



ANALYSIS

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23. Authorizing Dunedin City Corporation to make ex gratia payment in respect of a contract to erect houses.
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37. Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations.
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1954, No. 57

AN ACT to confer certain powers on certain public bodies and to validate certain transactions.

[30 September 1954

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 1954.

County Councils

Vesting certain
land in
Corporation
of County of
Rodney as
recreation
reserve.

2. Whereas, by deed of trust dated the second day of September, nineteen hundred and twelve, James Dunning, of Cambridge, farmer, gave to John Morrison, orchardist, Henry Robert French, county clerk, and Benjamin Holmes McKinney, farmer, all of Warkworth (in this section referred to as the trustees), all that piece of land situate on the northern bank of the Mahurangi River near Warkworth containing by admeasurement twenty-seven acres three roods, more or less, being all the land on Deposited Plan Number 7948 and all the land comprised and described in certificate of title, Volume 202, folio 91, Auckland Registry, upon the trusts set out in the said deed for a place of public recreation and enjoyment for the people of Mahurangi in the County of Rodney and to be known as the Mahurangi Park: And whereas, by Memorandum of Transfer registered in the Land Registry Office at Auckland as Number 70410, the said James Dunning transferred all his estate and interest in the aforesaid land to the trustees: And whereas, by a deed made on the twentieth day of March, nineteen hundred and fifteen, by the trustees of the first part, the said Henry Robert French, of the second part, and Thomas Henry Wilson, cement manufacturer, of Warkworth, of the third part, the said Henry Robert French was released and discharged from the trusts and powers reposed in and conferred on him by the said deed of trust and the trustees appointed the said Thomas Henry Wilson to be a trustee under the said deed of trust in place of the said Henry Robert French: And whereas, by memorandum of transfer registered as aforesaid under Number 85539, the trustees transferred all their estate and interest in the said land to the said John Morrison, Benjamin Holmes McKinney, and Thomas Henry Wilson: And whereas the said Benjamin Holmes McKinney has since died, and the said John Morrison and Thomas Henry Wilson (in this section referred to as the present trustees) are the surviving trustees: And whereas the sum of ninety-eight pounds three shillings and tenpence, together with interest thereon, being money collected by public subscription and interest, is vested in the present trustees as an endowment fund to develop the said Mahurangi Park: And

whereas the present trustees desire to vest the said land and endowment fund in the Chairman, Councillors, and inhabitants of the County of Rodney (in this section referred to as the Corporation) for the purposes of the said trust, but the Corporation is not authorized to accept lands or money on the terms of the said trust: And whereas the Corporation is prepared to accept the said land for the purposes of a recreation reserve pursuant to section one hundred and ninety-eight of the Counties Act 1920, as substituted by section eighteen of the Counties Amendment Act 1949, and to administer the said endowment fund for the purpose of developing the said land as a recreation reserve pursuant to the said Act: Be it therefore enacted as follows:

See Reprint
of Statutes,
Vol. V, p. 180
1949, No. 27

(1) The Corporation is hereby authorized and empowered to accept a transfer to it of the said land to be held by it as a recreation reserve pursuant to section one hundred and ninety-eight of the Counties Act 1920, and to administer the said endowment fund for the purposes of and incidental to the said recreation reserve, and the present trustees are hereby authorized and empowered to make such transfers of land and money to the Corporation as aforesaid.

(2) The Corporation and the present trustees are hereby authorized and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effectual vesting in the Corporation of the said land and money as aforesaid.

(3) Upon the transfer of the said land and money to the Corporation, the present trustees shall be released and absolutely discharged from the trusts incidental to the said deeds of the second day of September, nineteen hundred and twelve, and the twentieth day of March, nineteen hundred and fifteen.

3. Whereas the Franklin County Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for roads, bridges, and buildings, expended out of its County Fund Account moneys in the erection of a bridge on the Papakura-Titi Main Highway: And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council

Authorizing
raising of
special loan
by Franklin
County
Council.

to refund the said moneys to its County Fund Account: And whereas it is desirable that authority should be given for that purpose: Be it therefore enacted as follows:

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

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of ten thousand pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the erection of the said bridge.

Authorizing
Patangata
County Council
to hold
election for
additional
councillor.

4. Whereas the Patangata County Council (in this section referred to as the Council) is desirous of increasing the number of members of the Council by the election of an additional representative of the electors of the Purerere Riding of the Patangata County (in this section referred to as the County) but has no power to effect the increase until the next general election of the Council: Be it therefore enacted as follows:

See Reprint
of Statutes,
Vol. V, p. 203

(1) Any special order made by the Council prior to the next general election of councillors increasing the number of members of the Council from ten to eleven and the number of councillors to be elected by the electors of the Purerere Riding of the County from one to two shall, notwithstanding anything to the contrary in section fifty-nine of the Counties Act 1920, come into force on a day to be named in the special order.

