in subsection four of this section, are vested in the Corporation of the County of Westland (hereinafter called the Corporation) for a Road Reserve: And whereas the Westland County Council (hereinafter called the Council) is desirous of leasing the said land, but finds that it has no power to do so: And whereas the leasing of the said land will not in any manner interrupt the traffic on the road adjoining the said land: And whereas it is expedient to give the Council power to lease the said land: Be it therefore enacted as follows:— Westland County Council authorized to grant a lease of certain land.

(1) It shall be lawful for the Council to lease the land described in subsection four of this section for such term or terms not exceeding twenty-one years, with or without a right of renewal for such further term or terms as the Council may think fit.

(2) The rents received under any lease granted under this section shall be paid into and form part of the County Fund.

(3) No riparian rights shall be deemed to vest in any lessee or his executors, administrators, successors, or assigns by virtue of any such lease.

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

All that parcel of land situate in Block XI, Kanieri Survey District, Land District of Westland, containing three roods and thirteen perches, be the same a little more or less, bounded by a line commencing at a point bearing  $69^{\circ} 21'$ , a distance of 102.2 links, from the south-eastern corner of Lot 2 of Section 1699, Block XI, Kanieri Survey District, and proceeding generally in a northerly direction by lines bearing  $345^{\circ} 40'$  for 192.5 links,  $352^{\circ} 44'$  for 478 links,  $341^{\circ} 10'$  for 572.1 links to the southernmost corner of part Reserve 913; thence in a north-easterly direction by the south-eastern boundary of the said part Reserve 913 for 70 links to the left bank of the Kanieri River; thence generally in a southerly direction by the said left bank of the Kanieri River for approximately 1200 links; thence by a line bearing  $270^{\circ}$  for 40 links, to the commencing-point aforesaid.

5. Whereas the Buller County Council (hereinafter in this section called the Council) has established a superannuation fund under the provisions of the Local Authorities Superannuation Act, 1908: And whereas the Council and the contributors to the fund and the persons who are receiving retiring-allowances out of the fund desire that the fund be abolished and the moneys belonging thereto disposed of in the manner hereinafter appearing: Be it therefore enacted as follows:—

(1) The Public Trustee shall disburse all moneys belonging to the fund and for the time being held by him in the manner following,—

(a) In paying to the Government Insurance Commissioner such sum as the Minister of Finance (hereinafter in this section called the Minister) directs:

Abolishing  
Buller  
County  
Superannuation  
Fund.  
See Reprint  
of Statutes.  
Vol. V, p. 433

(b) In refunding to such of the contributors of the fund as the Minister directs the respective amounts contributed by them to the fund, but without interest:

(c) In paying the balance of the moneys to the Council,—

and when the moneys have been disbursed as aforesaid the said fund shall be deemed to be abolished.

(2) The sum paid to the Government Insurance Commissioner shall be such sum as shall be necessary to purchase from the Commissioner the annuities hereinafter referred to. The Commissioner shall on receiving the sum hereinbefore referred to grant annuities to such of the contributors to the fund and persons receiving retiring-allowances from the fund as the Minister determines. The annuities shall be of such amounts as the Minister determines, and shall be granted upon or subject to such terms and conditions as the Minister approves.

(3) Any person who is granted an annuity under the last preceding subsection or who has his contributions refunded to him shall accept the annuity or those contributions, as the case may be, in full satisfaction of his claims against the fund.

(4) No person other than the person to whom an annuity is granted under this section may acquire any interest in the annuity, and the annuity shall not be surrendered, assigned, or charged or pass to any other person by operation of law or otherwise.

(5) The moneys paid to the Council under this section shall be applied by the Council as follows:—

(a) Such amount as may be necessary shall be applied in reducing the balance of the amount owing by the Council under section four of the Local Legislation Act, 1938, to the sum of nine thousand eight hundred and eighty-seven pounds six shillings and threepence, but if at the time the moneys are paid to the Council the amount owing under the said section four has been reduced by nine thousand eight hundred and eighty-seven pounds six shillings and threepence, such amount as may be necessary shall be applied in repaying the whole of the amount owing under that section; and

(b) The balance of the moneys paid to the Council under this section shall be applied by the Council in reduction of any moneys owing by it by way of overdraft under the authority of section three of the Local Bodies' Finance Act, 1921-22.

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

Authorizing  
Ashburton  
County Council  
to raise a  
special loan for  
river-protection  
works.

1936, No. 13  
(Local)

6. Whereas the Ashburton County Council (hereinafter called the Council), acting in pursuance of the Ashburton Rivers Act, 1936, is executing and has executed certain works for the purposes of the improvement and control of the Ashburton River and for the protection of certain lands contiguous thereto: And whereas prior to authority being obtained to raise a special loan for the purpose of meeting the cost of the aforesaid works the Council, on the twenty-eighth day of April, nineteen hundred and thirty-nine, expended out of its General Account a sum of two thousand five hundred pounds in payment of a sum which became due on the first day of April, nineteen hundred and thirty-nine, in respect of works so executed: And whereas the Council desires authority to raise a loan of five thousand five hundred pounds for the purpose of meeting the cost of the said work and to reimburse the said General Account out of the proceeds of such special loan: Be it therefore enacted as follows:—

(1) Notwithstanding the payment by the Council of the sum of two thousand five hundred pounds out of its general account for works executed in pursuance of the Ashburton Rivers Act, 1936, for the improvement and control of the Ashburton River and for the protection of certain lands contiguous thereto the Council is hereby authorized to borrow the aforesaid sum of five thousand five hundred pounds in all respects as though the said works had not been commenced.

(2) The Council may out of the proceeds of the said loan refund to its General Account the said sum of two thousand five hundred pounds so paid.

7. Whereas the Great Barrier Island County Council (hereinafter called the Council) has in its Wharf Account accumulated revenues received on account of the various wharves in the county owned and controlled by the Council, and such revenues are set aside to defray the costs of maintenance of the

Authorizing  
Great Barrier  
Island County  
Council to  
expend certain  
moneys for  
wharf-  
construction.

said wharves and of their renewal when found necessary: And whereas the Council finds it necessary to construct a new wharf at Okupu, Blind Bay, in the said county and desires authority to use an amount of two hundred pounds of the funds in the Wharf Account to assist in defraying the cost of construction of such wharf: And whereas it is expedient that such authority be granted: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to expend a sum not exceeding two hundred pounds from the said Wharf Account towards the cost of construction of the wharf at Okupu, Blind Bay, in the Great Barrier Island County.

8. Whereas the Hutt County Council (hereinafter called the Council) has agreed to join with the Crown in the acquisition of the land hereinafter described, portion of which is to be set aside under the provisions of the Scenery Preservation Act, 1908, and the remainder vested in the Council: And whereas out of the total purchase-price of two thousand pounds the Council has agreed to contribute the sum of twelve hundred and fifty pounds provided payment of that amount may be made by annual instalments: And whereas the vendors of the said land have agreed that the Council's share of the purchase-price may be paid by equal annual instalments without interest over a period of twelve years: And whereas it is desirable that the Council should be authorized to pay the said sum of twelve hundred and fifty pounds by annual instalments as aforesaid: And whereas it is also desirable that provision should be made as hereinafter appearing for the vesting of portion of the said land in the Council: Be it therefore enacted as follows:—

Providing for the acquisition of certain land by the Hutt County Council and the Crown. See Reprint of Statutes, Vol. VIII, p. 613

(1) Notwithstanding anything to the contrary in any Act or rule of law, the Council is hereby authorized to pay out of the funds of the Wainuiomata Riding the sum of twelve hundred and fifty pounds as a contribution towards the acquisition by the Crown of the land hereinafter described, and to make such payment by equal annual instalments without interest over a period not exceeding twelve years.

(2) On the transfer of the said land to His Majesty the King the Governor-General may, if he is satisfied that suitable arrangements have been made between

the Council and the vendors with respect to the payment by annual instalments of its contribution as aforesaid, by Order in Council vest such portion or portions of the said land as he may think fit in the Council, and all land so vested may be administered and dealt with by the Council in all respects as if it had been acquired by the Council under the provisions of the Counties Act, 1920.

See Reprint  
of Statutes,  
Vol. V, p. 180

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

All those parcels of land in the Wellington Land District containing an area of approximately two hundred and sixty-five acres, being parts of Sections 20, 21, 22, and 23, Harbour District, and being part of the land comprised in certificates of title, Volume 435, folio 232, and Volume 439, folio 129, Wellington Registry.

#### *City and Borough Councils.*

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

9. Whereas the Huntly Borough Council has the control and management of the Huntly Cemetery, containing five acres three roods and one perch, more or less, situated within the Borough of Huntly (hereinafter referred to as the borough), and being Allotment 14A and part of Allotment 14B of the Parish of Taupiri: And whereas the Council is desirous of extending the said cemetery by the acquisition of a certain piece of land in the borough, containing five acres, more or less, being part of the said Allotment 14B of the said parish adjoining the northern boundary of the cemetery: And whereas it is expedient to authorize the Council to make the aforesaid extension to the said cemetery: Be it therefore enacted as follows:—

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

Authorizing  
Otahuhu  
Borough  
Council to  
raise a special  
loan for  
payment of  
compensation.  
Ibid. Vol. VII.  
p. 681

10. Whereas pursuant to the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, Mary Ann Trenwith, wife of Alfred Trenwith, of Auckland, boot-manufacturer, dedicated as a public road and vested in the Mayor, Councillors, and Burgesses of the Borough of Otahuhu (hereinafter called the Corporation) certain lands for the purpose of widening Mason Avenue in the



said borough, the said lands being all the land comprised in memorandum of transfer registered in the Land Registry Office at Auckland under Number 296419: And whereas the said Mary Ann Trenwith claimed compensation from the Corporation in respect of the lands so dedicated: And whereas on behalf of the Corporation the Otahuhu Borough Council (hereinafter called the Council) agreed with the said Mary Ann Trenwith to settle her claim for compensation by a cash payment of nine hundred and sixty pounds: And whereas the Council, being unable to provide for the payment of the said compensation out of its ordinary revenue, proposed to raise a special loan for the purpose in pursuance of the powers conferred on it by section one hundred and thirty-three of the Public Works Act, 1928: And whereas application was duly made to the Local Government Loans Board for its sanction to the raising of the said loan, but before such application could be considered by that Board the Council was compelled to pay the amount of the said compensation out of its District Fund Account: And whereas doubts have arisen as to whether the Council can now lawfully borrow the said moneys by way of special loan pursuant to the provisions of the said section one hundred and thirty-three: Be it therefore enacted as follows:—

The Council may by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan not exceeding a sum of nine hundred and sixty pounds for the purpose of repaying to its District Fund Account the amount paid thereout to the said Mary Ann Trenwith as aforesaid.

