



## NEW ZEALAND

### ANALYSIS

#### Title.

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## 1949, No. 35

Title. AN ACT to Confer Certain Powers on Certain Public Bodies and to Validate Certain Transactions.

[21st October, 1949

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

Short Title. 1. This Act may be cited as the Local Legislation Act, 1949.

*County Councils*

2. Whereas the Local Government Loans Board on the seventeenth day of July, nineteen hundred and forty-six, sanctioned the borrowing in New Zealand by the Wairewa County Council (in this section referred to as the Council) of the sum of two thousand seven hundred and fifty pounds by a loan, to be known as the Kinloch Riding Roothing Loan, 1946 (in this section referred to as the loan): And whereas a poll of the ratepayers of the Kinloch Riding of the County of Wairewa taken on the proposal to raise the loan was duly carried, and notification of the result of the poll was published in the *Gazette* of the third day of October, nineteen hundred and forty-six, but the Council omitted to send to the Minister of Finance for publication in the *Gazette* a notice of the number of votes recorded for and against the proposal as required by subsection one of section thirteen of the Local Bodies' Loans Act, 1926: And whereas the Council duly raised the loan, but, contrary to the provisions of section three of the Local Government Loans Board Act, 1926, the consent of the Governor-General in Council, to the raising of the loan was not first obtained: Be it therefore enacted as follows:—

Validating raising of certain loan-moneys by Wairewa County Council.

See Reprint of Statutes, Vol. V, p. 367

Ibid., p. 415

The action of the Council in raising the loan without the prior consent of the Governor-General in Council is hereby validated, and the publication of the result of the poll in the *Gazette* in the manner hereinbefore mentioned shall be deemed to have been due compliance with section thirteen of the Local Bodies' Loans Act, 1926, and the loan shall be deemed to have been lawfully raised and the securities given in respect thereof to have been lawfully issued.

3. Whereas the Murchison County Council (in this section referred to as the Council), prior to the raising of the Maruia Hydro Development Loan, 1948, of the sum of fifteen thousand six hundred pounds (in this section referred to as the loan), and before being duly authorized within the meaning of section forty-four of the Finance Act, 1933 (No. 2), to raise the loan, expended, out of its County Fund Account, moneys amounting in the aggregate to the sum of one thousand two hundred and seventy pounds seven shillings and threepence in the purchase of electrical machinery and

Authorizing Murchison County Council to refund its County Fund Account in respect of moneys expended in purchase of electrical machinery.

1933, No 41

appliances as part of the works for which the loan was intended to be raised: And whereas the loan has since been raised pursuant to authority granted in that behalf, and the Council is desirous of recouping its County Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to refund to its County Fund Account, out of the proceeds of the loan, the said sum of one thousand two hundred and seventy pounds seven shillings and threepence.

4. Whereas the Morven Drainage District is a drainage district within the South Canterbury Catchment District and was constituted by the Waimate County Council (in this section referred to as the Council) under the powers conferred by the Counties Act, 1920: And whereas on the twenty-eighth day of July, nineteen hundred and forty-seven, the Council purported to make and levy a rate for administrative purposes on the capital rateable value of all lands within the Morven Drainage District in the following manner:—

(a) On the capital rateable value of all lands in Class “A,” a rate of one and one-tenth of a penny in the pound:

(b) On the capital rateable value of all lands in Class “B,” a rate of six-tenths of a penny in the pound:

And whereas the said rate purported to be for the period that commenced on the first day of April, nineteen hundred and forty-seven, and ended on the thirty-first day of March, nineteen hundred and forty-eight, and was payable on the fourteenth day of August, nineteen hundred and forty-seven: And whereas by section three of the South Canterbury Catchment Board Act, 1946, all watercourses in the South Canterbury Catchment District were brought under the exclusive care, control, and management of the South Canterbury Catchment Board: And whereas the Council had no authority to make and levy the said rate: Be it therefore enacted as follows:—

(1) The said rate shall be deemed to have been made and levied by the Council pursuant to a special order made by the South Canterbury Catchment Board under section ninety-five of the Soil Conservation and Rivers Control Act, 1941, directing the Council to make and levy the rate.

Validating making and levying of drainage rate by Waimate County Council.  
See Reprint of Statutes, Vol. V, p. 180

1946 (Local), No. 10

1941, No. 12

(2) The said rate made and levied by the Council shall be valid and effectual for all purposes as from the date on which the Council purported to make and levy the same.

5. Whereas certain books, magazines, and periodicals, of historical interest, formerly the property of the Upper Shotover Public Library at Skippers in the Provincial District of Otago and known as the Skippers library, are at present in the possession of Egbert Sainsbury of Skippers: And whereas certain other books, magazines, and periodicals formerly the property of the Moke Creek Public Library in the said Provincial District and known as the Moke Creek library are at present in the possession of John Seffer of Moke Creek: And whereas it is desirable that both of the above-described libraries should be vested in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Lake (in this section referred to as the Corporation): Be it therefore enacted as follows:—

Vesting certain libraries in the Corporation of the County of Lake.

(1) The Skippers library and the Moke Creek library, as hereinbefore described, are hereby vested in the Corporation.

(2) The Corporation shall have the sole right to immediate possession and custody of the said libraries and of all books, magazines, periodicals, and other choses in action comprising the same.

6. Whereas the Geraldine County Council (in this section referred to as the Council) on the fourteenth day of October, nineteen hundred and forty-seven, advanced from its County Fund Account the sum of two hundred and twenty-six pounds fourteen shillings and sevenpence (in this section referred to as the advance), for the purpose of providing improvements in the quality and supply of water to the ratepayers of the Peel Forest Township, in the County of Geraldine, without first complying with the provisions of section forty-five of the Finance Act, 1933 (No. 2): And whereas for the purpose of recouping the advance, together with the interest thereon, the said ratepayers, before the advance was made, agreed to the levying by the Council of an annual charge not exceeding four pounds on every dwelling-house served with the said supply of water: And whereas the Council, on the third day of March, nineteen hundred

Special provisions with regard to advance made by Geraldine County Council from County Fund Account.

1933, No. 41

and forty-eight, resolved that a charge of three pounds be levied annually on every dwellinghouse in the said Peel Forest Township served with the said supply of water until the advance, together with the interest thereon, was recouped: And whereas it is desirable to validate the advance made by the Council from its County Fund Account and to authorize the Council to recoup the said County Fund Account in respect of the advance and the interest thereon, by means of an annually-recurring charge levied on all dwellinghouses in the Peel Forest Township served with the said supply of water: Be it therefore enacted as follows:—

(1) The advance made by the Council from its County Fund Account is hereby validated and declared to have been lawfully made.

(2) The Council is hereby authorized, and shall be deemed to have been authorized and empowered, to recoup its County Fund Account in respect of the advance, and the interest thereon, by means of a recurring charge not exceeding four pounds per annum in respect of each dwellinghouse in the Peel Forest Township served with the said supply of water.

7. Whereas the Hobson County Council (in this section referred to as the Council), in anticipation of the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its County Fund Account the sum of one thousand three hundred pounds in the purchase and repair of a dwellinghouse for one of the Council's employees: And whereas the Local Government Loans Board has now no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account: And whereas it is desirable that authority be given for that purpose: Be it therefore enacted as follows:—

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

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

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

8. Whereas the land described in subsection two of this section is owned as an estate in fee-simple by the Corporation of the Chairman, Councillors, and Inhabitants of the County of Hutt (in this section referred to as the Corporation): And whereas the said land was acquired by the Corporation by way of gift from the Lowry Bay Estate Company, Limited: And whereas doubts have arisen as to the Corporation's power to sell the said land or any part thereof: And whereas it is expedient that the Corporation should be authorized to sell such part or parts of the said land as may no longer be required for the purposes of the Corporation: Be it therefore enacted as follows:—

Authorizing  
Hutt County  
Council to  
sell certain  
land.

(1) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation may by special order from time to time sell such part or parts of the land described in subsection two of this section as in the opinion of the Corporation shall no longer be required for the purposes of the Corporation.