(2) On the coming into force of any such special order, a vacancy shall be deemed to exist in the Council for the additional councillor to be elected by the electors of the Purerere Riding of the County, and that vacancy shall be filled in the same manner as an extraordinary vacancy in the office of councillor.

Validating
abolition of
riding accounts
by Piako
County
Council.

See Reprint
of Statutes,
Vol. V,
pp. 280, 223

5. Whereas the Piako County Council (in this section referred to as the Council) by special order passed on the twenty-first day of February, nineteen hundred and fifty, and confirmed on the twenty-first day of March, nineteen hundred and fifty, pursuant to section two of the Counties Amendment Act 1931, declared that sections one hundred and twenty-one and one hundred and thirty-one of the Counties Act 1920 should not apply to the Council: And whereas the Council omitted to forward to the Minister of Internal Affairs, as provided by the said section two, a copy of the said special order with the appropriate certificate in order to enable the

said special order to be gazetted and to take effect: And whereas the Council has acted upon the said special order in all respects as if the same had taken effect from the thirty-first day of March, nineteen hundred and fifty: Be it therefore enacted as follows:

(1) The said special order of the Council declaring that sections one hundred and twenty-one and one hundred and thirty-one of the Counties Act 1920 should not apply to the Council shall be deemed to have taken effect for all purposes, and the said sections one hundred and twenty-one and one hundred and thirty-one are hereby declared not to have applied to the Council as from the thirty-first day of March, nineteen hundred and fifty.

(2) The actions of the Council in closing the separate riding accounts kept pursuant to subsection three of section one hundred and thirty-one of the Counties Act 1920 by incorporating in the General Account of the County Fund the balances of the said separate accounts, and in disbursing moneys on a whole county basis instead of a riding basis as from the thirty-first day of March, nineteen hundred and fifty, are hereby validated and declared to have been lawful.

(3) The actions of the Council in making and levying all general rates over the county as a whole instead of separately in each riding for each of the years ending on the thirty-first day of March, nineteen hundred and fifty-one, the thirty-first day of March, nineteen hundred and fifty-two, the thirty-first day of March, nineteen hundred and fifty-three, the thirty-first day of March, nineteen hundred and fifty-four, and the thirty-first day of March, nineteen hundred and fifty-five, and in doing all things necessary preliminary thereto are hereby validated, and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

6. Whereas the Manukau County Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for waterworks purposes, expended out of its County Fund Account moneys amounting in the aggregate to the sum of seven thousand five hundred pounds in the purchase of certain waterworks from the Manurewa Borough Council: And whereas the Local

Authorizing
raising of
special loan
by Manukau
County
Council.

Government Loans Board has 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:

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

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of seven thousand five hundred pounds for the purpose of refunding to its County Fund Account all money applied by the Council as aforesaid in the purchase of the said waterworks.

Validating
making and
levying of
certain rate by
Kawhia County
Council.

7. Whereas, as on and from the first day of April, nineteen hundred and fifty-four, the Town District of Kawhia (in this section referred to as the former Town District) was merged in the County of Kawhia: And whereas, because of the high rateable values of property in portion of the former Town District, the Kawhia County Council (in this section referred to as the Council) made and levied, during the year ending on the thirty-first day of March, nineteen hundred and fifty-five, a reduced general rate on the said property: And whereas the Council acted without authority in making and levying the said rate, and it is desirable that the action of the Council be validated: Be it therefore enacted as follows:

The action of the Council in making and levying, during the year ending on the thirty-first day of March, nineteen hundred and fifty-five, on property in portion of the former Town District, a reduced general rate of sevenpence in the pound on the unimproved value of the said property, is hereby validated, and the said rate is hereby declared to have been lawfully made and levied and to be legally recoverable.

City and Borough Councils

Validating
certain
expenditure
incurred by
Ashburton
Borough
Council.

8. The expenditure by the Ashburton Borough Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-four, of the sum of three hundred and seventy-one pounds two shillings in celebration of the seventy-fifth anniversary of the Borough of Ashburton is hereby validated and declared to have been lawfully incurred and made.

9. The Marton Borough Council (in this section referred to as the Council) is hereby authorized and empowered to expend out of its General Account a sum not exceeding five hundred pounds for the purpose of celebrating and commemorating the seventy-fifth anniversary of the Borough of Marton, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

Provision with respect to certain expenditure by Marton Borough Council in connection with anniversary celebrations.

10. The Wellington City Council is hereby authorized to transfer, as from the first day of April, nineteen hundred and fifty-four, to its Tramway Account from the fund accounts hereinafter named the sums following, that is to say:

Authorizing Wellington City Council to transfer money from certain fund accounts to Tramway Account.

- (a) From its Tramway and Power Supply Accident Fund Account, a sum not exceeding fifteen thousand pounds;
- (b) From its Electric Light and Power Supply Accident Fund Account, a sum not exceeding seventy-five thousand pounds;
- (c) From its Electric Light and Power Supply Reserve Fund Account, a sum not exceeding one hundred and ten thousand pounds; and
- (d) From its Electric Light and Power Supply Renewal Fund Account, a sum not exceeding two hundred and sixty thousand pounds.