11. Notwithstanding anything contained in the Petone Borough Council Empowering Act, 1926, or in any other Act, the Petone Borough Council may, by special order, declare to be a public street any portion of the public highways within the Borough of Petone, known respectively as Nevis and Lochy Streets, that has been increased in width to fifty feet; and on confirmation of the special order the said portion shall be deemed to be a street within the meaning of the Municipal Corporations Act, 1933.

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

Authorizing  
Petone  
Borough  
Council to  
declare portions  
of Lochy and  
Nevis Streets  
to be  
public street.  
1926, No. 17  
(Local)

1933, No. 30

Validating expenditure by Kaitangata Borough Council on jubilee celebrations.

**12.** The expenditure by the Kaitangata Borough Council out of its District Fund Account of the sum of thirteen pounds four shillings and twopence in connection with the expenses of the celebrations commemorating the fiftieth anniversary of the constitution of the Borough of Kaitangata is hereby validated and declared to have been lawfully made.

Authorizing the Oamaru Borough Council to correct errors in valuation roll and rate-book.

**13.** Whereas in the compilation of the valuation roll for the Borough of Oamaru for the year ended on the thirty-first day of March, nineteen hundred and thirty-nine, certain clerical errors were made, and as a result of the errors the annual values of certain lands are wrongly stated in such roll: And whereas it is desired to rectify such errors: Be it therefore enacted as follows:—

(1) The Oamaru Borough Council is hereby authorized to correct its valuation roll by altering the entries in respect of the lands hereinafter mentioned so that the annual value of those lands shall in each case appear in the roll as follows:—

- (a) Lots 1 and 2, Deposited Plan Number 63; annual value, eight pounds.
- (b) Lots 3 and 4, Deposited Plan Number 63; annual value, ten pounds.
- (c) Lot 5, Deposited Plan Number 63; annual value, seven pounds.

(2) The said Council is hereby authorized to alter its rate-book so that the rates on the said pieces of land shall be assessed in accordance with the valuations set out in the last preceding subsection.

(3) The said Council is authorized to make such remission or refund of rates as may be necessary to give effect to this section.

Validating remission of rates by Palmerston North City Council.

**14.** The remission of the sum of forty-five pounds nine shillings and sixpence, being rates payable to the Palmerston North City Council by the Palmerston North Young Men's Christian Association in respect of the year ended on the thirty-first day of March, nineteen hundred and thirty-eight, is hereby validated.

Making provision with respect to overdraft incurred by Eastbourne Borough Council.

**15.** Whereas the Eastbourne Borough Council (hereinafter called the Council) has, under the powers conferred upon it under sections two hundred and seventeen and two hundred and eighteen of the Municipal Corporations Act, 1933, established a steamer ferry service and a motor-omnibus passenger-service:

And whereas in order to carry on the steamer ferry service the Council has borrowed from time to time by way of overdraft from the Union Bank of Australia, Limited (hereinafter called the bank), certain sums of money, and by reason of losses in connection with the said steamer ferry service there was on the thirty-first day of March, nineteen hundred and thirty-nine, owing to the bank the sum of five thousand eight hundred and seventy-nine pounds five shillings and fivepence: And whereas the said sum of five thousand eight hundred and seventy-nine pounds five shillings and fivepence exceeds the amount which under section three of the Local Bodies' Finance Act, 1921-22, the Council could lawfully have owed on overdraft on the thirty-first day of March, nineteen hundred and thirty-nine: And whereas it is expedient to validate the action of the Council in incurring the said overdraft and to make provision for the repayment thereof in the manner hereinafter appearing: Be it therefore enacted as follows:—

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

(1) Notwithstanding anything contained in the Local Bodies' Finance Act, 1921-22, or in any other Act, the overdraft which was incurred as aforesaid by the Council at the bank in connection with its steamer ferry service and under which there was owing by the Council to the bank on the thirty-first day of March, nineteen hundred and thirty-nine, the total sum of five thousand eight hundred and seventy-nine pounds five shillings and fivepence shall be deemed to have been lawfully incurred, and the action of the Council in incurring the said overdraft is hereby validated.

(2) The Council shall cause to be kept a separate account at the bank in which the said overdraft, and all interest and other charges payable in respect thereof, and all payments made in reduction of the said overdraft, shall be recorded.

(3) The Council shall repay the said overdraft of five thousand eight hundred and seventy-nine pounds five shillings and fivepence by seven equal payments out of its revenue received from any one or more of the following sources of revenue, namely:—

- (a) The steamer ferry service:
- (b) The motor-cmnibus passenger-service:
- (c) The levying of rates as hereinafter provided.

(4) The first of such payments shall be made on the first day of September, nineteen hundred and forty, and subsequent payments shall be made on or before the first day of September in each year thereafter until the overdraft is completely repaid:

Provided that the Council may in any year out of its said revenues pay in reduction or extinction of the said overdraft a sum greater than such one-seventh part.

(5) The said overdraft, until completely repaid or as reduced in accordance with the provisions of this section, shall be in addition to the amount which the Council is authorized by section three of the Local Bodies' Finance Act, 1921-22, to borrow and to owe at any time during any year and at the end of the year.

(6) The Council shall out of its said revenues in each year pay all interest and charges in respect of the said overdraft of five thousand eight hundred and seventy-nine pounds five shillings and fivepence or of the reduced amount thereof.

(7) The Council may by resolution make and levy in any year a separate rate or separate rates for the purpose of providing the whole or any part of any annual instalment or instalments payable under this section in reduction or extinction of the said overdraft. Each such separate rate shall be a uniform rate over all rateable property in the Borough of Eastbourne.

(8) In the event of the realization by the Council of any of its steamers or any of its other permanent ferry assets before the said overdraft of five thousand eight hundred and seventy-nine pounds five shillings and fivepence shall have been completely repaid, the net proceeds of every such realization shall be applied by the Council in reduction or extinction of the said overdraft, as the case may be.

(9) Nothing in this section shall be construed prejudicially to affect the right of the bank to be repaid out of the funds of the Corporation of the Borough of Eastbourne the said sum of five thousand eight hundred and seventy-nine pounds five shillings and fivepence.

**16.** The expenditure by the Palmerston North City Council out of its General Account of the sum of seven hundred and seventy-nine pounds five shillings and one penny between the first day of April, nineteen hundred and thirty-eight, and the thirty-first day of March, nineteen hundred and thirty-nine, and of the sum of one hundred and ninety pounds nineteen shillings and sevenpence between the first day of April, nineteen hundred and thirty-nine, and the fifteenth day of June, nineteen hundred and thirty-nine, by way of sick-pay to employees of the said Council incapacitated through illness or accident during such periods is hereby validated and declared to have been lawfully made.

Validating certain payments by the Palmerston North City Council by way of sick-pay to employees.

**17.** Whereas the Sumner Borough Council (hereinafter called the Council) was authorized by Order in Council dated the twenty-ninth day of September, nineteen hundred and thirty-seven, to borrow the sum of two thousand one hundred pounds for the purpose of carrying out certain drainage-works in the Sumner Special Drainage Area: And whereas that sum was not sufficient for the purpose for which the loan was raised and a further sum of one thousand pounds is required by the Council for the purpose of completing the said drainage-works: Be it therefore enacted as follows:—

Authorizing the Sumner Borough Council to raise a special loan for the completion of drainage-works in the Sumner Special Drainage Area.

(1) The Council may for the purpose of meeting the cost of completing the said drainage-works borrow an amount not exceeding in the aggregate a sum of one 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.

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

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

**18.** (1) Section four of the Thames Borough Commissioner Amendment Act, 1937, is hereby amended by omitting the reference to the fifteenth day of July, nineteen hundred and thirty-nine, and substituting a reference to the fifteenth day of July, nineteen hundred and forty.

Extending period during which interest and sinking fund on Thames Borough loans reduced by one-third. 1937, No. 35

(2) This section shall be deemed to have come into force on the fourteenth day of July, nineteen hundred and thirty-nine.

Validating  
a special  
rate made  
and levied  
by Arrowtown  
Borough  
Council.

19. Whereas the Arrowtown Borough Council (hereinafter called the Council) was duly authorized to raise a special loan of one thousand five hundred pounds for the purpose of improving the borough water-supply: And whereas the special rate made and levied by the Council as security for the said loan was made and levied subject to a condition that a maximum annual amount of twenty-five shillings would be payable in any case where the sum which would be produced by means of the said special rate exceeded that sum, and a minimum annual amount of ten shillings would be payable in any case where the sum which would be produced by means of the said special rate would be less than that sum: And whereas the said loan-moneys have been raised and expended by the Council, and the said rates have been paid on the basis aforesaid by the ratepayers of the borough: And whereas it is desirable to validate the said rate and to authorize the Council to levy and collect the said rate in terms of a resolution passed by the Council: Be it therefore enacted as follows:—

The said special rate shall for all purposes be deemed to have been lawfully made and levied by the Council.

Validating  
proceedings in  
connection with  
portion of  
loan of  
£377,000 raised  
by Auckland  
City Council.  
See Reprint  
of Statutes,  
Vol. V, p. 415  
1932, No. 30

20. Whereas the Auckland City Council (hereinafter called the Council) was authorized by Order in Council dated the fourteenth day of July, nineteen hundred and thirty-six, made pursuant to section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), to raise a Works Loan of three hundred and seventy-seven thousand pounds for a term of twenty-four years and upon certain terms and conditions, one of such conditions being that no moneys should be borrowed under such authority after the expiration of two years from the date thereof: And whereas the Council duly raised a sum of two hundred thousand pounds of the said loan in the year nineteen hundred and thirty-six, but no steps to raise the balance of one hundred and seventy-seven thousand pounds of such loan were taken until the year nineteen hundred and thirty-eight: And

whereas by Order in Council dated the eleventh day of January, nineteen hundred and thirty-eight, authority was given to the Council to raise the said balance for a term of ten years in lieu of the term of twenty-four years aforesaid, but such Order in Council did not contain any provision extending the period during which such balance might be raised as specified in the Order in Council first above mentioned: And whereas a sum of one hundred and sixteen thousand five hundred pounds of the said balance was raised by the Council, of which the sum of thirty-seven thousand pounds was raised after the expiry of the period of two years specified in the said Order in Council first above mentioned, and it is desirable that the raising of such amount of thirty-seven thousand pounds by the Council as aforesaid should be validated: Be it therefore enacted as follows:—

The action of the Council in raising a sum of thirty-seven thousand pounds of the said Works Loan after the expiry of the period prescribed in the said Order in Council dated the fourteenth day of July, nineteen hundred and thirty-six, is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed and the securities given in respect thereof to have been lawfully issued.