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

All that area in the Wellington Land District, Hutt County, containing two acres three roods eight perches and eight-tenths of a perch, more or less, situated in Block XVI, Belmont Survey District, being Part Sections 20 and 22, Harbour District, and being also the part marked "Reserve" on Block III, on Deposited Plan Numbered 2041, and being also all the land comprised and described in certificate of title, Volume 540, folio 125, Wellington Registry.

#### *City and Borough Councils*

9. Whereas, in anticipation of consent being given to the raising of a loan of the sum of one hundred and thirty-five thousand nine hundred pounds, known as the Waterworks Extension Additional Loan 1948, £135,900 (in this section referred to as the loan), the Auckland City Council (in this section referred to as the Council) expended out of its general account for the purposes of the loan, moneys amounting in the aggregate to the sum of eighty thousand two hundred pounds: And whereas the loan has since been raised pursuant to authority granted in that behalf, and the Council is desirous of recouping its general account out of the proceeds of the

Provision with  
respect to  
refund to  
general  
account from  
loan-moneys by  
Auckland City  
Council.

loan: And whereas it is desirable to authorize the Council to recoup its general account in respect of the moneys advanced thereout in anticipation of consent being given to the raising of the loan: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to refund to its general account out of the proceeds of the loan the sum of eighty thousand two hundred pounds, and any payment by way of refund of that amount made by the Council to its general account out of the proceeds of the loan before the passing of this Act is hereby validated and declared to have been lawfully made.

Authorizing  
Hamilton City  
Council to  
contribute  
£500 towards  
cost of  
motion-picture  
film.

10. The Hamilton City Council is hereby authorized to join with any person in the manufacture and production of motion-picture film relating to the City of Hamilton, upon such terms and conditions as the Council shall deem proper, and to expend an amount not exceeding the sum of five hundred pounds towards the cost of the manufacture and production of the said film.

Authorizing  
Wellington  
City Council  
to transfer  
moneys from  
the Selling-  
price  
Stabilization  
Reserve Fund,  
1932 (Local),  
No. 4

11. Whereas under the provisions of section eight of the Wellington City Empowering and Amendment Act, 1932, the Wellington City Council (in this section referred to as the Council) was authorized to provide a Selling-price Stabilization Reserve Fund to meet fluctuations in the price of milk and to enable the Council to stabilize its selling-prices for milk: And whereas those prices are now controlled by the Minister of Marketing and the necessity for the said Reserve Fund has ceased to exist: And whereas the balance of the said Reserve Fund as at the thirty-first day of March, nineteen hundred and forty-nine, amounted to the sum of six thousand eight hundred and seventy-two pounds twelve shillings and sixpence: And whereas the Council is desirous of transferring portion of the said balance amounting to the sum of six thousand five hundred pounds to the Extensions and Improvements Reserve Fund established in connection with the Council's milk-supply undertaking: And whereas it is expedient that the transfer be authorized: Be it therefore enacted as follows:—

The Council is hereby authorized to transfer the sum of six thousand five hundred pounds from the said Selling-price Stabilization Reserve Fund to the Extensions and Improvements Reserve Fund established in

connection with the milk-supply undertaking of the Council.

**12.** The expenditure by the Whangarei Borough Council of the sum of two hundred and fifty pounds towards the purchase of three thousand copies of a booklet of aerial photographs of various parts of the Borough of Whangarei and surrounding districts, is hereby validated and declared to have been lawfully made.

Validating certain expenditure incurred by the Whangarei Borough Council.

**13.** Whereas the Roman Catholic Archbishop of Wellington, a corporation sole (in this section referred to as the said Church) is the owner and occupier of the land described in subsection two of this section: And whereas the said Church acquired the said land by purchase from the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Napier for the purpose of using one acre thereof for the erection thereon of a church and two separate areas of four acres each for the erection thereon respectively of separate schools: And whereas upon the said buildings being completed the land will become non-rateable property under the Rating Act, 1925: And whereas the Napier Borough Council (in this section referred to as the Council) is desirous of obtaining authority to remit rates levied and to be levied by the Council on the said land during the period commenced on the first day of April, nineteen hundred and forty-nine, and ending on the thirty-first day of March, nineteen hundred and fifty-one: And whereas the Council has no legal authority to make any such remissions: Be it therefore enacted as follows:—

Authorizing remission of rates by Napier Borough Council.

See Reprint of Statutes, Vol. VII, p. 977

(1) The Council is hereby authorized to remit any rates levied or to be levied by it in respect of the land to which this section relates for the period commenced on the first day of April, nineteen hundred and forty-nine, and ending on the thirty-first day of March, nineteen hundred and fifty-one, and to absolve the said Church and the land from liability in respect thereof.

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

All that parcel of land situate in the Borough of Napier, containing by admeasurement nine acres, more or less, being Lot 1 on Deposited Plan Number 7623,

which said parcel of land comprises part of the Ahuriri Lagoon, and being all the land comprised in certificate of title, Volume 122, folio 185, Hawke's Bay Registry.

Special provision with respect to purchase of collection of Maori antiques by Hastings Borough Council.

**14.** Whereas George Ebbett, of Hastings, retired solicitor, is the owner of a collection of Maori antiques and books dealing with the early history of New Zealand (in this section referred to as the collection): And whereas the Hastings Borough Council (in this section referred to as the Council) is desirous of purchasing the collection, and the said George Ebbett has agreed to sell the collection to the Council for the sum of three thousand eight hundred pounds: And whereas the cost of providing show-cases for the display of the collection and for cataloguing the same will amount to the sum of five hundred pounds: And whereas the Council wishes to obtain authority to complete the purchase of the collection and to display and catalogue the same: And whereas Harry William Abbott, of Hastings, builder and contractor, by his last will gave, devised, and bequeathed his real and personal estate unto trustees upon trust to pay to his wife a legacy of three hundred pounds and to stand possessed of the residue upon trust to pay the income arising therefrom to his wife during her widowhood and on her death or remarriage upon trust to pay out of the said residue legacies totalling four thousand one hundred and fifty pounds and to stand possessed of the ultimate residue upon trust for the Council to be used for the erection or establishment of a Maori Museum in Hastings: And whereas the said Harry William Abbott died at Hastings on or about the twelfth day of December, nineteen hundred and forty-four, and probate of his said will was granted on the nineteenth day of January, nineteen hundred and forty-five: And whereas it is estimated that the residue of the estate which will be held on the death or remarriage of the widow of the deceased in trust for the Council will amount to the sum of approximately sixteen thousand pounds: And whereas the Council desires to raise the said sum of three thousand eight hundred pounds by means of a debenture: And whereas it is desirable that the Council be

authorized to purchase, display, and catalogue the collection and to issue a debenture on the terms herein set forth: Be it therefore enacted as follows:—

(1) The Council is hereby authorized to purchase the collection, and for that purpose to issue a debenture for the sum of three thousand eight hundred pounds, with interest at the rate of three pounds ten shillings per centum per annum for a term not exceeding the life or widowhood of the widow of the said Harry William Abbott, but subject to a condition that the Council may make repayment of principal upon giving one month's notice in writing to the holder of the debenture.

(2) The Council is hereby authorized to expend out of its District Fund Account the sum of five hundred pounds for the purpose of displaying and cataloguing the collection.

(3) The Council may out of the proceeds of the residuary estate of the said Harry William Abbott, when the same becomes payable to the Council, refund to its District Fund Account all moneys now or hereafter advanced thereout on account of the costs of displaying or cataloguing the collection.

(4) The Council is hereby authorized to pay interest on the sum of three thousand eight hundred pounds at the rate of three pounds ten shillings per centum per annum from the date of delivery of the collection to the Council up to the date of the issue of the debenture referred to in subsection one of this section, and any such payment made before the passing of this Act is hereby validated and declared to have been lawfully made.