11. Whereas, on the twenty-fifth day of March, nineteen hundred and fifty-three, the Local Government Loans Board sanctioned the raising by the Petone Borough Council (in this section referred to as the Council) of a loan of thirty-four thousand six hundred pounds, to be known as the Korokoro Sewerage Loan 1953 (in this section referred to as the loan), for the purpose of installing a sewerage service in Korokoro: And whereas, contrary to the provisions of the Local Government Loans Board Act 1926, the Council, without first obtaining the consent of the Governor-General in Council, borrowed the sum of ten thousand pounds as part of the loan: And whereas it is desirable that the action of the Council in borrowing the said sum of ten thousand pounds should be validated: Be it therefore enacted as follows:

Validating borrowing of certain loan money by Petone Borough Council.

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

The action of the Council in borrowing the said sum of ten thousand pounds without first obtaining the consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed.

Vesting certain land in Napier City Corporation.

12. Whereas the owner of the land described in subsection three of this section is unknown and cannot be found and it is desirable that the said land should be vested in the Mayor, Councillors, and Citizens of the City of Napier (in this section referred to as the Corporation): Be it therefore enacted as follows:

(1) The land described in subsection three of this section is hereby declared to be vested in the Corporation for an estate in fee simple.

(2) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorized and directed to issue a certificate of title for the said land in the name of the Corporation for an estate in fee simple.

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

All that piece of land situated in the City of Napier, containing by admeasurement thirty-three perches and four-tenths of a perch, more or less, being part of Sub-urban Section 17, Town of Napier: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Napier, under Number 2749, and thereon bordered red.

Provision with respect to refund of certain rates by Lower Hutt City Council. See Reprint of Statutes, Vol. VII, p. 977
See Reprint of Statutes, Vol. III, p. 798

13. Whereas, pursuant to the Rating Act 1925, a valuation list under the system of rating on the annual value was prepared for the City of Lower Hutt as at the fifteenth day of January, nineteen hundred and fifty-two, and subsequently became the valuation roll for that city: And whereas certain houses erected in the said city pursuant to the Housing Act 1919 (in this section referred to as the houses) were sold by the State Advances Corporation (in this section referred to as the Corporation) and notification of sale was received by the Lower Hutt City Council (in this section referred to as the Council) during the period commencing on the fifteenth day of January, nineteen hundred and fifty-two, and ending on the thirty-first day of March, nineteen hundred and fifty-two: And whereas the Council issued rate

demands to the ratepayers concerned in respect of the houses for the year ended on the thirty-first day of March, nineteen hundred and fifty-three, based on the valuations of the houses appearing in the valuation roll: And whereas it has now been agreed that the valuations of the houses should be reduced and that the Council should refund to the ratepayers concerned the amount received by way of rates in excess of the amount payable on the reduced valuations: Be it therefore enacted as follows:

The Council is hereby authorized and shall be deemed to have been authorized to refund to the ratepayers concerned by means of a deduction upon payment of all rates otherwise due to the thirty-first day of March, nineteen hundred and fifty-five, a total sum of five hundred and fourteen pounds twelve shillings and two-pence, being the amount of rates claimed in excess from those ratepayers who acquired houses from the Corporation and of which the notification of sale was received by the Council between the fifteenth day of January, nineteen hundred and fifty-two, and the thirty-first day of March, nineteen hundred and fifty-two.

14. Whereas the State Advances Corporation (in this section referred to as the Corporation) has, at the request of the Lower Hutt City Council (in this section referred to as the Council), and to assist the finances of the Council, advanced to the Council the sum of twenty-two thousand five hundred pounds, which sum the Council has agreed to repay to the Corporation with interest at the rate of four per cent per annum from the first day of April, nineteen hundred and fifty-three, by equal annual payments over a period of three years: And whereas this advance constitutes borrowing by the Council and was made without statutory authority: And whereas it is expedient to validate the action of the Council in receiving the advance and in paying interest thereon: Be it therefore enacted as follows:

Validating
certain
borrowing by
Lower Hutt
City Council.

(1) The action of the Council in accepting from the Corporation an advance of twenty-two thousand five hundred pounds on the thirty-first day of March, nineteen hundred and fifty-three, is hereby validated, and the Council is hereby authorized to repay that advance, together with interest thereon at the rate of four per

cent per annum from the first day of April, nineteen hundred and fifty-three, by equal annual payments of seven thousand five hundred pounds, with interest calculated as aforesaid, on the first day of April in each year over a period of three years.

(2) The owing by the Council of the sums of fifteen thousand pounds and seven thousand five hundred pounds to the Corporation in respect of the advance referred to in subsection one of this section, for the years ending respectively on the thirty-first day of March, nineteen hundred and fifty-four, and the thirty-first day of March, nineteen hundred and fifty-five, shall not in either case be taken into account in determining the compliance or otherwise by the Council with the provisions of paragraph (c) of subsection two of section three, or of section nine of the Local Bodies' Finance Act 1921-22.