**21.** Whereas the Corporation of the Borough of Hastings has, with the consent of the Hawke's Bay County Council, under the authority of section two hundred and twenty-eight of the Municipal Corporations Act, 1933, extended its drainage system into an area within the Hawke's Bay County by laying a sewer extending from the Borough of Hastings to the sea and has entered into agreements with the Hawke's Bay Farmers' Meat Company, Limited, and with Nelsons (N.Z.), Limited, respectively, two companies each carrying on the business of slaughterers and meat-freezers upon premises in the said area, to connect such respective premises (hereinafter referred to as the said works) with such drainage system as so extended, and to continue such connection for the term of forty years (hereinafter referred to as the said term) upon the terms and conditions contained in such agreements: And whereas it is expedient that the Hastings Borough Council should not be at liberty to disconnect either of the

Provision with  
respect to  
agreements  
made by  
Hastings  
Borough  
Council as to  
sewerage.  
1933, No. 30

said works during the said term except in accordance with the express provisions of the said respective agreements: Be it therefore enacted as follows:—

Notwithstanding the provisions of subsection two of section two hundred and twenty-eight of the Municipal Corporations Act, 1933, the Hastings Borough Council shall have no power to disconnect either of the said works from the drainage system as so extended except in accordance with the terms and conditions set out in the agreements hereinbefore referred to relating to those works.

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

(2) Section two of the principal Act is hereby amended as follows:—

(a) By omitting the definition of the term “ financial institution ”, and substituting the following definition:—

“ ‘ Financial institution ’ means any building society or any company or body corporate (whether incorporated in New Zealand or elsewhere) empowered to lend money on mortgage of land, and includes the State Advances Corporation of New Zealand and every other State or Government lending institution in New Zealand ”:

(b) By adding the following definition:—

“ ‘ Estimated value ’ means the value as estimated in a valuation made on behalf of the Council.”

(3) Where any person approved by the Council is desirous of erecting a house upon land in the city and applies to a financial institution for an advance by way of first mortgage upon the security of such land and proposed house the Council may out of loan-moneys, raised as hereinafter provided, pay to the financial institution such sum, not exceeding the limit hereinafter provided, as it may think fit conditionally

Wellington  
City Housing  
Act, 1938,  
amended.  
1938, No. 11  
(Local)



on that sum, together with the moneys to be advanced by the financial institution, being secured upon the land and proposed house by a first mortgage executed by such person in favour of the financial institution and containing such terms and provisions as the Council may approve.

(4) The Council and the financial institution may from time to time enter into such agreements in writing as they think fit in regard to the application and appropriation as between the Corporation on the one hand and the financial institution on the other hand, of all payments made and sums recovered under any mortgage or mortgages as aforesaid and in regard to all such other matters concerning any such mortgage or mortgages as the Council and such financial institution may deem expedient. Every such agreement may from time to time be varied by agreement in writing between the Council and the financial institution.

(5) Before exercising in any case the power conferred on it by subsection three hereof, the Council shall be satisfied—

- (a) That the applicant for the loan has provided or is able to provide towards the cost of the land and proposed house not less than one-tenth of the total estimated value of the land and of the proposed house when erected thereon:
- (b) That the moneys to be advanced by the financial institution on first mortgage as aforesaid out of its own moneys (and not including the moneys to be paid by the Council to the financial institution under subsection three hereof) amount to not less than two-thirds of the total estimated value of the land and of the proposed house when erected thereon:
- (c) That the total principal moneys to be secured by the mortgage do not (after deduction therefrom of the moneys payable to the insurance fund as hereinafter provided) exceed nine-tenths of the total estimated value of the land and of the proposed house when erected thereon.

(6) The principal moneys secured by any mortgage securing moneys advanced pursuant to an application to which subsection three hereof relates shall not exceed the sum of one thousand five hundred and fifteen pounds, and the amount to be paid by the Council to any financial institution for the purposes of being advanced by the financial institution upon the security of any such mortgage shall not exceed one-fourth of the total principal moneys secured by that mortgage.

(7) Where any person approved by the Council is desirous of erecting a house upon land in the city and applies to a financial institution for an advance by way of first mortgage upon the security of the land and proposed house the council may, in the name of and on behalf of the Corporation, by deed or other instrument, guarantee to that financial institution repayment of any portion, not exceeding the limit hereinafter provided, of the moneys which such financial institution may so advance to that person.

(8) Every such guarantee shall contain such provisions as the Council and the financial institution may agree upon in regard to the application and appropriation, as between the portion of the moneys guaranteed by the Corporation and the other moneys secured by the mortgage, of all payments made and sums recovered under the mortgage and in regard to all such other matters concerning the mortgage or the guarantee as the Council and the financial institution may deem expedient. Every such guarantee may from time to time be varied by deed or other instrument executed by the Council, in the name of and on behalf of the Corporation, and by the financial institution.

(9) Before exercising in any case the power conferred on it by subsection seven hereof the Council shall be satisfied—

- (a) That the applicant for a loan has provided or is able to provide towards the cost of the land and proposed house not less than one-tenth of the total estimated value of the land and of the proposed house when erected thereon:
- (b) That the moneys to be advanced by such financial institution on first mortgage as aforesaid amount to not less than two-thirds of the total estimated value of the land and

of the proposed house when erected thereon, but do not (after deduction therefrom of the moneys payable to the insurance fund as hereinafter provided) exceed nine-tenths of such total estimated value.

(10) The principal moneys secured by any mortgage securing moneys advanced pursuant to an application to which subsection seven hereof relates shall not exceed the sum of one thousand five hundred and fifteen pounds, and the portion of such moneys, repayment of which is guaranteed by the Corporation, shall not exceed one-third of the total principal moneys secured by such mortgage.

(11) The Council shall not execute any guarantee under the powers conferred by this section if the liability to be assumed by the Corporation under such guarantee, together with the total liability originally assumed by the Corporation under all guarantees previously executed by the Council under the powers conferred by this section and under which the Corporation is or may be still liable, would exceed in the aggregate the sum of fifty thousand pounds.

(12) Notwithstanding any rule of law or any statutory or other provision to the contrary, any financial institution may advance moneys by way of mortgage on the terms and conditions prescribed in this section to an amount which does not (after deduction therefrom of the moneys payable to the insurance fund as hereinafter provided) exceed nine-tenths of the total estimated value of the land and of the proposed house when erected thereon.

(13) For the purposes of providing funds out of which the Council may make advances under subsection three of this section and out of which the Corporation may pay any amounts payable by it in respect of any guarantee executed pursuant to subsection seven of this section or payable by it pursuant to any of the provisions of the next succeeding subsection, the Council may from time to time raise money, not exceeding in the aggregate fifty thousand pounds, under the Local Bodies' Loans Act, 1926, by way of special loan by special order and without taking the steps prescribed in sections nine to thirteen of that Act, but the failure of the Council to raise such moneys, or the insufficiency of any of such moneys if raised, shall not in any way

prejudice or affect the rights, powers, or remedies of any financial institution against the Corporation under any document purporting to be executed in pursuance of any of the provisions of this Act.

(14) The following provisions shall apply to all mortgages to which the foregoing provisions of this section relate:—

- (a) Every such mortgage shall be for a period of not more than thirty years:
- (b) Every such mortgage shall contain a covenant by the mortgagor that on any transfer or agreement for sale of the property encumbered by such mortgage he will reduce the principal moneys then secured by such mortgage to such sum as is the equivalent of seven-tenths of the principal moneys originally secured by such mortgage, or to such less extent as the Council and the financial institution may approve in the circumstances of the particular case:
- (c) Any person, firm, or company may join in or guarantee any of the covenants on the part of the mortgagor contained or implied in any such mortgage:
- (d) Collateral security may be taken by the financial institution and, in particular, collateral security may be taken over any policy of life insurance, whether such policy be on the life of the mortgagor or on the life of any other person:
- (e) If default is made under any such mortgage the Council shall while such default continues have the right, if it so desires, to call upon the financial institution to transfer the mortgage to the Corporation:
- (f) If default is made under any such mortgage and such default continues for a period of not less than three months, the financial institution may call upon the Council to elect whether or not it desires to call upon the financial institution to transfer the mortgage to the Corporation, and the Council shall make such election within two months of being called upon so to do:

(g) Where the Council, pursuant to paragraph (e) or paragraph (f) of this subsection, calls upon or elects to call upon the financial institution to transfer the mortgage to the Corporation,—

(i) The Corporation shall, within one month of the date upon which the Council calls upon or elects to call upon the financial institution to transfer the mortgage to the Corporation, pay to the financial institution all principal and other moneys secured by the mortgage (including all interest secured by the mortgage calculated down to the date of such payment):

Provided that the Corporation (except in cases where the Council and the financial institution have previously otherwise agreed) shall not be liable to pay to the financial institution any interest which accrued due under the mortgage more than six months before the date upon which the Council called upon or elected to call upon the financial institution to transfer the mortgage to the Corporation:

(ii) The financial institution shall, on such payment being made by the Corporation, and on the Corporation paying all reasonable legal and other expenses incurred by the financial institution in so doing, transfer to the Corporation the mortgage and every guarantee thereof and security collateral therewith held by the financial institution:

(h) If default be made under any such mortgage and such default shall continue for a period of not less than six months, the Council may (if the financial institution has not prior to the Council so doing called upon the Council under paragraph (f) of this subsection to make the election referred to in that paragraph) require the financial institution to apply (if it may lawfully do so) to the Registrar of the Supreme Court to conduct a sale of the mortgaged property under

See Reprint  
of Statutes,  
Vol. VII,  
p. 1200

section one hundred and ten of the Land Transfer Act, 1915, but the Corporation shall pay to the financial institution all reasonable legal and other expenses incurred by the financial institution in and consequent upon the making of such application.

(15) Every agreement or guarantee entered into or purporting to be entered into by the Council in pursuance of any of the provisions of this section shall be executed in the name of and under the seal of the Corporation, and every such agreement or guarantee shall, notwithstanding any non-compliance with any of the provisions of this section, be valid and binding upon the Corporation according to its tenor, and the production of any such document shall in all Courts and for all purposes be conclusive evidence of the validity thereof.

(16) Every resolution of the Council to advance moneys under subsection three of this section shall, notwithstanding any non-compliance with any of the provisions of this section, be conclusive evidence of the authority of the Council to make such advance.