**15.** Whereas by Order in Council made on the twenty-second day of October, nineteen hundred and thirty-six, consent was given to the raising by the Kaitaia Town Board of a loan of twelve thousand three hundred and sixty pounds, to be known as the Kaitaia Water Supply Loan, 1936 (in this section referred to as the loan): And whereas the said Board, in pursuance of the consent, raised by way of loan the sum of twelve thousand and sixty-two pounds one shilling and tenpence for the purposes authorized by the said Order in Council: And whereas, to secure the repayment of the loan, the said Board issued twenty debentures each for the sum of three

Validating  
raising of  
loan by  
Kaitaia  
Borough  
Council.

hundred and sixty-three pounds nineteen shillings and threepence, payable half-yearly, and one debenture for eight thousand eight hundred and sixty pounds three shillings and sixpence, payable on the twelfth day of July, nineteen hundred and forty-seven: And whereas the Kaitaia Borough Council (in this section referred to as the Council), as successor to the Kaitaia Town Board, on the fourteenth day of July, nineteen hundred and forty-seven, without first complying with the provisions of the Local Government Loans Board Act, 1926, raised a further loan for the purpose of repaying the said sum of eight thousand eight hundred and sixty pounds three shillings and sixpence: And whereas to secure repayment of the said further loan the Council issued forty debentures each for the sum of three hundred pounds two shillings and ninepence, numbered one to forty inclusive: And whereas it is expedient that the action of the Council in raising the said further loan and issuing the said debentures in respect thereof should be validated: Be it therefore enacted as follows:—

The action of the Council in raising a further loan to repay the balance of the loan authorized by the said Order in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council, and shall have full force and effect according to their tenor.

**16.** The Christchurch City Council is hereby authorized to pay to the Canterbury International Air Race Council the sum of five thousand pounds as a contribution towards the cost of organizing an air race from England to Christchurch, to be held in the year nineteen hundred and fifty-three.

**17.** Whereas by a Proclamation dated the first day of December, nineteen hundred and thirty, published in the *Gazette* of the fourth day of the same month, and registered in the Land Registry Office at Wellington as Number 2104, part of Section 185, Town of Wellington, containing, firstly, two perches and thirty-four one-hundredths of a perch, more or less, being part of the land comprised in certificate of title, Volume 154, folio 204, Wellington Registry; secondly, three perches and sixteen one-hundredths of a perch, more or less, being

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

Authorizing  
Christchurch  
City Council  
to contribute  
towards cost of  
air race.

Authorizing  
payment of  
compensation  
in respect of  
land taken for  
street purposes  
in Taranaki  
Street, in the  
City of  
Wellington.

part of the land comprised in certificate of title, Volume 252, folio 145, Wellington Registry; thirdly, forty-six one-hundredths of a perch, more or less, being, as to three undivided fourth shares, part of the land comprised in certificate of title, Volume 252, folio 145, Wellington Registry, and, as to one undivided fourth share, part of the land comprised in certificate of title, Volume 112, folio 300, Wellington Registry; and, fourthly, two perches and seventy-seven one-hundredths of a perch, more or less, being part of the land comprised in certificate of title, Volume 112, folio 300, Wellington Registry (as the said four pieces of land are delineated on the plan marked P.W.D. 80498, deposited in the office of the Minister of Works, at Wellington, and thereon coloured respectively red, neutral, yellow, and blue), was taken for street purposes and vested in the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington on and after the fourteenth day of December, nineteen hundred and thirty: And whereas the owner of the fee-simple of the said land, Lemuel Thomas Watkins, of the City of Wellington, printer, failed to make a claim for compensation within the period limited in that behalf by the Public Works Act, 1928, and his right to any compensation in respect of the taking of the said land has ceased by reason of the provisions of that Act: And whereas the said Lemuel Thomas Watkins and the Wellington City Council (in this section referred to as the Council) have agreed that the Council shall pay to the said Lemuel Thomas Watkins the sum of nine hundred and forty pounds, and that the Council shall be freed and discharged from all actions in respect of the said taking: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to pay to the said Lemuel Thomas Watkins or his executors or administrators, the sum of nine hundred and forty pounds in full settlement of any claim in respect of the taking of the said land.

**18.** Whereas by Order in Council made on the twenty-second day of October, nineteen hundred and forty-six, consent was given to the raising by the Te Kuiti Borough Council (in this section referred to as the Council) of the sum of ten thousand pounds (in this section referred to as the said loan) being part of the unraised balance

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

Validating  
raising of  
portion of  
loan-moneys by  
Te Kuiti  
Borough  
Council.

of a loan of thirty thousand pounds known as the Waterworks Improvement Loan, 1939, subject to the determinations as to borrowing and repayment set forth in the said Order in Council, one of those determinations being that no moneys should be borrowed after the expiration of two years from the date of the Order in Council: And whereas the Council borrowed as part of the said loan on the nineteenth day of November, nineteen hundred and forty-eight, the sum of two thousand pounds: And whereas it is desirable that the raising of this part of the said loan and the borrowing of the said sum of two thousand pounds should be validated: Be it therefore enacted as follows:—

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

Authorizing raising of special loan by Waipukurau Borough Council.

19. Whereas the Waipukurau Borough Council (in this section referred to as the Council) applied to the Local Government Loans Board for authority to raise a loan of thirty thousand pounds for certain purposes, including the installation of a new starter, the provision of an additional suction and delivery main at its pumping-station, and the purchase of a new loading bucket for tar-sealing work: And whereas the said equipment, being urgently required, was ordered and delivered prior to sanction being given to the raising of the said loan: And whereas, in anticipation of sanction being given to the raising of the said loan, the Council paid the cost of the said equipment, amounting to the sum of one thousand nine hundred pounds, out of its District Fund Account: And whereas the Local Government Loans Board has no authority to sanction that part of the loan relating to the cost of the said equipment: And whereas it is desirable to authorize the Council to raise a loan of one thousand nine hundred pounds for the purpose of recouping its District Fund Account in respect of the moneys advanced thereout as aforesaid: Be it therefore enacted as follows:—

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

(1) The Council is hereby authorized to borrow by way of special loan under the Local Bodies' Loans Act, 1926, an amount not exceeding the sum of one thousand nine hundred pounds for the purpose of refunding to its

District Fund Account all moneys advanced thereout towards the purchase and installation of the said pumping-plant, equipment, and loading bucket.

(2) The Council is hereby authorized to refund to its District Fund Account, out of the proceeds of the loan, all moneys advanced out of that Account towards the purchase and installation of the said equipment.

**20.** Whereas the Ashburton Borough Council (in this section referred to as the Council) was by Order in Council made on the fourteenth day of January, nineteen hundred and forty-eight, authorized to raise a loan of twelve thousand five hundred pounds, to be known as the Street Improvement Loan, 1947 (in this section referred to as the first loan), subject to certain terms and conditions: And whereas one of the terms and conditions was that the first loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments: And whereas the Council, pursuant to the said Order in Council, has raised as part of the first loan the sum of eight thousand pounds, but instead of making provision for repayment by equal aggregate annual or half-yearly instalments, established a sinking fund to provide for the repayment thereof: And whereas the Council has issued a series of eighty debentures numbered one to eighty inclusive, each for the sum of one hundred pounds to secure the amount so raised, together with interest thereon at the rate of three pounds two shillings and sixpence per centum per annum: And whereas the Council was by Order in Council made on the third day of March, nineteen hundred and forty-eight, authorized to raise a loan of two thousand five hundred pounds, to be known as the Domain Housing Loan, 1947 (in this section referred to as the second loan), subject to certain terms and conditions: And whereas one of the terms and conditions was that the second loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments: And whereas the Council, pursuant to the said Order in Council, has raised the second loan, but instead of making provision for repayment by equal aggregate annual or half-yearly instalments established a sinking fund to provide for the repayment thereof: And whereas the Council has issued a series of twenty-five debentures numbered one to twenty-five

Validating variation of terms of raising Street Improvement Loan, 1947, and Domain Housing Loan, 1947, by Ashburton Borough Council.

inclusive, each for the sum of one hundred pounds, to secure the amount so raised, together with interest thereon at the rate of three pounds two shillings and sixpence per centum per annum: And whereas it is desirable to validate the action of the Council in raising the sum of eight thousand pounds as part of the first loan, and in raising the second loan, and securing the repayment thereof by the issue of the said debentures: Be it therefore enacted as follows:—

The action of the Council in raising the sum of eight thousand pounds as part of the first loan and in raising the second loan 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, and the said debentures shall have full force and effect according to their tenor, and the Council is empowered to, and shall, continue and maintain the sinking-fund payments during the currency of the said debentures at a rate of not less than five pounds seventeen shillings and one penny per centum per annum in respect of the first loan, and at a rate of not less than two pounds fourteen shillings and tenpence per centum per annum in respect of the second loan.