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

Validating
certain special
orders made by
Upper Hutt
Borough
Council.

1933, No. 30

15. Whereas the Upper Hutt Borough Council (in this section referred to as the Council), by special orders made on the thirteenth day of April, nineteen hundred and fifty-four, the twenty-seventh day of April, nineteen hundred and fifty-four, and the fifteenth day of June, nineteen hundred and fifty-four, resolved to permit the laying off of certain proposed streets of less than sixty-six feet in width in the Borough of Upper Hutt, subject to the condition that no building or part of a building should at any time be erected on land having a frontage to any of the said streets within a distance of forty-eight feet from the middle line of the street: And whereas doubts have arisen as to whether the said special orders comply with the provisions of section one hundred and ninety of the Municipal Corporations Act 1933, and it is desirable that the said special orders should be validated: Be it therefore enacted as follows:

The said special orders made by the Council are hereby validated and deemed to have been lawfully made, and, notwithstanding the provisions of section one hundred and ninety of the Municipal Corporations Act 1933, the District Land Registrar for the Land Registration District of Wellington is hereby authorized and directed to deposit the said special orders in his office and to register against the title to all land affected thereby a memorandum under his hand accordingly.

16. Whereas, prior to authority being obtained to the raising of a loan of the sum of three hundred and thirty-three thousand pounds, known as the Waterworks Loan 1953, £333,000 (in this section referred to as the loan), the Auckland City Council (in this section referred to as the Council) expended out of its Waterworks Account, for certain purposes for which the loan was to be raised, moneys amounting in the aggregate to the sum of twenty-six thousand eight hundred and fifty-six pounds eleven shillings and eightpence: And whereas authority has since been obtained to the raising of the loan, and the Council is desirous of recouping its Waterworks Account out of the proceeds of the loan and it is expedient to make provision accordingly: Be it therefore enacted as follows:

Provision with respect to refund to Waterworks Account from loan moneys by Auckland City Council.

The Council is hereby authorized and empowered to refund to its Waterworks Account out of the proceeds of the loan a sum not exceeding twenty-six thousand eight hundred and fifty-six pounds eleven shillings and eightpence.

17. Whereas the Hastings Gas Company Limited (in this section referred to as the Company) has been formed for the purpose of acquiring the gas-making plant in Hastings at present owned by the Napier Gas Company Limited, as the latter company has given notice of its intention to cease the manufacture of gas in Hastings: And whereas the Hastings Borough Council (in this section referred to as the Council) is concerned to see that sufficient of the capital offered for subscription by the Company is subscribed to enable the Company to commence business and carry on the supply of gas to citizens of Hastings: And whereas the Council will be put to considerable expense if insufficient capital is subscribed and gas does not continue to be supplied in Hastings: And whereas the Council is desirous of subscribing for and acquiring fifty shares in the Company: Be it therefore enacted as follows:

Authorizing Hastings Borough Council to acquire shares in Hastings Gas Company Limited.

The Council is hereby authorized to subscribe for and acquire fifty shares of five pounds each in the Company and to pay the calls thereon in advance or as and when calls thereon are made by the Company:

Provided that the total expenditure by the Council in respect of the said shares shall not exceed the sum of two hundred and fifty pounds.

Authorizing raising of special loan by Milton Borough Council.

18. Whereas the Milton Borough Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing, land purchase, and equipment purposes, expended out of its District Fund Account moneys amounting in the aggregate to the sum of six hundred pounds in the purchase of a dwelling-house for Council purposes: And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its District Fund Account: And whereas it is desirable that authority be given for that purpose: Be it therefore enacted as follows:

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

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of six hundred pounds for the purpose of refunding to its District Fund Account all moneys applied by the Council as aforesaid in the purchase of the said dwellinghouse.

Authorizing Balclutha Borough Council to sell certain lands.

19. Whereas the lands firstly and secondly described in subsection four of this section are vested in the Mayor, Councillors, and Burgesses of the Borough of Balclutha (in this section referred to as the Corporation) in trust as endowments for the municipality of Balclutha: And whereas the Corporation is the registered proprietor of an estate in fee simple in the land thirdly described in subsection four of this section to be held as the Harvey Memorial and Centennial Hall: And whereas it is expedient to empower the Balclutha Borough Council (in this section referred to as the Council) to sell the said lands: Be it therefore enacted as follows:

(1) The Council may, without further authority than this section, sell the lands described in subsection four of this section, or any part of those lands, by public auction, public tender, private treaty, or otherwise, on such terms and subject to such conditions as it thinks fit, and on the sale of any such land any trust or reservation theretofore affecting the same shall be deemed to be cancelled.

(2) The proceeds from all sales of the said lands shall be applied by the Council in or towards the purchase of other lands to be held in the name of the Corporation for the general purposes of the Borough of Balclutha.