(17) To provide a fund for insuring the Corporation against losses arising out of mortgages to which subsection three or subsection seven of this section relates, the Council may require the financial institution to deduct from the principal moneys to be advanced to the mortgagor upon any such mortgage so much thereof as may be the equivalent of one-hundredth of the remainder of the principal moneys after such deduction, and to pay the amount so deducted to the Corporation. Every such sum so deducted and paid to the Corporation shall for the purpose of the mortgage and any agreement or guarantee relating thereto be deemed to have been paid to the mortgagor, and all such sums so deducted and paid to the Corporation shall form part of a special fund to be invested and held by the Corporation as a fund to insure itself against losses arising out of mortgages to which subsection three or subsection seven of this section relates.

Repeals.

(18) Subsections three to seventeen of this section are in substitution for sections three, four, and seven of the principal Act, and those sections are hereby consequentially repealed.

(19) This section shall be deemed to have come into force on the sixteenth day of September, nineteen hundred and thirty-eight, being the date of the passing of the principal Act. Commencement.

**23.** (1) Subject to the provisions of sections two hundred and seventeen and two hundred and eighteen of the Municipal Corporations Act, 1933, and the Transport Licensing Act, 1931, the Eastbourne Borough Council is hereby authorized to extend its existing ferry service to provide a ferry service between any of the wharves under the jurisdiction of the Wellington Harbour Board and to extend its existing omnibus service to ply between the Borough of Eastbourne and the site of the New Zealand Centennial Exhibition at Miramar in the City of Wellington, or between any intermediate points and the said Exhibition site, and between the wharves at Miramar and the said Exhibition site, and the wharf at Seatoun and the said Exhibition site during such time as the New Zealand Centennial Exhibition may be open for public exhibition or the transaction of exhibition business.

Eastbourne  
Borough  
Council  
authorized to  
carry on  
motor and  
ferry transport  
services for  
purposes of  
New Zealand  
Centennial  
Exhibition.  
1933, No. 30  
See Reprint  
of Statutes,  
Vol. VIII,  
p. 832

(2) All the provisions of the said sections two hundred and seventeen and two hundred and eighteen of the Municipal Corporations Act, 1933, shall extend and apply to such extended transport services as if such extended services were established under the said sections and as if any and every local authority within or through whose district such omnibus service shall be maintained were a neighbouring local authority within the meaning of section two hundred and seventeen of that Act.

(3) Nothing in this section shall be deemed to authorize the Council to permit any motor-omnibus owned by it to travel over any wharf under the jurisdiction of the Wellington Harbour Board without the consent in writing of that Board.

**24.** Whereas in the year nineteen hundred and thirty-eight the Motueka Borough Council (hereinafter in this section called the Council) raised by way of special loan the sum of one thousand two hundred and fifty pounds for the purpose of erecting a residence for the Town Clerk in the Borough of Motueka: And whereas such money was insufficient to pay for the cost of the erection of the said residence: And whereas

Authorizing  
Motueka  
Borough  
Council to  
raise additional  
loan to  
complete  
residence.

the Council has partly paid for the completion of the erection of the said residence out of moneys belonging to its District Fund Account: And whereas in order to reimburse to the Council's District Fund Account the amount expended on the erection of the said residence and to pay for the cost of the completion of the said residence it is expedient that the Council be empowered to raise by way of loan a sum equivalent to ten per centum of the said loan: Be it therefore enacted as follows:—

(1) The Council may for the purpose of meeting the cost of completing the said residence borrow an amount not exceeding in the aggregate one-tenth of the amount of the loan raised as aforesaid, by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act.

(2) The Council may out of the proceeds of such 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 the said residence.

**25.** Whereas the Takapuna Borough Council (hereinafter called the Council) was, by a poll of ratepayers taken on the twenty-ninth day of April, nineteen hundred and twenty-five, duly authorized to raise a loan of one hundred and nineteen thousand pounds for the purposes of—firstly, as to the sum of one hundred and thirteen thousand pounds, the provision, construction, and laying of sewers, storage culverts, outfalls, and drainage works constituting sewage systems within the Borough of Takapuna, including the acquisition of land necessary for the purposes of the said works, the payment of compensation for land purchased or taken, and for land injuriously affected, and the purchase of plant, and, secondly, as to the sum of six thousand pounds, the provision of funds for advances to ratepayers for connections to the said system: And whereas since the raising of the said loan the Council has abandoned its intention of expending the said sum of six thousand pounds or any part thereof on the purposes secondly above described and is now desirous of applying the whole of the said sum towards one or more of the other purposes of

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

Authorizing the  
variation by  
the Takapuna  
Borough  
Council of the  
application of  
the unexpended  
balance of  
certain  
loan-moneys.



the said loan: And whereas it is desired to authorize the Council so to apply the said sum: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary contained in any Act, or in any Order in Council relating to the said loan, or in the voting-paper used at the said poll the Council is hereby authorized, subject to the prior approval of the Local Government Loans Board, to apply the whole of the said sum of six thousand pounds, being that part of the said loan raised for the purposes secondly above described, towards one or more of the purposes firstly above described for which the said loan was raised.

**26.** Whereas the Taumarunui Borough Council (hereinafter called the Council), pursuant to a poll of the ratepayers of the Borough of Taumarunui taken on the seventeenth day of November, nineteen hundred and thirty-seven, was duly authorized to raise a loan of fourteen thousand pounds for the purposes—firstly, as to the sum of five thousand pounds, of meeting the cost of internal reorganization consequent on the linking-up of the Council's electrical system with the Government's electricity supply, and, secondly, as to the sum of nine thousand pounds, of meeting the cost of extending the Council's electricity supply to areas outside the limits of the Borough of Taumarunui: And whereas the said sum of nine thousand pounds may not now be required to be expended by the Council for the purpose of the extension of its electricity supply as aforesaid: And whereas it has been found that the said sum of five thousand pounds is insufficient to cover the cost of such internal reorganization, and a further sum of two thousand pounds is required for that purpose: And whereas the Council is desirous of diverting and applying part, amounting to two thousand pounds, of the said sum of nine thousand pounds so authorized to be borrowed in and towards the additional cost of such internal reorganization: And whereas it is desired to authorize the Council so to divert and apply the said sum of two thousand pounds: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary contained in the Local Bodies' Loans Act, 1926, or in any other Act, or in the voting-paper used at the said poll, the Council is hereby authorized, subject to the prior

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

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

approval of the Local Government Loans Board, to divert and apply the sum of two thousand pounds of the said loan-money authorized to be raised for the purpose of extending the Council's electricity supply to areas outside the borough, in and towards the cost of the internal reorganization consequent on the linking-up of the Council's electrical system with the Government's electricity supply.

Altering  
reservation of  
certain land  
vested in  
Corporation of  
City of  
Palmerston  
North.

1892, No. 39

1901, No. 17

(Local)

27. Whereas by section three of the Public Reserves Vesting and Sale Act, 1892, part of Section 662, City of Palmerston North, comprising thirty perches, more or less, was vested in the Corporation of the City of Palmerston North (hereinafter called the Corporation) as an endowment for the said city: And whereas by section four of the Palmerston North Reserves Act Amendment Act, 1901, the balance of the said Section 662 as described in the Third Schedule to the said Act, comprising eight perches and nine-tenths of a perch, more or less, was vested in the Corporation to be used as a public right-of-way by the general public: And whereas it is expedient that part of such public right-of-way should be closed and the land vested in the Corporation as an endowment for the said city and that a public right-of-way for the use of the general public be granted over another portion of the said Section 662, City of Palmerston North: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in section three of the Public Reserves Vesting Act, 1892, and section four of the Palmerston North Reserves Act Amendment Act, 1901, or in any other Act or rule of law, all that piece or parcel of land, containing by admeasurement three perches and thirty-nine one-hundredths of a perch, be the same a little more or less, being part of Section 662 on the survey plan of the City of Palmerston North, commencing at the north-western corner of the said Section 662, and bounded on the north-east by Section 660 on the said plan, 100 links; on the south-east by Section 663 on the said plan, 21·21 links; on the south-west by the remaining portion of Section 662, 100 links; and on the north-west by Main Street, 21·21 links, is hereby vested in the Corporation to be used as a public right-of-way by the

general public, and the whole of the remaining portion of the said Section 662 is hereby vested in the Corporation as an endowment for the said city.

(2) The District Land Registrar at Wellington is hereby directed to make such entries in the registers and to do such other things as may be necessary to give effect to the provisions of this section.

#### *Road Boards.*

**28.** Section thirty-five of the Local Legislation Act, 1929, is hereby amended by inserting after subsection two the following subsection:—

“(2A) The Governor-General may by Order in Council include in any road district constituted under subsection one hereof any area of land adjoining such district, or exclude from such district any area of land contained therein, or abolish a road district so constituted and dissolve the Board thereof.”

Extending section 35, Local Legislation Act, 1929 (as to constitution of road districts in Sounds County).  
1929, No. 21

**29.** The expenditure by the Mount Roskill Road Board of, firstly, the sum of ten pounds, being membership subscription to the Municipal Association of New Zealand, Incorporated, in respect of the financial year ended on the thirty-first day of March, nineteen hundred and thirty-eight; secondly, the sum of seventeen pounds and sixpence on account of the expenses of the representatives of the Board in attending the annual conference of such Association in the month of March, nineteen hundred and thirty-eight; thirdly, the sum of twenty pounds as a compassionate allowance to an ex-employee of the Board; and, fourthly, the sum of four pounds two shillings and sevenpence to an employee of the Board in recognition of services rendered to the Board is hereby validated and declared to have been lawfully made.

Validating certain expenditure incurred by Mount Roskill Road Board.

#### *Harbour Boards.*

**30.** (1) Notwithstanding anything in the Patea Harbour Board Foreshore Act, 1903, or in the Harbours Amendment Act, 1925, the Patea Harbour Board is hereby authorized and empowered to grant to the West Coast Refrigerating Company, Limited, a duly incorporated company having its registered office at Patea, a lease of the lands described in subsection two hereof for a term of twenty-one years from the first day of October, nineteen hundred and thirty-eight, at the annual rental of twelve pounds four shillings

Authorizing Patea Harbour Board to grant a lease to the West Coast Refrigerating Company, Limited.  
1903, No. 41 (Local)  
See Reprint of Statutes, Vol. III, p. 672

per annum, and upon such terms and conditions as the Patea Harbour Board may elect, including a provision giving the lessee a perpetual right of renewal in accordance with paragraph (e) of section five of the Public Bodies' Leases Act, 1908.

(2) The lands to which this section relates are particularly described as follows,—

(a) All that parcel of land containing sixteen perches, more or less, being part Sub-division G, part Patea Harbour Board Endowment Block VII, Carlyle Survey District, and being delineated and described on a plan deposited in the Land Registry Office at New Plymouth as Number 2739 and upon a plan attached to memorandum of lease Registered Number 11372 in the Land Registry Office at New Plymouth:

(b) All that parcel of land containing thirteen and one-fourth perches, more or less, being Lot 1, part Patea Harbour Board Endowment Block VII, Carlyle Survey District, as delineated on a plan deposited in the said Land Registry Office as Number 5774,—

the said parcels of land being parts of the land comprised in certificate of title, Volume 67, folio 26, in the said Land Registry Office.