Authorizing  
Dunedin City  
Renewal Fund  
Commissioners  
to make  
payment to  
Dunedin City  
Council for  
gasworks  
purposes.  
1914 (Local),  
No. 5

21. Notwithstanding anything contained in the Dunedin City Council Empowering Act, 1914, or in any other Act, the Renewal Fund Commissioners appointed by the Dunedin City Council, pursuant to section five of the said Act, are hereby authorized to appropriate out of the funds held by them in respect of the municipal gasworks, a sum not exceeding thirty-five thousand pounds, and to pay the said sum to the Dunedin City Council for the purpose of providing for the purchase and installation of a carburetted-water gas-plant at the said gasworks.

#### *Electric-power Boards*

Validating  
variation of  
terms of  
raising of  
portion of  
Reticulation  
and Building  
Loan, 1946,  
by Waitomo  
Electric-power  
Board.

22. Whereas by Order in Council made on the twenty-first day of August, nineteen hundred and forty-six, consent was given to the raising by the Waitomo Electric-power Board (in this section referred to as the Board) of a loan of twenty thousand pounds, to be known as the Reticulation and Building Loan, 1946 (in this section referred to as the loan), subject to the determinations as to borrowing and repayment set forth in the said Order

in Council, one of those determinations being that the loan or any part thereof, together with interest thereon, should be repaid by equal aggregate annual or half-yearly payments extending over the term of the loan: And whereas on the first day of March, nineteen hundred and forty-seven, the Board, pursuant to the said Order in Council, raised as part of the loan the sum of five thousand pounds on terms making the said part repayable by half-yearly payments of principal amounting to one hundred and twenty-five pounds, together with half-yearly payments of interest calculated at the rate of three pounds two shillings and sixpence per centum per annum on all capital redeemable in the first ten years of the period within which the loan was to be repaid, and three pounds five shillings per centum per annum on all capital redeemable in the second ten years of that period: And whereas it is desirable to validate the Board's action in varying the authorized manner of repaying the said part of the loan and interest thereon: Be it therefore enacted as follows:—

The action of the Board in raising the sum of five thousand pounds as part of the loan and providing for repayment thereof in a manner varying from the determinations as to borrowing and repayment set forth in the said Order in Council is hereby validated, and the said sum shall be deemed to have been lawfully borrowed.

**23.** Whereas by an agreement dated the eighteenth day of March, nineteen hundred and forty-seven, made between the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Picton (in this section referred to as the Corporation) and the Marlborough Electric-power Board (in this section referred to as the Board) the Picton Borough Council, on behalf of the Corporation, agreed to sell and the Board agreed to purchase all the electric works of the Corporation on the terms and conditions set forth in the said agreement, a copy of which agreement has been deposited in the Office of the Minister in Charge of the State Hydro-electric Department: And whereas by Order in Council made on the eighth day of October, nineteen hundred and forty-seven, and published in the *Gazette* of the ninth day of October, nineteen hundred and forty-seven,

Authorizing  
Marlborough  
Electric-power  
Board to  
raise a special  
loan of  
£17,000.

the Governor-General authorized the Board to purchase the said electric works on the terms and conditions set forth in the said agreement: And whereas by Proclamation dated the eleventh day of December, nineteen hundred and forty-seven, and published in the *Gazette* of the eighteenth day of December, nineteen hundred and forty-seven, the boundaries of the Marlborough Electric-power District were altered so as to include the area comprising the Borough of Picton: And whereas it is necessary in order to carry out the said agreement that the Board should reticulate the Borough of Picton, change the system of supply of electric power in the borough from the direct-current system to the alternating-current system, and make alterations to the consumers' installations and appliances, which works are estimated to cost seventeen thousand pounds: And whereas it is desirable that the Board be authorized to borrow the said sum by way of special loan: Be it therefore enacted as follows:—

(1) The Board is hereby authorized and empowered to borrow an amount not exceeding the sum of seventeen thousand pounds by way of special loan under the Local Bodies' Loans Act, 1926, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, for the purposes of meeting the cost of the reticulation of the Borough of Picton, of changing over from the direct-current system of supply to the alternating-current system of supply in the said borough, and of making alterations to consumers' installations and appliances.

(2) The Board is hereby authorized out of the proceeds of the said loan when raised to refund to its Power Fund Account such moneys as may have been advanced thereout for the purposes for which the said loan is to be raised.

**24.** Whereas by agreement dated the eighth day of April, nineteen hundred and forty-nine, made between the Buller Electric-power Board (in this section referred to as the Board), of the one part, and the Westport Borough Council (in this section referred to as the Council), of the other part, the Council agreed to sell and the Board agreed to purchase the electric-supply undertaking, including the licences, hydro-electric works,

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

Authorizing  
Buller  
Electric-power  
Board to  
borrow moneys  
for the purpose  
of meeting  
temporary  
financial  
difficulties.

reticulation, depreciation fund, and other assets of the Council more particularly set out in the said agreement: And whereas from a date specified in the said agreement the Board has been supplying power to its consumers: And whereas it is desirable that the Board be authorized to borrow sums not exceeding in all six thousand pounds for the purpose of making temporary provision to pay portion of its operating-expenses: Be it therefore enacted as follows:—

(1) For the purpose of meeting portion of its operating-expenses the Board is hereby authorized to borrow in the manner prescribed by section three of the Local Bodies' Finance Act, 1921-22, sums not exceeding in the aggregate six thousand pounds.

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

(2) The moneys borrowed under the authority of this section shall be repaid by equal annual instalments so that all such amounts shall be repaid by the thirty-first day of March, nineteen hundred and fifty-four.

(3) Moneys borrowed from time to time under the authority of this section shall not be taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Board pursuant to the said Act.

#### *River Board*

25. Whereas pursuant to section thirty-four of the Local Legislation Act, 1940, the Manawatu-Oroua River Board constituted under the Manawatu-Oroua River District Act, 1923 (in this section referred to as the Board), purchased the land described in the said section thirty-four and left the sum of two thousand pounds owing to the vendor and secured to him by memorandum of mortgage registered No. 250593 over the said land for a term of seven years from the first day of October, nineteen hundred and forty: And whereas during the currency of the said mortgage the vendor, as mortgagee, transferred the said mortgage to Agnes Eliza McCormick, of Bulls, widow: And whereas the Board was unable during the seven-year term of the mortgage to make provision from its General Fund for repayment of the amount of two thousand pounds thereby secured, and

Provision with  
respect to  
renewal of  
mortgage by  
Manawatu-  
Oroua River  
Board.  
1940, No. 16  
1923 (Local),  
No. 5

agreed with the mortgagee for an extension of the term of the said mortgage to the first day of October, nineteen hundred and fifty-two, and a reduction in the rate of interest thereby secured from four pounds five shillings per centum per annum to four pounds per centum per annum: Be it therefore enacted as follows:—

(1) The action of the Board in extending the term of the said mortgage securing repayment of the said balance of purchase money of two thousand pounds until the first day of October, nineteen hundred and fifty-two, is hereby validated.

(2) For the purpose of paying the said sum of two thousand pounds, together with interest and incidental expenses, the Board is hereby authorized to raise a 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.

(3) The authority conferred by subsection two of this section may be exercised by the Board within the period of twelve months immediately following the date of the passing of this Act and not otherwise.

#### *Fire Board*

**26.** Whereas the Upper Hutt Fire Board (in this section referred to as the Board) and the Crown entered into an agreement dated the twenty-second day of August, nineteen hundred and forty-nine, whereby the Board agreed to undertake the protection from fire of property in an area outside the Upper Hutt Fire District known as the Trentham Camp area, upon the terms and conditions therein set out: And whereas the agreement included a provision for the expenditure of moneys on buildings otherwise than within the fire district: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows:—

Notwithstanding anything contained in the Fire Services Act, 1949, or any other Act, the Board shall be deemed to have been at all times authorized and empowered to enter into the said agreement, which is hereby validated and shall for all purposes have effect according to its tenor.