(3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section.

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

Firstly, all that parcel of land situate in the Town of Balclutha containing by admeasurement one rood, more or less, being Section 9, Block III, on the public map of the said Town deposited in the Office of the Chief Surveyor, at Dunedin, and being all the land comprised in certificate of title, Volume 79, folio 21, Otago Registry.

Secondly, all that parcel of land situate in the Town of Balclutha containing by admeasurement one rood, more or less, being Section 18, Block V, of the said Town and being all the land comprised in certificate of title, Volume 79, folio 26, Otago Registry.

Thirdly, all that parcel of land situate in the District of Clutha containing by admeasurement twenty perches, more or less, being all the land on Deposited Plan Number 5478, and being part of Section 5, Block XXXV, of the said District and being all the land comprised in certificate of title, Volume 302, folio 41, Otago Registry.

20. The Waimate Borough Council (in this section referred to as the Council) is hereby authorized and empowered to expend out of its General Account a sum not exceeding two hundred pounds for the purpose of celebrating and commemorating the seventy-fifth anniversary of the constitution of the Borough of Waimate, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

Provision with respect to expenditure of money by Waimate Borough Council in connection with seventy-fifth anniversary celebrations.

21. Whereas the Cromwell Borough Council (in this section referred to as the Council) keeps certain money derived from the sale of lands under section one hundred and fifty-six of the Municipal Corporations Act 1933 in a separate account in the Council's books known as the Land Sales Account: And whereas the Council is required to expend the said money in the purchase of

Authorizing expenditure of certain money by Cromwell Borough Council for staff housing purposes.

1933, No. 30

other lands to be held for the same purposes as the lands sold: And whereas the Council holds adequate lands for the purposes of the Borough of Cromwell and it is desirable to authorize the Council to utilize certain of the money in the Land Sales Account in the erection of staff houses: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in section one hundred and fifty-six of the Municipal Corporations Act 1933, the Council is hereby authorized and empowered to expend from the Land Sales Account, towards the erection of staff houses, an amount not exceeding the sum of one thousand pounds.

Authorizing
Dunedin City
Corporation
to make ex
gratia payment
in respect of
a contract
to construct
street works.

22. Whereas, by an agreement dated the seventh day of March, nineteen hundred and fifty, made between McJorow Bros. of Ashburton, contractors (in this section referred to as the contractors), of the one part, and the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the Corporation), of the other part, the contractors agreed to form and construct a street known as the Albert Street Extension together with the Highgate Bridge and appurtenant works for a sum calculated in accordance with the schedule rates provided in the said agreement: And whereas no provision was made in the said agreement to meet possible increases in labour and other charges: And whereas between the fifteenth day of February, nineteen hundred and fifty-one, and the thirty-first day of December, nineteen hundred and fifty-three, the contractors incurred extraordinary increases in expenses over and above the schedule rates provided in the said agreement: And whereas the Corporation, being satisfied that the extraordinary increases were not and could not reasonably have been contemplated by the contractors at the time the said contract was entered into, is desirous of making a payment of nine thousand nine hundred and thirty-five pounds ten shillings and fourpence to the contractors by way of an ex gratia payment: Be it therefore enacted as follows:

The Corporation is hereby authorized and empowered to pay the sum of nine thousand nine hundred and thirty-five pounds ten shillings and fourpence to the contractors by way of compensation in respect of the extraordinary expenses incurred by them as aforesaid.

23. Whereas, by an agreement dated the fifteenth day of October, nineteen hundred and fifty-three, made between M.B.M. Builders, of Fairfield, building contractors (in this section referred to as the contractors), of the one part, and the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the Corporation), of the other part, the contractors agreed to erect eight prefabricated houses for the sum of eight thousand seven hundred and five pounds: And whereas as a result of a general increase in wages there has been an increase in the wages, costs, and expenses payable by the contractors and there is no provision in the said agreement for variation of the contract price to cover the said increase: And whereas the Council is desirous of compensating the contractors in respect of the loss incurred by reason of the said increase: Be it therefore enacted as follows:

Authorizing Dunedin City Corporation to make *ex gratia* payment in respect of a contract to erect houses.

The Council is hereby authorized and empowered to pay the sum of one hundred and thirty-one pounds nine shillings and twopence to the contractors by way of compensation in respect of the loss incurred by the contractors.

24. Whereas the Dunedin City Council (in this section referred to as the Council) has from time to time, in respect of its Transport Department Account, borrowed moneys from its bankers by way of overdraft: And whereas on the thirty-first day of March, nineteen hundred and fifty-four, the Council owed to its bankers by way of overdraft the sum of three hundred and twenty-eight thousand two hundred and twenty-five pounds and fivepence, which amount is in excess of the limit prescribed by paragraph (c) of subsection two of section three of the Local Bodies' Finance Act 1921-22: And whereas it is expedient that the action of the Council in owing the moneys as aforesaid should be validated: Be it therefore enacted as follows:

Making provision with respect to excess overdraft of Dunedin City Council.