**31.** The payment made by the Whakatane Harbour Board of the sum of one hundred pounds to the widow of the late Albert Edward Parkinson, formerly wharfinger to the Board, as a compassionate allowance is hereby validated and declared to have been lawfully made.

**32.** The expenditure incurred by the Auckland Harbour Board during the financial year ending on the thirtieth day of September, nineteen hundred and thirty-nine, of the sum of one hundred and fifty-one pounds, being portion of an amount paid by way of compassionate allowances to William Thomas Gwyer (one hundred and four pounds), Eva Holland (fifty-two pounds), and Allison Stanners (fifty pounds) is hereby validated and declared to have been lawfully incurred.

**33.** (1) Section five of the Thames Borough Commissioner Amendment Act, 1937, is hereby amended by omitting the reference to the first day of April, nineteen hundred and thirty-nine, and substituting a reference to the first day of April, nineteen hundred and forty.

See Reprint  
of Statutes,  
Vol. IV,  
p. 1033

Validating  
payment of  
compassionate  
allowance by  
Whakatane  
Harbour Board.

Validating  
expenditure  
incurred by  
Auckland  
Harbour  
Board.

Extending  
period during  
which interest  
on Thames  
Harbour loans  
reduced.  
1937, No. 35

(2) This section shall be deemed to have come into force on the thirty-first day of March, nineteen hundred and thirty-nine.

**34.** Whereas by Proclamation published in the *Gazette* on the nineteenth day of August, nineteen hundred and thirty-seven, all those pieces or parcels of land situate in the Borough of Napier containing sixty-nine acres and thirty perches, more or less, comprising portions of Lots 2 and 3, Deposited Plan 6187, being portions of Te Whare-o-Maraenui Block and portion of Section 13R (closed road), situate in Block IV, Heretaunga Survey District (Borough of Napier), (Hawke's Bay Registry), (S.O. 1166, green), in the Hawke's Bay Land District: as the same is more particularly delineated on the plan marked P.W.D. 96180, deposited in the office of the Minister of Public Works, at Wellington, and thereon edged red, were, pursuant to the powers conferred by the Public Works Act, 1928, and section thirty-two of the Statutes Amendment Act, 1936, taken by the Crown for housing purposes on and after the twenty-third day of August, nineteen hundred and thirty-seven: And whereas at that date the said lands formed part of the lands mentioned in section two of the Napier Harbour Board Act, 1874, and were by that Act vested in the Napier Harbour Board (hereinafter called the Board) and reserved and set aside in trust for the use, benefit, and endowment of the Board: And whereas by section ninety-two of the Public Works Act, 1928 (hereinafter referred to as the said Act), it is provided that any compensation-moneys arising from a sale or other disposition of lands held upon such trusts as aforesaid shall be paid into the Public Trust Office and applied in manner therein provided: And whereas the amount of the compensation payable by the Crown for the lands so taken as aforesaid has not yet been ascertained: And whereas the Board is desirous of expending out of such compensation-moneys a sum not exceeding eleven thousand pounds in or towards the erection upon other lands of the Board of administrative and office buildings for the use of the Board: Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in section ninety-two of the said Act, out of the compensation-moneys payable in respect of lands taken by the Crown

Authorizing  
Napier  
Harbour Board  
to expend  
moneys to be  
received and  
held in trust  
for endowment  
purposes.

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

1874, No. 36

as aforesaid there shall be paid to the Board a sum not exceeding eleven thousand pounds for the purposes hereinafter provided.

(2) The Board may expend the sum so paid to it in or towards the cost of the erection of administrative and office buildings as aforesaid.

(3) The Board shall establish a sinking fund to be administered by the Public Trustee by paying to the Public Trustee such annual sum as, together with compounded interest thereon calculated at four pounds per centum per annum, will amount, at the expiration of a period of forty years commencing from the date hereinafter referred to, to the sum actually expended for the purposes aforesaid, and the sinking fund so created shall upon the expiration of the said period be held and applied by the Public Trustee in accordance with the provisions of the said Act.

(4) The date referred to in the last preceding subsection shall be the date on which the Board receives payment of the said sum of eleven thousand pounds or the first date on which the Board receives payment of any part of that sum.

(5) Any part of the moneys paid to the Board under this section and remaining in the hands of the Board after meeting the cost of the erection of such buildings shall be used and applied in accordance with the provisions of the said Act.

**35.** Whereas the Wairoa Harbour Board (hereinafter called the Board), pursuant to the powers contained in section five of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, proposes to establish an aerodrome for the Wairoa District: And whereas the Board desires to raise a loan without taking a poll of ratepayers for the purpose of acquiring land for the establishment of the said aerodrome and to meet the preliminary expenses in connection therewith: Be it therefore enacted as follows:—

(1) The Board may raise a special loan for an amount not exceeding ten thousand pounds, subject to the provisions of the Harbours Act, 1923, and the Local Bodies' Loans Act, 1926, but without taking the steps prescribed by sections nine to thirteen of the last-mentioned Act.

Authorizing  
Wairoa  
Harbour Board  
to raise a  
special loan  
for aerodrome  
purposes.  
See Reprint  
of Statutes,  
Vol. I, p. 432

See Reprint  
of Statutes,  
Vol. III, p. 568

(2) Any moneys borrowed pursuant to the authority contained in the last preceding subsection shall be applied in payment of the cost of acquiring land for the establishment of an aerodrome and the preliminary expenses in connection with such establishment.

(3) It shall be lawful for the Board, out of the proceeds of any special rate heretofore made and levied by the Board, to pay the annual sum required to meet interest and sinking fund, or interest and instalments of principal, as the case may be, in respect of any loan raised under the authority of this section.

(4) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

*Electric-power Boards.*

**36.** All payments, not exceeding in all the sum of four thousand nine hundred pounds, made by the Bay of Islands Electric-power Board from its Special Loan (1938) Account in acquiring land and erecting dwellings for workers and other persons employed in the service of the Board are hereby validated and declared to have been lawfully made.

Validating certain expenditure of portion of loan raised by Bay of Islands Electric-power Board.

**37.** Whereas the South Canterbury Electric-power Board (hereinafter called the Board) borrowed the sum of eight thousand pounds (hereinafter referred to as the said sum), being portion of a loan known as the Electricity Development Loan, 1937, of fifteen thousand pounds: And whereas it was agreed between the Board and the lender that interest at the rate of three and one-half per centum per annum in respect of the said sum should commence and be paid as from the thirtieth day of June, nineteen hundred and thirty-eight: And whereas the Board did not receive from the lender the said sum of eight thousand pounds until the nineteenth day of August, nineteen hundred and thirty-eight: And whereas the Board paid to the lender the sum of thirty-eight pounds seven shillings and threepence as interest on the said sum in respect of the period between the thirtieth day of June, nineteen hundred and thirty-eight, and the nineteenth day of August, nineteen hundred and thirty-eight: And whereas the Board had no legal authority to

Validating payment of interest by South Canterbury Electric-power Board.

expend its funds for the payment of interest between the dates aforesaid: Be it therefore enacted as follows:—

The payment by the Board of the sum of thirty-eight pounds seven shillings and threepence as interest on the said sum is hereby validated and declared to have been lawfully made.

Validating provisions of agreement between Teviot and Otago Central Electric-power Boards.  
See Reprint of Statutes, Vol. III, p. 53

**38.** Whereas by an agreement bearing date the thirteenth day of September, nineteen hundred and thirty-eight, made between the Teviot Electric-power Board and the Otago Central Electric-power Board, and purporting to be made pursuant to the provisions of section one hundred and seventeen of the Electric-power Boards Act, 1925, the said Boards agreed to interchange electrical energy on the terms and subject to the conditions set out in the said agreement and for such purpose each Board agreed to appoint two of its members to a Committee of Supply to carry into effect the provisions of the said agreement: And whereas doubts have arisen regarding the power of the parties to enter into certain of the provisions of the said agreement: And whereas by the said section one hundred and seventeen of the Electric-power Boards Act, 1925, the approval of the Governor-General in Council is required in respect of any agreement made under that section: Be it therefore enacted as follows:—

(1) Subject to the provisions of this section, the said agreement shall be deemed to have been lawfully made and entered into by the said Boards, and all appointments made thereunder shall be and be deemed to be lawful notwithstanding anything in the Electric-power Boards Act, 1925, to the contrary, and it shall not be necessary for the said Boards to obtain the approval of the Governor-General in Council to the said agreement or to any arrangement made pursuant to the said agreement.

(2) This section shall not be deemed to be an authority for the commencement of the construction of any electric works, or for the entering into any contract, matter, or thing to be done in or about the purchase or construction of electric works or a license to use water for the purpose of generating electricity, or to lay, construct, put up, place, or use any electric line.



(3) If sufficient electrical energy is made available to the said Boards from any electrical supply undertaking maintained by the Minister of Public Works to supply the requirements of both such Boards, the Minister may, by notice in writing to the Boards, determine the said agreement, and on the expiration of six months from the receipt by the Boards of such notice the agreement shall be deemed to be determined accordingly.

**39.** Whereas by Proclamation dated the twentieth day of October, nineteen hundred and twenty-two, and published in the *Gazette* of the twenty-sixth day of the same month, the Otago Central Electric-power District was duly constituted under the Electric-power Boards Act, 1918, comprising the Borough of Alexandra and portion of the County of Vincent as constituent districts, and the Borough of Cromwell and the balance of the County of Vincent not included in the said constituent district as outer area: And whereas by Proclamations dated the twenty-ninth day of November, nineteen hundred and twenty-four, the eleventh day of July, nineteen hundred and twenty-eight, and the fourteenth day of September, nineteen hundred and thirty-seven, and published in the *Gazettes* of the fourth day of December, nineteen hundred and twenty-four, the nineteenth day of July, nineteen hundred and twenty-eight, and the sixteenth day of September, nineteen hundred and thirty-seven, respectively, the boundaries of the said Otago Central Electric-power District were altered so as to include the Borough of Cromwell and further portions of the County of Vincent, together with a portion of the County of Lake: And whereas by Proclamation dated the twenty-seventh day of January, nineteen hundred and thirty-four, and published in the *Gazette* of the first day of February of the same year, the Lake Wakatipu Electric-power District was duly constituted under the Electric-power Boards Act, 1925 (hereinafter in this section referred to as the principal Act), comprising the Boroughs of Queenstown and Arrowtown and portion of the Lake County as constituent districts, and the balance of the Lake County not

Provision with respect to amalgamation of Otago Central and Lake Wakatipu Electric-power Districts.