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

Validating  
agreement made  
between Upper  
Hutt Fire  
Board and the  
Crown.

*Hospital Boards*

27. Whereas by Order in Council made on the twenty-sixth day of June, nineteen hundred and forty-six, consent was given to the raising by the South Otago Hospital Board (in this section referred to as the Board) of a loan of forty thousand pounds, to be known as the Building Extension Loan, 1946 (in this section referred to as the loan), subject to the condition that no moneys should be borrowed under the said consent after the expiration of a period of two years from the date of the said Order in Council: And whereas during the said period of two years the Board borrowed the sum of one thousand seven hundred and two pounds two shillings and ninepence as part of the loan: And whereas the Board has, since the expiration of the said period of two years, borrowed the sum of nine thousand three hundred and forty-eight pounds nine shillings and threepence as part of the loan: And whereas debentures were issued by the Board in respect of the whole of the amount of the loan after the expiration of the said period of two years: And whereas the Board is now desirous of borrowing the sum of twenty-eight thousand nine hundred and forty-nine pounds and eight shillings, being the unraised balance of the loan: And whereas it is expedient that the actions of the Board in respect of the loan should be validated, and that the Board should be authorized to borrow the sum of twenty-eight thousand nine hundred and forty-nine pounds and eight shillings as part of the loan: Be it therefore enacted as follows:—

Validating irregularities in connection with raising of loan by South Otago Hospital Board, and authorizing Board to raise balance of loan.

(1) The action of the Board in borrowing the sum of nine thousand three hundred and forty-eight pounds nine shillings and threepence as part of the loan, after the expiration of the period specified by the said Order in Council, is hereby validated, and the moneys received by the Board in respect thereof shall be deemed to have been lawfully borrowed.

(2) The debentures issued in respect of the whole of the loan shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

(3) The Board is hereby authorized to borrow in terms of the said debentures the sum of twenty-eight thousand nine hundred and forty-nine pounds and eight shillings, which shall be deemed to form part of the loan.

Varying conditions of vesting of Wilson Home for Crippled Children in Auckland Hospital Board.

28. Whereas by a certain deed of trust dated the twentieth day of July, nineteen hundred and thirty-seven, made between William Robert Wilson, of the City of Auckland, company director, Ernest Hyam Davis, of the City of Auckland, company director, and the Auckland Hospital Board (in this section referred to as the Board), certain land described in the First Schedule to the said deed was vested in the Board for the establishment of an institution, to be known as the Wilson Home for Crippled Children, for the reception, relief, and treatment, and otherwise for the benefit of crippled children resident within the Auckland Provincial District: And whereas certain other land described in the Second Schedule to the said deed was vested in the Board as a site for the establishment of an institution for the reception, relief, and treatment of certain other children: And whereas, by virtue of the said deed, the Board stands possessed of an Endowment Fund amounting to the sum of twenty-five thousand eight hundred and forty-three pounds four shillings and fivepence upon trust with power to use so much as shall be necessary of the net income arising from the investment thereof, but not exceeding the income arising from the investment of a sum of ten thousand two hundred pounds, for the maintenance and upkeep of the grounds of the said Wilson Home for Crippled Children and upon trust to use the balance of the income arising from the investment thereof for the maintenance of crippled children in the said home: And whereas the said deed further provided that if at any time there were unoccupied beds in the said home which should not be required for crippled children, the Board could, while any such beds were not so required, receive into the said home non-crippled convalescent children not suffering from pulmonary tuberculosis or other infectious diseases: And whereas the said deed further provided that no part of the income arising from the said Endowment Fund should be applied for the benefit of non-crippled children (if any) received into the said home, but that the net annual income from

the said Endowment Fund and the annual value of the said home (which was agreed as being five hundred and fifty pounds) should, after payment of upkeep and maintenance of the gardens and grounds of the said home, be treated as a fund to enable crippled children to receive treatment and care in the said home at a charge lower than that fixed by the Board for non-crippled children received therein: And whereas the lands described in the First and Second Schedules of the said deed could be used to better advantage for the benefit of crippled children if the whole of the said land were available for the building and developing of one institution: And whereas by virtue of the provisions of the Social Security Act, 1938, no charges or fees are now payable by crippled or non-crippled children maintained or treated in the institutions controlled by the Board, and it is therefore not now practicable to assist crippled children in the manner prescribed by the said deed: Be it therefore enacted as follows:—

1938, No. 7

(1) Notwithstanding anything to the contrary in the said deed, the Board may use the whole of the lands described in the First and Second Schedules of the said deed for the building and establishment thereon of an institution or institutions within the meaning of the Hospitals Act, 1926, for the reception, relief, convalescence, and post-operative care and treatment, and otherwise for the benefit and advancement of crippled children resident within the Auckland Provincial District:

See Reprint  
of Statutes,  
Vol. III, p. 725

Provided that if at any time there are in any such institution or institutions beds which are not required for crippled children, the Board may, while any such beds are not so required, receive into the said institution or institutions non-crippled convalescent children:

Provided also that children suffering from pulmonary tuberculosis or other infectious diseases shall not be received into the said institution or institutions.

(2) Notwithstanding anything to the contrary in the said deed, the Board shall hold the said Endowment Fund upon the following trusts, that is to say:—

- (a) As to the income from a sum of ten thousand two hundred pounds thereof, for the maintenance and upkeep of the gardens and grounds of the said institution or institutions:

(b) As to the balance of the Fund, to expend the capital and income thereof for the purposes of the said institution or institutions:

Provided that no part of the capital shall be expended except upon improvements of a permanent character.

*Affecting Two or More Classes of Public Bodies*

Authorizing  
Onehunga  
Patriotic  
Committee to  
transfer funds  
to Onehunga  
Borough  
Council for  
war memorial  
purposes.

29. Whereas a committee of residents of the Borough of Onehunga, known as the Onehunga Patriotic Committee, was established by the Mayor of that borough, and with his authority raised by public subscriptions, a separate fund, known as the Onehunga Citizens' Soldiers' Farewell and Welcome Home Fund, for the purpose of making gifts to residents within the borough who were proceeding to or returning from service with any of His Majesty's Naval, Military, or Air Forces, during the recent war, and the said committee is now possessed of a balance in the fund of three hundred and eighty pounds or thereabouts: And whereas it is now no longer possible to apply the said fund for the purposes aforesaid, and it is not known what persons subscribed thereto, and the said committee is, consequently, desirous of transferring the moneys now comprising the said fund to the Onehunga Borough Council (in this section referred to as the Council) for certain purposes: Be it therefore enacted as follows:—

(1) The Onehunga Patriotic Committee is hereby empowered to transfer or pay to the Council all moneys constituting or forming part of the fund known as the Onehunga Citizens' Soldiers' Farewell and Welcome Home Fund.

(2) The Council is hereby empowered to accept any moneys transferred or paid to it under subsection one of this section, and shall apply any such moneys to the following purposes:—

(a) The expenditure of such amount as the Council may deem desirable in the purchase of suitable memorial plaques of a permanent nature to commemorate the services of residents of the Borough of Onehunga with His Majesty's Naval, Military, or Air Forces, and in the affixing of the plaques to the Memorial Arch in Jellicoe Park, in the said borough; and

- (b) The payment of any residue thereof remaining, after so purchasing and affixing the said plaques, to any war memorial fund approved of by the Council in that behalf.