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

Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921-22, or in any other Act, the amount by which the moneys owing by the Council to its bankers as at the thirty-first day of March, nineteen hundred and fifty-four, in respect of its Transport Department Account exceeds the limit prescribed by the said Act shall for all purposes be deemed to be lawfully owed by the Council as at that date.

Road Board

Provision with respect to purchase of wharf by Western Waiheke Road Board.

25. Whereas the Western Waiheke Road Board (in this section referred to as the Board) is desirous of purchasing from the Devonport Steam Ferry Company Limited the Matiatia Wharf situated in Matiatia Bay, Waiheke Island, and of raising a loan for that purpose and for effecting improvements to the said wharf: Be it therefore enacted as follows:

(1) The Board is hereby authorized and empowered to purchase the said Matiatia Wharf from the said company at such price and upon such terms as may be agreed upon between the Board and the company and any agreements heretofore entered into by the parties in respect of the said purchase are hereby declared to be valid and binding on the parties and shall for all purposes be effective according to their tenor.

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

(2) The Board may borrow by way of special loan under the Local Bodies' Loans Act 1926, and, notwithstanding the provisions of section nine of that Act, without the prior consent of the ratepayers, an amount not exceeding the sum of two thousand pounds for the purpose of purchasing the said wharf and effecting improvements thereto.

(3) The Board is hereby authorized, out of the proceeds of the said loan, when raised, to refund to its General Account all money advanced thereout, whether before or after the passing of this Act, for the purposes for which the said loan is to be raised.

Harbour Boards

Validating certain contract entered into by New Plymouth Harbour Board.

26. Whereas the New Plymouth Harbour Board, now the Taranaki Harbour Board (in this section referred to as the Board), on or about the fifteenth day of June, nineteen hundred and fifty-one, made a contract (in this section referred to as the contract) with C. L. F. Harlen Limited (in this section referred to as the contractor) for the supply of certain materials and the execution of certain work for the purposes of an improved electrical reticulation of the Newton King wharf: And whereas, contrary to the provisions of section one hundred and thirty-one of the Harbours Act 1950 (in this section referred to as the said Act), prior to the making of the contract, tenders were not called for by public notice: And whereas, in making the contract, the provisions of

1950, No. 34

sections one hundred and twenty-nine and one hundred and thirty of the said Act were not complied with: And whereas the contractor has supplied the materials and executed the work required to be supplied and executed under the contract and the total amount paid by the Board to the contractor in respect thereof is five thousand seven hundred and ninety-seven pounds seven shillings and ninepence: And whereas doubts have arisen with regard to the validity of the contract and the payment of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence thereunder: And whereas it is desirable that the contract and the payment thereunder should be validated: Be it therefore enacted as follows:

Notwithstanding anything contained in the said Act, or in any other Act, the action of the Board in entering into the contract and in paying the sum of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence thereunder is hereby validated and the contract shall be deemed to have been lawfully made and the sum of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence lawfully paid.

27. The Auckland Harbour Board is hereby authorized to expend from its Harbour Fund the sum of five hundred pounds as a donation to the funds of the Friends of the Deaf, Incorporated, to be used in the establishment of an institute to help the adult deaf-born people of Auckland to further their cultural, spiritual, and recreational needs.

Authorizing
Auckland
Harbour Board
to make certain
donation.

Drainage Boards

28. Whereas, by section fifty of the Local Legislation Act 1936, as extended by section forty-two of the Local Legislation Act 1937, section forty-one of the Local Legislation Act 1939, section twenty-eight of the Local Legislation Act 1942, section twenty-nine of the Local Legislation Act 1947, and section thirty-eight of the Local Legislation Act 1952, the Mangapu Drainage Board (in this section referred to as the Board) was authorized to make and levy on all rateable lands within the Mangapu Drainage District for certain years as set out in those sections, a general rate in excess of the maximum rate provided for in the Land Drainage Act 1908: And whereas the Board desires to make and levy

Provision with
respect to
levying of
excess general
rates by
Mangapu
Drainage
Board.
1936, No. 54
1937, No. 25
1939, No. 25
1942, No. 17
1947, No. 56
1952, No. 68
See Reprint
of Statutes,
Vol. IV, p. 466

for the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, a general rate, not exceeding fourpence in the pound, on lands classified in accordance with section thirty-three of the Land Drainage Act 1908 as "A" lands; a general rate, not exceeding threepence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding twopence in the pound, on lands so classified as "C" lands: And whereas it is expedient that the Board should be empowered to levy general rates on the aforesaid basis: Be it therefore enacted as follows:

The Board is hereby authorized and deemed to have been authorized to make and levy for the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, a general rate, not exceeding fourpence in the pound, on lands classified in accordance with section thirty-three of the Land Drainage Act 1908 as "A" lands; a general rate, not exceeding threepence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding twopence in the pound, on lands so classified as "C" lands.