See Reprint of Statutes. Vol. III, p. 4

included in the said constituent district as outer area: And whereas the Lake Wakatipu Electric-power Board has been unable to make satisfactory arrangements for the supply of electricity within the Lake Wakatipu Electric-power District: And whereas it appears desirable to make special provision in manner hereinafter appearing: Be it therefore enacted as follows:—

(1) In this section, unless the context otherwise requires,—

“ The appointed day ” means the first day of December, nineteen hundred and thirty-nine:

“ The Board ” means the Board constituted under this section as the Electric-power Board for the district:

“ The district ” means the Otago Central Electric-power District for the constitution of which provision is hereinafter made:

“ Original Boards ” mean the Boards constituted under the Electric-power Boards Act, 1918, and the Electric-power Boards Act, 1925, in respect of the original districts, and holding office on the day before the appointed day:

“ Original districts ” mean the Electric-power Districts of Lake Wakatipu and Otago Central as constituted at the time of the passing of this Act.

(2) The provisions hereinafter made for the determination of the representatives to assume office on the Board shall take effect immediately on the passing of this Act, but the other provisions hereof shall not take effect until the appointed day.

(3) The original districts are hereby abolished and the original Boards are hereby dissolved.

(4) The areas described in the next succeeding subsection are hereby constituted a new electric-power district, to be known as the Otago Central Electric-power district.

(5) The areas referred to in the last preceding subsection are described as follows:—

All those areas in the Otago Land District comprising the Otago Central Electric-power District as constituted immediately before the appointed day,

and that part of the Lake Wakatipu Electric-power District as constituted immediately before the appointed day comprising the constituent districts of the Borough of Arrowtown and part of the County of Lake.

(6) The area described in paragraph (a) of this subsection is hereby declared to be an outer area of the district, and the areas described in paragraph (b) of this subsection are hereby declared to be outer areas of the district.

(a) All that area in the Otago Land District comprising the Borough of Queenstown as constituted immediately before the appointed day:

(b) All those areas in the Otago and Southland Land Districts comprising the outer areas of the Otago Central and Lake Wakatipu Electric-power Districts as constituted immediately before the appointed day.

(7) Subject to the provisions of this section, the district shall be deemed to be an Electric-power District duly constituted on the appointed day under the principal Act; and in respect of the district and outer area, the Board shall have and may exercise all the powers, rights, and privileges, and shall be subject to all the duties, obligations, and liabilities, of an Electric-power Board duly constituted under the principal Act.

(8) On the petition of the Board under seal and with the consent by resolution of the Queenstown Borough Council, the Governor-General may by proclamation, without requiring compliance with section three of the principal Act, alter the boundaries of the district so as to include in the district the area described in paragraph (a) of subsection six hereof.

(9) The first meeting of the Board shall be held at Alexandra on the appointed day.

(10) (a) Save as hereinafter provided, the representatives on the Board of the several constituent districts shall be elected by the electors of the said constituent districts.

(b) On and after the appointed day the Board shall consist of nine members.

(c) The number of representatives respectively of the several constituent districts named in the first column hereunder shall be that set opposite the name of that constituent district in the second column hereunder, namely:—

<i>First Column.</i>	<i>Second Column.</i>
County of Vincent ..	Five members.
County of Lake ..	One member.
Borough of Alexandra ..	One member.
Borough of Cromwell ..	One member.
Borough of Arrowtown..	One member.

(11) (a) Until the next general election of representatives of the local authorities of the several constituent districts a sufficient number of the respective representatives of the said constituent districts on the original Boards shall assume office as the representatives of the said constituent districts on the Board.

(b) The representatives of any constituent district so to assume office shall be agreed upon by all the representatives of that constituent district on the original Board not later than fourteen clear days before the appointed day, and in default of such agreement may be selected not later than seven clear days before the appointed day by lot in manner determined by the original Board.

(c) In the event of failure so to appoint a sufficient number of representatives the provisions of section seventeen of the principal Act shall apply as if the failure were a failure to elect representatives.

(d) The representatives assuming office in pursuance of this section shall hold office as aforesaid in all respects as if they had been duly elected in accordance with the principal Act.

(e) At the said general elections the required numbers of members as set out in the second column aforesaid shall be elected.

(12) The provisions of paragraphs (b), (c), (d), and (e) of subsection four of section five of the principal Act shall, with the necessary modifications, apply as if the original districts were "original districts" for the purpose of that section and the district were a "district" united in pursuance of

that section, and the Board may exercise all such rights and authorities of any nature whatever as were exercisable by either of the original Boards.

(13) Notwithstanding anything in subsection nine hereof, all or any of the powers of apportioning representation conferred by the principal Act may be exercised as occasion arises.

*River and Drainage Boards.*

**40.** The Waioeka River District constituted under the River Boards Act, 1908, is hereby abolished and the River Board of the said district is hereby dissolved.

**41.** Whereas it is enacted by section fifty of the Local Legislation Act, 1936, as extended by section forty-two of the Local Legislation Act, 1937, that the Mangapu Drainage Board (hereinafter called the Board) is authorized to make and levy for certain years, set out in those sections, a general rate, not exceeding threepence in the pound on the land classified, in accordance with section thirty-three of the Land Drainage Act, 1908, as "A" lands; a general rate, not exceeding twopence in the pound on lands so classified as "B" lands; and a general rate, not exceeding one penny in the pound, on lands so classified as "C" lands: And whereas it is expedient that the Board should be empowered to continue to rate on that basis for a further period: Be it therefore enacted as follows:—

The provisions of section fifty of the Local Legislation Act, 1936, as extended by section forty-two of the Local Legislation Act, 1937, shall be deemed to be further extended to authorize and to have authorized the Board to make and levy the general rates as set out in subsection two of section fifty of the Local Legislation Act, 1936, for the years ending respectively on the thirty-first day of March, nineteen hundred and forty, on the thirty-first day of March, nineteen hundred and forty-one, and on the thirty-first day of March, nineteen hundred and forty-two.

**42.** Whereas the Ellesmere Lands Drainage Board (hereinafter called the Board) obtained the consent of the Local Government Loans Board to the raising of a loan of eight hundred and fifty pounds, to be known as Halswell River Diversion Loan, 1937 (hereinafter referred to as the said loan), subject to

Waioeka  
River District  
abolished.

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

Section 50  
of the Local  
Legislation Act,  
1936, extended,  
1936, No. 54  
1937, No. 25

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

Validating  
the raising  
of the  
Halswell River  
Diversion Loan  
by Ellesmere  
Lands Drainage  
Board.

See Reprint  
of Statutes,  
Vol. V, p. 418  
1932, No. 30

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

certain terms and conditions: And whereas by Order in Council bearing date the twenty-second day of September, nineteen hundred and thirty-seven, the Governor-General in Council, in pursuance and in exercise of the powers and authorities conferred on him by section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), consented to the Board raising the said loan subject to the determinations as set out in the consenting Order in Council: And whereas one of the said determinations provided that the Board before raising the said loan should make provision for the repayment thereof by establishing a sinking fund under the Local Bodies' Loans Act, 1926, or under such other statutory enactment as may be applicable: And whereas, instead of making provision for the repayment thereof by establishing a sinking fund as aforesaid, the Board has issued debentures providing for repayment of the said loan by payments of principal and interest each half-year over the term as specified in the said Order in Council: And whereas the raising of the said loan in manner aforesaid without having previously obtained a variation of the said determinations was unlawful, and it is desirable that the said loan and the debentures thereunder be validated: Be it therefore enacted as follows:—

(1) The said loan is hereby validated and declared to have been lawfully raised and the said debentures securing the repayment of the said loan and interest thereon are hereby validated and declared to have been lawfully issued.

(2) Nothing heretofore done by the Board shall in any way prejudicially affect the security of the lenders of the said loan-moneys.

Auckland and  
Suburban  
Drainage  
Board  
authorized to  
raise a loan  
of £5,000.  
1936, No. 54

**43.** Whereas the Auckland and Suburban Drainage Board (hereinafter called the Board) was authorized by section forty-eight of the Local Legislation Act, 1936, to raise a special loan, not exceeding the sum of four thousand five hundred pounds, for the purpose of providing funds for the expenses of investigating matters incidental to a proposed sewerage and storm-water drainage scheme for the Auckland Metropolitan District: And whereas pursuant to such authority the Board duly raised a loan of four thousand five

hundred pounds and expended the proceeds thereof for the said purpose: And whereas the Board up to the thirty-first day of March, nineteen hundred and thirty-nine, expended for the like purpose further moneys amounting to nine hundred and eighty-one pounds sixteen shillings and ninepence out of its Number 2 Account, General Fund, and it is estimated that during the current financial year of the Board additional expenditure to the amount of five hundred pounds will be incurred for the said purpose: And whereas in connection with the watercourse improvement works which are being carried out by the Board under Scheme Number 13 of the Department of Labour the Board during the year ended the thirty-first day of March, nineteen hundred and thirty-nine, expended the sum of one thousand three hundred and eighteen pounds sixteen shillings and ninepence out of its said Number 2 Account, General Fund, and it is estimated that during the current financial year a further sum of one thousand one hundred and fifty pounds will be required for such improvement works: And whereas on the fourth day of January, nineteen hundred and thirty-eight, a temporary advance of one thousand pounds was made to the Board by the Department of Labour in respect of expenditure by the Board in connection with the said watercourse improvement works: And whereas it is desirable to authorize the Board to raise a special loan to enable it to refund to its said Number 2 Account, General Fund, the moneys paid thereout as aforesaid, to meet the estimated expenditure for the current year as aforesaid, and to repay the said advance of one thousand pounds: Be it therefore enacted as follows:—

(1) The Board is hereby authorized and empowered by special order to raise a special loan, not exceeding the sum of five thousand pounds, for the following purposes:—

- (a) To provide, in addition to the moneys already raised and expended pursuant to section forty-eight of the Local Legislation Act, 1936, further funds for the purpose specified in such section:
- (b) To carry out the watercourse improvement works now in progress and undertaken by the Board under Scheme Number 13 of the Department of Labour:

(c) To repay the advance of one thousand pounds made to the Board by the Department of Labour on the fourth day of January, nineteen hundred and thirty-eight.

1908, No. 25  
(Local)

(2) The purposes for which such loan is raised shall be deemed to be purposes duly authorized by the Auckland and Suburban Drainage Act, 1908.