**30.** Whereas by agreement dated the eighth day of April, nineteen hundred and forty-nine (in this section referred to as the agreement), made between the Westport Borough Council (in this section referred to as the Council), of the one part, and the Buller Electric-power Board (in this section referred to as the Board), of the other part, the Council agreed to sell and the Board agreed to purchase the electric-supply undertaking, including the licences, hydro-electric works, reticulation, depreciation fund, and other assets of the Council more particularly set out in the agreement, for the sum of thirty-one thousand three hundred and twenty pounds, subject to the issue of an Order in Council pursuant to section seventy-six of the Electric-power Boards Act, 1925, authorizing the said purchase, and subject also to the consent of the Land Valuation Court to the said purchase, and to the consent of the Local Government Loans Board to the raising by the Board of a loan to provide the said purchase price: And whereas an Order in Council authorizing the said purchase has been made and the consent of the Land Valuation Court to the said purchase has been granted: And whereas it is desirable that the agreement should be validated and that the Board be authorized to borrow a sum not exceeding twenty-one thousand pounds to provide portion of the purchase price of the said undertaking: Be it therefore enacted as follows:—

(1) The agreement is hereby validated and shall have full force and effect according to its tenor.

(2) The Board is hereby authorized to raise under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, a special loan not exceeding the sum of twenty-one thousand pounds for the purpose of meeting portion of the cost of the purchase of the said undertaking.

Provision with respect to taking over of Westport Borough Council's electric-supply undertaking by Buller Electric-power Board.

See Reprint of Statutes, Vol. III, p. 39

Ibid., Vol. V, p. 360

Validating an agreement between the Hutt County Council and the Wellington City Council.

**31.** Whereas the Hutt County Council (in this section referred to as the County Council) proposes to provide a water-supply and sewerage system for the benefit of residents of Days Bay, in the County of Hutt, and to raise a special loan for the construction of the said works and to levy special rates to meet the interest and principal repayments in respect of the said loan: And whereas it may also be necessary to levy separate rates for the maintenance of the said works: And whereas the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington are the owners of certain lands in Days Bay as mentioned and described in a certain agreement dated the eighth day of September, nineteen hundred and thirty-nine, of which a certified copy is deposited in the Department of Internal Affairs at Wellington, under Number I.A.105/545, made between the County Council of the one part, and the Wellington City Council (in this section referred to as the City Council) on behalf of the said Corporation of the other part: And whereas by the said agreement it was agreed that no special rates levied in respect of the said loan or separate rates levied in respect of the said works should be collected by the County Council in respect of any of the said lands owned by the City Council, and that, so long as the said rates were not levied, the City Council should pay to the County Council annually during the period of the loan a sum equal to forty-seven three-thousandths of the net capital cost of the works to the County Council after deducting Government contributions, but not exceeding in any one year the sum of two hundred pounds, and that in case of any dispute as to the said net capital cost the same should be determined by the Controller and Auditor-General: And whereas it is expedient that the said agreement should be validated and given full force and effect: Be it therefore enacted as follows:—

Notwithstanding anything contained in the Counties Act, 1920, or the Municipal Corporations Act, 1933, or in any other Act, the County Council and the City Council shall be deemed to have been at all times authorized and empowered to enter into and execute the said agreement and the agreement is hereby declared to be valid and binding according to its tenor.

See Reprint of Statutes, Vol. V, p. 180 1933, No. 30

**32.** Whereas the Mutual Life and Citizens Assurance Company, Limited (in this section referred to as the company), are the owners of a building situate at the corner of Lambton Quay and Hunter Street, in the City of Wellington: And whereas proposals are being considered by the Wellington City Council (in this section referred to as the Council), and the Wellington Harbour Board (in this section referred to as the Board), whereby a clock and bells shall be installed in the said building, upon and subject to an agreement being concluded between the said parties: And whereas it is expedient that the Council and the Board be authorized to proceed accordingly: Be it therefore enacted as follows:—

Authorizing Wellington City Council and Wellington Harbour Board to install clock and bells on private property.

(1) The Council and the Board are hereby authorized to install a clock and bells in the said building subject to such terms and conditions as may be agreed on by the Council, the Board, and the company.

(2) The said clock and bells shall remain the property of the Council and the Board while they remain in the said building, or until they are disposed of by the Council and the Board.

**33.** Whereas the Corporation of the Borough of Hastings, in acquiring lands for the purpose of a cemetery, acquired the lands described in subsection two of this section (in this section referred to as the lands): And whereas the lands are adjacent to the land described in the agreement set out in the Second Schedule to the Hawke's Bay Crematorium Act, 1944: And whereas the Hastings Borough Council (in this section referred to as the Council), on behalf of the said Corporation, is desirous of selling the lands to the Hawke's Bay Crematorium Board (in this section referred to as the Board) constituted under the Hawke's Bay Crematorium Act, 1944: And whereas the Board desires to acquire the lands for the purpose of a memorial garden: And whereas the lands have not been used for the interment of human remains: Be it therefore enacted as follows:—

Authorizing Hastings Borough Council to sell certain lands to Hawke's Bay Crematorium Board.  
1944 (Local), No. 7

(1) Notwithstanding anything to the contrary in any Act, the Council is hereby authorized to sell the lands to the Board and to pay the proceeds of the sale into the General Account of the Council.

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

Firstly, that piece of land situated in the Provincial District of Hawke's Bay containing one rood ten perches and seven-tenths of a perch, more or less, being part of the Heretaunga Block and being Lot Number 2 on Deposited Plan Number 7065, and being part of the land comprised and described in certificate of title, Volume 111, folio 298, Hawke's Bay Registry.

Secondly, all those parcels of land in the Hawke's Bay Land District, containing together two roods twenty-three perches, more or less, situate in Block XV, Heretaunga Survey District, comprising part of the Heretaunga Block, and being part of the land comprised and described in certificate of title, Volume 111, folio 298, Hawke's Bay Registry, and being also, firstly, Lot 2 on plan deposited in the office of the District Lands Registrar at Napier as Number 7065, containing one rood ten perches and seven-tenths of a perch, more or less; secondly, part of Lot 1 on plan deposited in the office of the District Lands Registrar at Napier as Number 3538, containing one rood twelve perches and three-tenths of a perch, more or less: bounded on the north by Orchard Road, 67·7 links, on the west and south by Lot 1, D.P. 7065, 482·6 links and 67·4 links respectively, and on the east by other part of Lot 1, D.P. 3538, 487·9 links.

Authorizing  
Vincent County  
Council to  
transfer certain  
land to Vincent  
and Maniototo  
Hospital  
Boards.

**34.** Whereas the Corporation of the Chairman, Councillors, and Inhabitants of the County of Vincent is registered as the proprietor of an estate in fee-simple in that parcel of land containing six acres, more or less, situated in the Lauder District (in this section referred to as the district), being part of Section 9, Block IV, on the public maps of the district, the said parcel of land being more particularly shown on a plan deposited in the Land Registry Office at Dunedin as Number 3565, and being the whole of the land comprised and described in certificate of title, Volume 218, folio 12, Otago Registry (in this section referred to as the land): And whereas the land was purchased by the Vincent County Council (in this section referred to as the Council) on behalf of the said Corporation at the joint request of the Vincent and Maniototo Hospital Boards (in this section referred to as the Hospital Boards) for the purpose of providing a residence for a medical practitioner in the district:

And whereas it now appears desirable that the land should be transferred to the Hospital Boards for the purpose aforesaid, and the Council has agreed to transfer the land to the Hospital Boards for that purpose: Be it therefore enacted as follows:—

(1) The Council is hereby empowered to execute a transfer to the Hospital Boards of its estate and interest in the land, and the Hospital Boards are hereby empowered to accept the land, which shall be held by the Hospital Boards jointly for the purposes of a residence for a medical practitioner practising in the district and surrounding districts.

(2) Upon the execution by the Council of the said transfer and its delivery to the Hospital Boards the Hospital Boards shall refund to the Council the sum of two thousand pounds, being the amount of the moneys expended by the Council on the purchase of the land, the erection of a dwellinghouse, buildings, and other improvements thereon, and on repairs and renovations to the said dwellinghouse, buildings, and improvements.

(3) The Hospital Boards may from time to time let the land and the said dwellinghouse and other buildings thereon to any medical practitioner for the time being practising in the district and surrounding districts for such term, at such rent, and upon such conditions as they think fit.