29. Whereas the Thames Valley Drainage Board (in this section referred to as the Board) operates pumping units in certain parts of its district for the purpose of disposing of drainage and flood waters: And whereas, for the purpose of meeting the costs of operating and maintaining the said pumping units, the Board desires to define the areas of its district deriving benefit from the operation of the said pumping units, and to make and levy on all rateable property in those areas, during the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, separate rates, of such amount as will not produce more than would be produced by a uniform rate of twopence in the pound on the capital value of the said rateable property, or its equivalent on the unimproved value or annual value: And whereas the Board desires to levy the said separate rates on the said rateable property according

Authorizing
levying of
certain
separate rates
by Thames
Valley
Drainage
Board.

Rsr. 13

No. 4

to a classification on the basis of the degree of benefit derived from the operation of the said pumping units: And whereas it is desirable that provision should be made accordingly: Be it therefore enacted as follows:

(1) The Board is hereby authorized and deemed to have been authorized to define from time to time by special order the boundaries of any area of its district which derives benefit from the operation of any of the said pumping units, and similarly to alter the boundaries of any such area.

(2) The Board is hereby authorized and deemed to have been authorized, for the purpose of operating and maintaining any of the said pumping units, to make and levy during the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, on all rateable property in any area defined pursuant to subsection one of this section, a separate rate of such amount as will not produce more than would be produced by a uniform rate of twopence in the pound on the capital value of the said rateable property, or its equivalent on the unimproved value or annual value.

(3) The Board is hereby authorized and deemed to have been authorized to classify, from time to time, in accordance with the provisions of section thirty-three of the Land Drainage Act 1908, all lands within any area defined pursuant to subsection one of this section according to the benefit derived from the operation of the said pumping units and all the provisions of that Act relating to the classification of lands for rating purposes shall apply to any classification made under the authority of this subsection.

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

Electric Power Board

30. Whereas the Taranaki Electric Power Board (in this section referred to as the Board) has made application to the Local Government Loans Board for authority to raise a loan of ten thousand pounds to be known as the Staff Housing Loan 1954 (in this section referred to as the proposed loan): And whereas, prior to sanction being given to the raising of the proposed loan, the Board has expended out of its Power Fund Account

Authorizing
Taranaki
Electric Power
Board to
raise a special
loan for
housing
purposes.

moneys amounting in the aggregate to the sum of six thousand five hundred pounds for the purposes of the proposed loan: And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said moneys have been expended: And whereas it is desirable to authorize the Council to raise a special loan not exceeding the sum of six thousand five hundred pounds for the purpose of recouping its Power Fund Account in respect of the moneys expended therefrom as aforesaid: Be it therefore enacted as follows:

The Board is hereby authorized and empowered to borrow by way of special loan pursuant to the Local Bodies' Loans Act 1926 an amount not exceeding the sum of six thousand five hundred pounds for the purpose of refunding to its Power Fund Account all moneys expended therefrom for the purposes of the proposed loan.

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

Hospital Boards

31. Whereas the Wellington Hospital Board (in this section referred to as the Board) is registered as proprietor of an estate in fee simple, firstly, in all that parcel of land situated in the Land Registration District of Wellington, containing by admeasurement eighteen acres two roods twenty-four perches, more or less, comprising parts of Sections 37 and 185, Hutt District, being Lot 10 and part Lot 1 on Deposited Plan 1397, and other part of said Section 37 and part Section 48 of the Hutt District, and being the whole of the land comprised and described in certificate of title, Volume 221, folio 84, Wellington Registry, together with a right of way over the part delineated and coloured yellow on the plan on the said certificate of title; and, secondly, in all that parcel of land situated in the Land Registration District of Wellington, containing seven-tenths of a perch and being Lot 11, Deposited Plan 1397, part of Section 37, Hutt District, and all the land comprised and described in certificate of title, Volume 166, folio 48, Wellington Registry: And whereas the said land was acquired by the Board and the buildings thereon were equipped out of moneys given to the Board by the Board of Governors of the Thomas George Macarthy Trust for the purpose of establishing an institution for convalescent children

Varying terms
of trust in
respect of
which T. G.
Macarthy
Home for
Children is held
by Wellington
Hospital Board.

(in this section referred to as the institution): And whereas, by an order of the Supreme Court made on the twenty-fifth day of September, nineteen hundred and thirty-six, the terms of the trust upon which the said land was held were varied whereby the Board was authorized to admit adult female convalescent patients to the institution as well as convalescent children, but in admitting patients to the institution children were to be given preference over adults: And whereas it was also a term of the said order that the variation should not be held to limit or abrogate the powers given to the Board by section thirty-four of the Local Legislation Act 1931: 1931, No. 43 And whereas it is desirable that adult male convalescent patients should be admitted to the institution in addition to convalescent children and adult female convalescent patients: Be it therefore enacted as follows:

(1) The Board is hereby authorized to admit adult male convalescent patients to the institution as well as adult female convalescent patients and convalescent children:

Provided that in admitting patients to the institution, children shall be given preference over adults.