(3) The Board may, out of the proceeds of such loan, refund to its Number 2 Account, General Fund, all moneys heretofore or hereafter advanced thereout for the purposes mentioned in paragraphs (a) and (b) of subsection one hereof.

Provision with respect to union of Mangapu Drainage District and Orahiri Drainage District.  
See Reprint of Statutes, Vol. IV, p. 466

**44.** Whereas the Mangapu Drainage District and the Orahiri Drainage District are duly constituted districts under the provisions of the Land Drainage Act, 1908: And whereas the boundaries of the two said drainage districts are contiguous: And whereas it is desirable to make provision as hereinafter appearing to take effect upon the abolition of the Orahiri Drainage District and the inclusion of the said district in the Mangapu Drainage District: Be it therefore enacted as follows:—

Notwithstanding the provisions of the Land Drainage Act, 1908, if the Orahiri Drainage District is abolished under section three of that Act and the area comprised in that district is subsequently, pursuant to an Order in Council made under that section, included in the Mangapu Drainage District, the following special provisions shall apply as from the date when the said Order in Council comes into force:—

- (a) All property both real and personal belonging to the Orahiri Drainage Board shall be forthwith vested in the Mangapu Drainage Board:
- (b) All rates and other moneys payable to the Orahiri Drainage Board shall be payable to the Mangapu Drainage Board:
- (c) All actions, suits, and proceedings (if any) pending by or against the Orahiri Drainage Board may be carried on by or against the Mangapu Drainage Board:
- (d) All the liabilities, contracts, and engagements of the Orahiri Drainage Board shall become the liabilities, contracts, and engagements of the Mangapu Drainage Board:



(e) The Mangapu Drainage Board may raise a special loan without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, for the purpose of repaying any loan liability of the Orahiri Drainage Board:

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

(f) Such special loan shall be secured by a special rate made and levied on all rateable property in the area then comprised in the former Orahiri Drainage District included as aforesaid in the Mangapu Drainage District.

**45.** Whereas the Waimakariri River Trust (hereinafter called the Trust) agreed to acquire by way of exchange from the Corporation of the County of Waimairi certain lands containing, *inter alia*, eight acres one rood and twenty-two perches, part of Reserve 2363, being the land coloured pink on Plan 2268 deposited in the office of the Chief Surveyor at Christchurch: And whereas the Trust agreed with one Robert McCleave to transfer the said land to the said Robert McCleave by way of exchange for the areas of land totalling thirty acres and thirty-one perches, being the lands comprising respectively seven acres and five perches (coloured blue), thirteen acres three roods and thirty-three perches (coloured pink), and nine acres and thirty-three perches (coloured pink) on Plan 2251 deposited in the office of the Chief Surveyor at Christchurch and being Rural Section 22149 and parts of Rural Section 14181: And whereas the said lands being acquired by way of exchange by the Trust from the said Robert McCleave are of the value of four hundred and twenty-five pounds thirteen shillings, and the lands being acquired by the said Robert McCleave from the Trust under the said exchange are of the value of one hundred pounds thirteen shillings, and the amount paid to the said Robert McCleave by way of equality of exchange was the sum of three hundred and twenty-five pounds: And whereas the lands acquired by the Trust from Robert McCleave were more suitable for its purposes and were urgently required for river-protection purposes: And whereas possession of the lands affected by the said exchange has been given and taken by the Trust and the said Robert McCleave respectively, and the said Robert McCleave has been paid the said sum of three hundred and twenty-five

Validating  
exchange of  
lands by  
Waimakariri  
River Trust.

1930, No. 34

pounds: And whereas by section four of the Waimakariri River Improvement Amendment Act, 1930, the Trust was authorized to exchange lands vested in it for other lands and to pay by way of equality of exchange a sum not exceeding twenty-five per centum of the value of the land exchanged: And whereas it is desired to validate the transactions hereinbefore referred to: Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in section four of the Waimakariri River Improvement Amendment Act, 1930, the said exchange between the Trust and the said Robert McCleave and the payment of the said sum of three hundred and twenty-five pounds by the Trust are hereby validated.

(2) The Trust is hereby empowered to execute all documents and take all steps necessary for vesting the said lands containing eight acres one rood and twenty-two perches in the said Robert McCleave in fee-simple freed of any reservation or trust heretofore affecting the same.

(3) The Trust is also hereby empowered to execute all documents and take all steps necessary for vesting the said lands comprising thirty acres and thirty-one perches in the Trust in fee-simple upon trust for the improvement and protection of the banks of the Waimakariri River.

#### *Fire Board.*

Validating  
payment of  
compassionate  
allowance by  
New Plymouth  
Fire Board.

46. The payment by the New Plymouth Fire Board out of its ordinary funds during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-nine, of a sum of forty-five pounds to Mary Doughty, the widow of Fred Mamby Doughty, formerly employed by the said Board as caretaker of its fire-station, as a compassionate allowance is hereby validated and declared to have been lawfully made.

#### *Hospital Boards.*

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

47. The expenditure by the Nelson Hospital Board (hereinafter called the Board) of sums totalling one thousand pounds as compensation to nurses employed by the Board in respect of losses of clothing and personal effects sustained by such nurses when the nurses' home annexe of the Board was destroyed by fire is hereby validated and declared to have been lawfully made.

48. Whereas the Wellington Hospital Board (hereinafter called the Board) has raised a loan of four hundred and sixty-five thousand pounds for the purpose of erecting buildings and making additions to existing buildings in connection with the Wellington Hospital, such loan being known as the Wellington Hospital Centenary Block Loan, 1937-40 (hereinafter referred to as the said loan): And whereas the moneys so raised are not required immediately for the purposes for which the said loan was authorized and the Board is desirous of diverting and utilizing such moneys or part thereof for other purposes: And whereas it is intended that all moneys so diverted and utilized shall be repaid by other moneys now or hereafter authorized to be borrowed for any of the purposes hereinafter mentioned: Be it therefore enacted as follows:—

Authorizing  
diversion of  
loan-moneys  
by Wellington  
Hospital Board.

(1) Subject to the provisions of subsection three of section seventy-five of the Hospitals and Charitable Institutions Act, 1926, the Board may, without derogating from the purposes for which the same was raised, divert and utilize the moneys representing the said loan, or so much thereof as may be required, for all or any of the following purposes:—

See Reprint  
of Statutes,  
Vol. III, p. 754

- (a) In making additions and alterations to the boiler-house at the Wellington Hospital and in the purchase of necessary equipment for such boiler-house:
- (b) The provision, erection, and equipping of an emergency ward at the said hospital:
- (c) In making alterations and additions to the buildings at the Wellington Hospital known as the children's theatre block, and in the purchase of necessary equipment therefor:
- (d) The provision, erection, and equipping of bulk stores, dining-room, and staff quarters at the said hospital, and the acquisition of any land or interest in land required therefor or incidental thereto:
- (e) The acquisition of land in the Hutt Valley as a site for a hospital, the alteration of or addition to existing buildings on such site, and the erection of new buildings thereon:
- (f) The acquisition for hospital purposes of the fee-simple of or any lesser estate or interest in land adjoining the present site and grounds of the Wellington Hospital or adjacent thereto:

- (g) In making alterations and additions to the laundry at the Wellington Hospital, and in the purchase of necessary equipment therefor:
- (h) In payment of architectural, engineering, legal, and other fees and expenses incurred or to be incurred in connection with all or any of the purposes aforesaid.

(2) All payments made by the Board before the passing of this Act out of the said loan for all or any of the purposes aforesaid are hereby validated.

(3) Nothing herein contained shall be deemed to affect the right of the Board to raise any loan heretofore authorized, or any loan which may hereafter be authorized, for the purpose of meeting the cost of any of the works mentioned in subsection one of this section.

(4) The Board is hereby authorized and required to repay from the proceeds of any loan referred to in the last preceding subsection all moneys temporarily diverted from the said loan.

*Affecting Two or More Classes of Public Bodies.*

**49.** (1) Notwithstanding anything contained in subsection four of section six of the Local Legislation Act, 1933, the provisions of that section shall, for all purposes, be deemed to have been continued in force as from the thirty-first day of March, nineteen hundred and thirty-nine, and shall have full force and effect until the thirty-first day of March, nineteen hundred and forty-nine.

(2) The said subsection four is hereby repealed.

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

The Wellington Hospital Board, one thousand two hundred and fifty pounds;

The Wellington Harbour Board, three hundred pounds;

The Hutt County Council, one hundred and fifty pounds; and

The Makara County Council, eighty-six pounds.

Section 6  
of Local  
Legislation Act,  
1933, extended.  
1933, No. 46

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

**51.** Whereas by agreement dated the twenty-sixth day of November, nineteen hundred and thirty-six, and made between the Corporation of the Borough of Wairoa, of the one part, and the Corporation of the County of Wairoa, of the other part, the Wairoa County Council agreed to pay to the Wairoa Borough Council the annual sum of fifty pounds for a term of twenty-five years as from the first day of July, nineteen hundred and thirty-six, as its contribution towards the cost of a building erected within the Borough of Wairoa by the Wairoa Borough Council for the purposes of a ladies' rest room and room for the Plunket Nurse: And whereas the Wairoa County Council has made payments in accordance with such agreement: And whereas there is no statutory authority for payments heretofore made and hereafter to be made in accordance with the said agreement: Be it therefore enacted as follows:—

Provision with respect to payments by Wairoa County Council to Wairoa Borough Council.

All payments made before the passing of this Act by the Wairoa County Council to the Wairoa Borough Council under the aforesaid agreement out of its General Fund are hereby validated, and the Wairoa County Council is hereby authorized to make all such future payments out of its General Fund.

**52.** (1) The Buller County Council and the Westport Borough Council are hereby authorized each to pay to the Cawthron Institute a sum not exceeding fifty pounds in each financial year during the period commencing on the first day of April, nineteen hundred and forty, and ending on the thirty-first day of March, nineteen hundred and forty-two, the first payment to be made during the financial year ending on the thirty-first day of March, nineteen hundred and forty, as a contribution towards a scientific investigation by the Institute of the utilization of certain lands in the Buller County:

Authorizing Buller County Council and Westport Borough Council to contribute towards experiments by Cawthron Institute on pakihi lands.

Provided that no payment shall be made in any year except with the approval of the Council of Scientific and Industrial Research.

(2) Any such payment made by either of the said Councils in respect of the financial years ended respectively on the thirty-first day of March, nineteen hundred and thirty-eight, and the thirty-first day of March, nineteen hundred and thirty-nine, is hereby validated and declared to have been lawfully made.

Exchange of  
land at Evans  
Bay for  
portion of  
Fryatt Quay,  
between  
Wellington  
Harbour Board  
and Wellington  
City  
Corporation.