**35.** Whereas pursuant to an Order in Council made on the nineteenth day of June, nineteen hundred and forty-six, the Gisborne Borough Council and the Cook County Council (in this section respectively referred to as the Borough Council and the County Council) raised a joint special loan of fifteen hundred pounds, known as the Makaraka-Taruheru Cemeteries Cottage Loan, 1946 (in this section referred to as the loan), for the purpose of erecting a sexton's dwelling at the Taruheru Cemetery: And whereas the County Council is the principal local authority for the purposes of the loan: And whereas after the loan was raised the existing building theretofore used as a sexton's dwelling was put into good repair, and thereupon the purpose for which the loan was raised no longer existed: And whereas no part of the loan has been expended, and both the said Councils desire to apply the same towards the cost of erecting a

Provision with respect to diversion of unexpended loan-moneys by Cook County Council and Gisborne Borough Council.

See Reprint  
of Statutes,  
Vol. V, p. 420

ladies' rest-room in the Borough of Gisborne: And whereas it is desirable to enable the County Council, as the principal local authority, to make application to the Local Government Loans Board under section forty-seven of the Finance Act, 1929, for authority to divert the loan as if the same were the unexpended balance of a loan: Be it therefore enacted as follows:—

(1) The purpose for which the loan was raised shall, for the purposes of section forty-seven of the Finance Act, 1929, be deemed to have been completed and the provisions of that section shall apply in respect of the said sum of fifteen hundred pounds as if it were the unexpended balance of a loan.

(2) Any application under the said section forty-seven to the Local Government Loans Board for authority to divert the proceeds of the loan may be made by the County Council as the principal local authority.

Provision with  
respect to  
the constitution  
of Hutt  
Valley Joint  
Transit Housing  
Committee.

**36.** Whereas, on account of the shortage of housing accommodation in the Hutt Valley, the Lower Hutt City Council, the Upper Hutt Borough Council, the Petone Borough Council, and the Hutt County Council (in this section referred to as the constituent local authorities) have agreed to combine in a scheme to provide temporary housing accommodation in the area known as Trentham Military Camp, and for that purpose have appointed representatives to form a Committee under the style of Hutt Valley Joint Transit Housing Committee: And whereas it is expedient that the said Committee should receive statutory recognition to enable it more effectually to administer the said scheme: Be it therefore enacted as follows:—

(1) There is hereby constituted a Committee to be known as Hutt Valley Joint Transit Housing Committee (in this section referred to as the Committee) which shall consist of two Councillors appointed by the Lower Hutt City Council, one Councillor appointed by the Upper Hutt Borough Council, one Councillor appointed by the Petone Borough Council, and one Councillor appointed by the Hutt County Council.

(2) The appointment of any Councillor may be cancelled or determined at any time by the appointing local authority and another substituted for him.

(3) Any member of the Committee who ceases for any reason to be a Councillor of the appointing local authority, or who resigns from the Committee by writing addressed to the Clerk of the appointing local authority, or who is absent from three consecutive meetings of the Committee without leave, shall automatically cease to be a member of the Committee, and the vacancy so created shall forthwith be filled by the appointing local authority.

(4) The Committee shall elect a Chairman, who shall preside at all meetings of the Committee, but in the absence of the Chairman from any meeting the members present shall appoint one of their number to be Chairman of that meeting. The Chairman of any meeting shall have a casting vote as well as a deliberative vote.

(5) Three members shall form a quorum at any meeting of the Committee, and the powers of the Committee shall not be affected by any vacancy in the membership thereof.

(6) All matters coming before the Committee shall be considered and determined only at meetings of the Committee, and at every such meeting the decision of a majority of the members present thereat shall be deemed to be the decision of the Committee.

(7) The Committee may make rules consistent with the provisions of this section governing its own procedure.

(8) The Committee shall be deemed to be a local authority within the meaning and for the purposes of the Local Bodies' Finance Act, 1921-22, the Local Government Loans Board Act, 1926, the Local Authorities (Members' Contracts) Act, 1934, and the Local Authorities (Temporary Housing) Emergency Regulations, 1944.

See Reprint  
of Statutes,  
Vol. V, p. 354  
Ibid., p. 415  
1934, No. 17  
Serial number  
1944/164

(9) The functions of the Committee shall be to control and administer the transit housing scheme established at Trentham Military Camp, within the County of Hutt, or any other transit housing scheme or temporary housing scheme which the constituent local authorities may from time to time establish, and for that purpose the Committee shall have all the powers conferred by the Local Authorities (Temporary Housing) Emergency Regulations 1944:

Provided that the Committee shall not be empowered to borrow moneys under the powers conferred by the said regulations except with the consent of all the constituent local authorities.

(10) The Committee and any of the constituent local authorities may enter into such agreements or arrangements as may be necessary for the provision of such staff and office accommodation as the Committee may require for the purposes of any transit housing scheme controlled or administered by it.

(11) The power to make by-laws conferred by the Local Authorities (Temporary Housing) Emergency Regulations 1944 shall be exercisable by the Committee only in the manner prescribed by section three hundred and sixty-nine of the Municipal Corporations Act, 1933, and the provisions of sections three hundred and sixty-seven to three hundred and seventy-two and of section three hundred and seventy-four of that Act shall, with the necessary modifications, apply to any by-laws made hereunder.

(12) The power to make and enforce by-laws hereby conferred shall not in any way be affected or prejudiced, nor shall the validity of any by-law so made be called in question in any Court, by reason of the fact that the same are intended to be enforced in areas comprising land in the title of His Majesty the King.

(13) The Committee may, by resolution, from time to time appoint such persons to be officers and servants of the Committee as it thinks necessary for the purposes of carrying out its powers and functions under this section.

(14) Before any officer entrusted by the Committee with the custody or control of moneys by virtue of his office enters on the duties of his office, the Committee shall take from him such sufficient security for the faithful execution of his duties as it thinks fit.

(15) All moneys belonging to the Committee amounting to five pounds and upwards shall, within seven days after they have come to the hand of the proper officer of the Committee, be paid into the account of the Committee, at such bank as the Committee from time to time appoints.

(16) No moneys shall be withdrawn from the bank except by authority of the Committee and by cheque signed by any one member of the Committee and countersigned by the Treasurer.

(17) The Committee shall keep full and correct accounts in such manner as may be prescribed by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys and the audit of local authorities' accounts.

See Reprint  
of Statutes,  
Vol. VI, p. 10

(18) The Committee shall, before the end of April in each year, cause the accounts of the Committee for the past year ended on the thirty-first day of March then last past to be balanced, and also full and true statements and accounts of all the moneys received and expended by the Committee during the past year and of the assets and liabilities of the Committee at the end of the year, to be prepared; and any such statements and accounts, signed by the Chairman and the Treasurer of the Committee, shall be submitted by the Chairman to the Audit Office and a copy thereof submitted to each of the constituent local authorities.

(19) The Committee shall continue in existence pursuant to the provisions of this section until this section is repealed, or until the constituent local authorities unanimously resolve to disband the Committee, whichever date is the earlier.

(20) Upon the completion of any transit housing scheme controlled and administered by the Committee hereunder any assets pertaining thereto and available for disposal, whether the same may consist of real or personal estate, shall be disposed of in such manner as may be agreed upon by the constituent local authorities.

### *Miscellaneous*

**37.** Whereas the land firstly described in subsection four of this section is vested for an estate in fee-simple in the Presbyterian Church Property Trustees, by the Presbyterian Church Property Act, 1885, for the purposes of a cemetery upon the trusts set out in a certain deed of declaration of trust bearing date the third day of August, eighteen hundred and eighty-two: And whereas the said deed provides that the said land shall be under

Vesting certain  
land held by  
the  
Presbyterian  
Church  
Property  
Trustees in  
the Corporation  
of the City  
of Christchurch.  
1885, No. 33

the control and management of the Deacons' Court of St. Andrews' Presbyterian Church, Christchurch: And whereas the land secondly described in subsection four of this section is vested in the Presbyterian Church Property Trustees for an estate in fee-simple, and is used for the purpose of the cemetery office, store-room, and tool-shed: And whereas the land firstly described in subsection four hereof has now been fully utilized for burials and it is desirable that the future control and management of the cemetery should be vested in the Corporation of the City of Christchurch freed from any of the trusts of the said deed but subject to such burial rights as now exist, but neither the said Trustees nor the said Deacons' Court have power to transfer to the said Corporation the lands described in subsection four of this section: Be it therefore enacted as follows:—

(1) The vesting of the land firstly described in subsection four of this section in the Presbyterian Church Property Trustees for an estate in fee-simple for the purpose of a cemetery, and the vesting of the land secondly described in subsection four of this section in the Presbyterian Church Property Trustees for an estate in fee-simple, is hereby cancelled, and those lands are hereby vested in the Corporation of the City of Christchurch for an estate in fee-simple for the purposes of a closed cemetery, freed and discharged from the trusts affecting the said land as set out in the said deed but subject to such burial rights as now exist.