**53.** (1) The areas of land described in subsection three of this section now vested in the Wellington Harbour Board are hereby declared to be streets and vested in the Corporation of the City of Wellington as such.

(2) The area of land described in subsection four of this section, being portion of Fryatt Quay, is hereby closed and vested for an estate in fee-simple in the Wellington Harbour Board.

(3) The areas of land referred to in subsection one of this section are more particularly described as follows:—

(a) All that piece of land containing one rood seven perches and eight-tenths of a perch, be the same a little more or less, being part of the bed of the Port Nicholson Harbour referred to in the Fourth Schedule to the Wellington Harbour Board Reclamation and Empowering Act, 1908, being the land coloured red on a plan deposited in the office of the Chief Surveyor at Wellington as S.O. 20184; also that piece of land containing two roods sixteen perches and nine-tenths of a perch, be the same a little more or less, being part of Section 5, Evans Bay District, and also part of Lots 6 to 17 inclusive on Deposited Plan Number 2158, being the land coloured blue on the said plan S.O. 20184:

(b) All that piece of land situate in the Wellington Land District, containing twenty-five perches, be the same a little more or less, being part of the bed of the Port Nicholson Harbour and being part of the land described in the Fifth Schedule to the Wellington Harbour Board Reclamation and Empowering Act, 1908: as the same is more particularly delineated on a plan deposited in the office of the Chief Surveyor at Wellington as S.O. 20259, and thereon coloured red.

(4) The area of land referred to in subsection two of this section is more particularly described as follows:—

All that piece of land situate in the City of Wellington containing one acre and sixteen perches and five-tenths of a perch, adjoining or passing through

1908, No. 40  
(Local)

the land shown on Deposited Plan Number 7469, being part of reclaimed land situate in Block VI, Port Nicholson Survey District: as the same is more particularly delineated on a plan deposited in the office of the Chief Surveyor at Wellington as S.O. 20349, and thereon coloured green.

**54.** Section fifty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1919, is hereby amended as follows:—

Section 56 of Reserves and other Lands Disposal and Public Bodies Empowering Act, 1919, amended. 1919, No. 54

- (a) By omitting from subsection one and from subsection two the words “ subject, however, to the provisions of subsections three, four, and five hereof ”:
- (b) By omitting from subsection one and from subsection two the words “ one hundred and fifty ”, and substituting in each case the words “ two hundred ”:
- (c) By repealing subsections three and four:
- (d) By omitting from subsection five the words “ subject to obtaining the consent of the ratepayers as provided in subsections two and three hereof ”.

**55.** The Manukau County Council, the Papakura Borough Council, and the Manurewa Borough Council are hereby authorized and empowered jointly to provide a site for and to construct and maintain a public pound within the County of Manukau, and for the purpose of meeting the cost of such undertakings each such Council is hereby authorized to make such contributions upon such terms and conditions as may be agreed upon between the said Councils.

Authorizing certain local authorities to establish a public pound.

#### *Miscellaneous.*

**56.** It shall be and be deemed to have been lawful for the Board of Trustees of the National Art Gallery and Dominion Museum to borrow moneys, not exceeding in the aggregate the sum of two thousand pounds, for the purpose of meeting the preliminary expenses of the Board in connection with the holding of an Art Exhibition as a part of the Centennial celebrations.

Authorizing Board of Trustees of National Art Gallery and Dominion Museum to incur certain expenditure, and validating payments already made.

**57.** Whereas it was adjudged by the Supreme Court on the twenty-first day of August, nineteen hundred and thirty-nine, that the rates made and levied by the Tuhikaramea Rabbit Board in respect of the period commencing on the first day of September, nineteen

Validating rates made and levied by Tuhikaramea Rabbit Board.

hundred and thirty-eight, and ending on the thirty-first day of March, nineteen hundred and thirty-nine, were *ultra vires* of the said local authority and void: And whereas on the sixth day of October, nineteen hundred and thirty-eight, the said local authority made and delivered demands in writing for payment of the said rates, and a large percentage of the said rates was, prior to the said judgment, paid by divers ratepayers, and it is advisable in the public interest and to prevent injustice to validate the said rates and to empower the said local authority to recover the balance thereof: Be it therefore enacted as follows:—

(1) The rate-book wherein the said rates were recorded in and for the said period shall be deemed to have been compiled in accordance with law and to be and to have been valid and effectual accordingly; the rates made and levied or which the said local authority purported to make and levy in and for the said period as appearing in the said rate-book shall be valid and be deemed to have been valid from the fifth day of September, nineteen hundred and thirty-eight, the date when the said local authority purported to make and levy the same; the demands made by the said local authority for payment of such rates shall be and be deemed to have been valid, and the said rates shall be recoverable by the said local authority by action, notwithstanding the said judgment and notwithstanding that the said local authority failed to notify publicly its intention to make such rates, or the omission of any condition whatsoever precedent to the making or levying of such rates or any irregularity, mistake, or omission in the form or manner of making or levying the same or otherwise, and valid demands upon all persons liable for the said rates shall be conclusively presumed to have been duly made and delivered in accordance with law on the said sixth day of October, nineteen hundred and thirty-eight.

(2) Nothing contained in this section shall be construed to derogate from the power of the local authority under subsection two of section fifty-seven of the Rating Act, 1925, to correct errors (if any) existing in the said rate-book on the said fifth day of September, nineteen hundred and thirty-eight, which the said local authority could or ought to have corrected.



(3) The additional charge of ten per centum chargeable in respect of the said rates under the provisions of section seventy-six of the Rating Act, 1925, may be added to all the said rates remaining unpaid at the expiration of six months and fourteen days from the passing of this Act, and not otherwise, and shall be payable and recoverable accordingly; but such additional charge of ten per centum shall not be recoverable until the said local authority shall have publicly notified that the same will be added.

(4) Judgment for the amount of any of the said rates due may be given or signed at any time within three years after the passing of this Act:

Provided, however, that judgment for so much of the said rates as may be due in respect of Native land may be given against any owner or occupier of that land at any time within four years after the passing of this Act.

**58.** Whereas the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund is a society duly incorporated under the provisions of the War Funds Act, 1915, by Order in Council published in the *Gazette* of the first day of September, nineteen hundred and twenty-one: And whereas the Fund is administered by Trustees in accordance with the provisions of the said Act: And whereas the land described in subsection four hereof (known as the Girls' Flock House) is vested in the Fund for an estate in fee-simple: And whereas the trustees of the Fund desire to give and transfer the said land to the Women's Division of the New Zealand Farmers' Union (Incorporated) for the purpose of maintaining and continuing to use the said land for the training of rural domestic workers and particularly for the purpose of a rest-home for sick or convalescent wives or daughters of farmers: And whereas it is expedient to confer on the trustees power to give and transfer the said land to, and to authorize its acquisition by, the said Women's Division of the New Zealand Farmers' Union (Incorporated): Be it therefore enacted as follows:—

(1) The Trustees of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund are hereby authorized and empowered to give and transfer to the Women's Division of the New Zealand Farmers'

Authorizing the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund to transfer land to Women's Division of the New Zealand Farmers' Union (Incorporated). See Reprint of Statutes, Vol. VIII, p. 1058

Union (Incorporated) the land described in subsection four hereof, and the acquisition of the said land by the said Women's Division of the New Zealand Farmers' Union (Incorporated) is hereby authorized for the purpose of maintaining and continuing to use the said land with the appurtenances thereto belonging for the training of rural domestic workers and particularly for the purpose of a rest-home for sick or convalescent wives and daughters of farmers.

(2) In the event of the Women's Division of the New Zealand Farmers' Union (Incorporated) being wound up or in the event of the said land at any time hereafter not being required or used by it for the purposes mentioned in subsection one hereof, then and in any such event the said land shall revert to and be re-vested in the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund, and the District Land Registrar shall enter upon the certificate of title to the said land a memorial to that effect.

(3) No gift duty or stamp duty shall be payable in respect of the transfer authorized by this section.

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

All that piece of land situate in the Provincial District of Wellington containing four acres and one perch and eighty-six one-hundredths of a perch, more or less, situate in Block XIV of the Kairanga Survey District, and being Lot Number 29 on deposited plan Number 11013 and part of the land comprised in certificate of title, Volume 452, folio 260, Wellington Registry.

Authorizing  
the New  
Zealand (1940)  
Jamboree Team  
(Incorporated)  
to pay to  
Boy Scouts'  
associations  
moneys  
contributed  
towards the  
New Zealand  
Centennial Boy  
Scouts'  
Jamboree.

**59.** Whereas it was proposed to hold in December, nineteen hundred and thirty-nine, and January, nineteen hundred and forty, a meeting (known as the New Zealand Centennial Boy Scouts' Jamboree and hereinafter referred to as the jamboree) of Boy Scouts, at Heretaunga, near Wellington: And whereas preparations were made and have until recently been in train for the jamboree: And whereas certain moneys have been paid to certain persons responsible for the arrangements for the jamboree in respect of Boy Scouts who proposed to attend the jamboree: And whereas on account of conditions of war now obtaining it has been found impossible to proceed with the

jamboree, and the Boy Scouts concerned have been notified accordingly: And whereas on the first day of August, nineteen hundred and thirty-nine, a society was incorporated under the Incorporated Societies Act, 1908, known as the New Zealand (1940) Jamboree Team (Incorporated), (hereinafter called the society): And whereas immediately after incorporation of the society the persons responsible for the arrangements for the jamboree paid to the society all moneys then in their hands representing, *inter alia*, the balance of sums received in respect of Boy Scouts as above mentioned: And whereas it is desired to provide for the refund (subject as hereinafter provided) to such Boy Scouts of moneys received in respect of such Boy Scouts as aforesaid: Be it therefore enacted as follows:—

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

(1) Subject to the deduction therefrom of such sums as shall be necessary to defray the costs and liabilities incurred in connection with the jamboree by the society or by the persons responsible for the arrangements in connection with the said jamboree, and including the costs of winding up the society and distribution of the said moneys as hereinafter provided, all such moneys so received, whether by the society or by the persons responsible for the arrangements for the jamboree, in respect of Boy Scouts as above mentioned shall be paid to the respective authorities for the time being (whether incorporated or unincorporated) of the Boy Scouts in each district from which any moneys shall have been received as aforesaid in respect of any Boy Scout or Boy Scouts who proposed to attend the jamboree.

(2) Such moneys shall be expressed to be paid to the respective Boy Scout authorities for distribution by those authorities to the Boy Scouts in respect of whom such moneys were paid.

(3) Such payments shall be made by the society or its nominee, and when effected shall operate as a complete discharge and indemnity to or for the society and its members and to or for all persons who have been concerned in the preparation and control of the said jamboree.