(2) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered and directed to make such entries in the register books, to deposit such plans, and to issue such certificates of title or other documents, and generally to do all such things as are necessary to give effect to the provisions of this section.

(3) The said Trustees and the said Deacons' Court are hereby empowered to pay and transfer to the said Corporation all moneys or securities for money in their hands respectively arising out of the past management and control of the said cemetery, to be held and administered by the said Corporation for the future purposes of the cemetery as it thinks fit.

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

Firstly, all that parcel of land containing five acres, more or less, situated in the City of Christchurch, being part of Rural Section 66, and being more particularly described in Conveyance Registered No. 39683 (67/183), and being all the land comprised and described in certificate of title, Volume 380, folio 104, Canterbury Registry, limited as to parcels and title.

Secondly, all that parcel of land containing nine perches and seven-tenths of a perch, more or less, situated in the City of Christchurch, being part of Rural Section 66, and being the balance of the land comprised and described in certificate of title, Volume 27, folio 210, Canterbury Registry.

As the same are more particularly delineated in the plan marked L. and S. 2/639, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red and green respectively.

**38.** Whereas the Auckland Veterans' Home (in this section referred to as the Home) is vested in the Auckland Veterans' Home Board (in this section referred to as the Board), a society incorporated under the War Funds Act, 1915, as an institution for the maintenance, relief, and benefit of veterans of wars prior to nineteen hundred and fourteen, and of members of the New Zealand Expeditionary Force of the First World War: And whereas it is necessary to provide additional accommodation for the said veterans and the said members, but the Board does not consider that it has sufficient funds to enable it so to do: And whereas the New Zealand Patriotic Fund Board and the Canteen Fund Board (in this section referred to as the Joint Boards), in pursuance of their powers and functions under the Patriotic and Canteen Funds Act, 1947, are desirous of acquiring suitable accommodation for the future maintenance, relief, and benefit of servicemen within the meaning of that Act: And whereas, in order to achieve their respective objects, the Board and the Joint Boards have entered into an agreement dated the seventh day of June, nineteen hundred and forty-nine, a copy of which is deposited in the Department of Internal Affairs, under Number I.A. 154/27, whereby the Joint Boards have agreed to purchase the Home upon and subject to the terms and

Validating an agreement made between Auckland Veterans' Home Board and the New Zealand Patriotic Fund Board and Canteen Fund Board.  
See Reprint of Statutes, Vol. VIII, p 1058

1947, No. 63

conditions set out in the said agreement: And whereas doubts have arisen as to whether the Board and the Joint Boards have power to enter into the said agreement, and it is desirable that the said agreement should be validated: Be it therefore enacted as follows:—

See Reprint  
of Statutes,  
Vol. VIII,  
p. 1058  
1947, No. 63

(1) Notwithstanding anything contained in the War Funds Act, 1915, the Patriotic and Canteen Funds Act, 1947, or in any other Act, or in any rules of the Board, the Board and the Joint Boards are hereby authorized, and shall be deemed to have been at all times authorized and empowered, to enter into the agreement dated the seventh day of June, nineteen hundred and forty-nine, and the said agreement is hereby validated and declared to have been lawfully made.

1943, No. 16

(2) Nothing contained in subsection one of this section shall be construed so as to derogate in any way from the provisions of the Servicemen's Settlement and Land Sales Act, 1943:

Provided that the period of one month referred to in section forty-five of that Act shall, for the purposes of that Act, be deemed to commence on the date of the passing of this Act.

See Reprint  
of Statutes,  
Vol. VII,  
p. 402  
Ibid., p. 1161

(3) No stamp duty under the Stamp Duties Act, 1923, or registration fees under the Land Transfer Act, 1915, shall be payable in respect of the said agreement, or any transfer in pursuance thereof.

Vesting certain  
land held by  
Presbyterian  
Church  
Property  
Trustees in  
the Corporation  
of the County  
of Featherston.  
1885, No. 33

**39.** Whereas the land described in subsection three of this section is situate in the Borough of Martinborough and is vested in the Presbyterian Church Property Trustees (in this section referred to as the Trustees) incorporated under the Presbyterian Church Property Act, 1885, subject to the provisions of that Act: And whereas the said land has been used as a cemetery, but is now no longer used for that purpose: And whereas the Trustees are unable to maintain the said cemetery in proper order and condition, and it is now in a state of neglect: And whereas it is desirable that the said land be vested in the Corporation of the County of Featherston for the purpose of maintaining the said cemetery in proper order and condition, but the Trustees have no power to transfer the said land to the said Corporation: Be it therefore enacted as follows:—

(1) The vesting of the land described in subsection three of this section in the Trustees is hereby cancelled

and the said land is hereby vested in the Corporation of the County of Featherston for an estate in fee-simple as a closed cemetery but subject to such burial rights as now exist.

(2) The District Land Registrar for the Land Registration District of Wellington is hereby authorized and directed to make such entries in the register books and outstanding duplicates of titles, to issue such certificates or documents, and generally to do all such things as are necessary to give effect to the provisions of this section.

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

All that area situate in Block IX, Huangarua Survey District, containing two roods one perch and fifty-one hundredths of a perch, more or less, being part Section 3, Wharekaka Block, and being also Lot 1 on Deposited Plan 12414, and being part of the land described in certificate of title, Volume 402, folio 208, Wellington Registry.

40. The transfers made by the South Canterbury Catchment Board to its Administration Account of the costs incurred in the collection of rates, namely, the sum of one hundred and seventy-five pounds, from the Ashburton Hinds Loan (£42,000) Interest Account, and the sum of ten pounds from the No. 17 Waihi River District Loan No. 1 Interest Account, are hereby validated and declared to have been lawfully made.

Validating certain transfers of moneys by South Canterbury Catchment Board for administration purposes.

41. Whereas on the seventeenth day of November, nineteen hundred and forty-eight, the Christchurch Tramway Board (in this section referred to as the Board) duly submitted to a poll of ratepayers in its district a proposal to raise a special loan, known as the Modernization Loan, 1948: And whereas, for the purpose of placing before the ratepayers and the public of its district its views on the question submitted to the said poll, the Board expended the sum of three hundred and nine pounds five shillings and elevenpence on the printing of brochures, postage, newspaper advertisements, hire of halls, and cost of posters: And whereas by section seven of the Christchurch Tramway District Amendment Act, 1932-33, the amount which the Board is authorized to expend for the said purposes is limited to the sum of one hundred pounds, and it is expedient

Validating certain expenditure incurred by Christchurch Tramway Board in publicizing a loan poll.

1932 (Local),  
No. 14

that the expenditure incurred in excess of the limits prescribed by the said section should be validated: Be it therefore enacted as follows:—

The expenditure of the sum of two hundred and nine pounds five shillings and elevenpence by the Board, out of its General Account, during the year ended on the thirty-first day of March, nineteen hundred and forty-nine, in excess of the limits prescribed by section seven of the Christchurch Tramway District Amendment Act, 1932-33, is hereby validated and declared to have been lawfully made.

Provisions with respect to contracts of Kekerangu Rabbit Board. 1934, No. 17

**42.** (1) Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act, 1934, the provisions of that Act shall not be deemed to have applied to any contract made by the Kekerangu Rabbit Board prior to the passing of this Act, in which James Anderson Chaffey was concerned or interested.

(2) With the prior approval of the Audit Office, the Board may in any year enter into a contract with any member thereof for the production, supply, and transport of carrots, and the transport of poison material and other goods, and in any such case the provisions of the said Act shall not apply to any such contract.

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