(2) Nothing in this section shall abrogate or limit the powers given to the Board by section thirty-four of the Local Legislation Act 1931.

32. Whereas the Wellington Hospital Board (in this section referred to as the Board) has for a number of years supplied, free of charge, steam for heating purposes to the home of the Wellington Society for the Relief of the Aged Needy (in this section referred to as the Society) by means of a pipe line installed by and at the cost of the Board: And whereas doubts have arisen as to the authority of the Board to provide that supply or to incur the expenditure thereby occasioned and it is desirable that the expenditure be validated and that the Board be empowered to continue that supply to the Society: Be it therefore enacted as follows:

Authorizing Wellington Hospital Board to supply steam to Wellington Society for the Relief of the Aged Needy.

(1) The supply by the Board, free of charge, of steam for heating purposes to the home of the Society, and the expenditure thereby incurred by the Board, are hereby validated and deemed to have been lawfully supplied and incurred.

(2) The Board is hereby authorized and empowered to continue the aforesaid supply to the Society upon such terms and conditions as may be mutually agreed upon between the Board and the Society.

Catchment Board

33. Subsection one of section thirty-one of the Local Legislation Act 1953 is hereby amended by omitting the words "two years", and substituting the words "four years".

Further extending period during which classifications for rating purposes of certain lands in North Canterbury Catchment District shall continue in force.

1953, No. 106

Validating agreement made by Whangarei Borough Council and Onerahi Town Board with respect to water supply.

Affecting Two or More Classes of Public Bodies

34. Whereas the Whangarei Borough Council (in this section referred to as the Council) and the Onerahi Town Board (in this section referred to as the Board) entered into an agreement dated the fourth day of May, nineteen hundred and fifty-four, a certified copy of which agreement is recorded in the Department of Internal Affairs at Wellington as I.A. 105/531, whereby the Council agreed to supply and the Board agreed to take a supply of water upon the terms and conditions therein set out: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or in any other Act, the Council and the Board are hereby and shall be deemed to have been at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto and shall for all purposes have effect according to its tenor.

35. Whereas all property belonging to the Opunake Harbour Board which by section six of the Opunake Harbour Act 1938 was vested in the Mayor, Councillors, and Burgesses of the Borough of Opunake has been held by the Opunake Borough Council (in this section referred to as the Borough Council), in trust for the purpose of applying the revenue therefrom in liquidation of the liabilities of the Opunake Harbour Board: And whereas the Taranaki Harbour Board has now assumed responsibility for the liabilities of the Opunake Harbour

1933, No. 30

Provision with respect to certain property vested in Opunake Borough Council.
1938 (Local),
No. 9

Board: And whereas the Borough Council will accordingly hold all such property freed and discharged from the aforesaid trusts: And whereas the Borough Council has agreed to pay a proportion of the future revenue from the said property to the Egmont County Council (in this section referred to as the County Council): And whereas it is expedient that the capacity in which the Borough Council holds the said property should be clarified and that the Borough Council should be authorized to pay a proportion of future revenue to the County Council: Be it therefore enacted as follows:

(1) All property, whether real or personal, formerly belonging to the Opunake Harbour Board, and which, by section six of the Opunake Harbour Act 1938, was vested in the Borough Council, is hereby vested in the Borough Council in trust as a municipal endowment.

1938 (Local),
No. 9

(2) Upon application by the Borough Council it shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, and without payment of any fee, to make such entries in the appropriate registers recording the capacity in which the Borough Council holds the real property so vested.

(3) The Borough Council shall be entitled and is hereby authorized to pay to the County Council such proportion of the revenue from the property so vested, or any other property purchased in substitution therefor, as may be agreed between those parties.

36. Whereas the Auckland Metropolitan Drainage Board (in this section referred to as the Board) is registered as the proprietor of the lands described in subsection two of this section, being Motukorea Island, otherwise known as Brown's Island, situated in the Waitemata Harbour, for an estate in fee simple: And whereas the Board has decided that the island is no longer required for the purposes for which it was purchased: And whereas Sir Ernest Davis, a former Mayor of the City of Auckland, has indicated to the Board that, to enable the island to be set aside as a public reserve for the use and enjoyment of the public, he is prepared to pay to the Board the price at which it acquired the island, namely, six thousand five hundred pounds, upon condition that the Board takes the necessary steps to effect the aforesaid result: Be it therefore enacted as follows:

Authorizing
Auckland
Metropolitan
Drainage
Board to
transfer
Motukorea
Island to
Auckland City
Corporation.

(1) The Board is hereby empowered, upon payment to it of the sum of six thousand five hundred pounds by Sir Ernest Davis, to transfer the land described in subsection two of this section to the corporation of the Mayor, Councillors, and Citizens of the City of Auckland to be vested in that corporation as a public reserve under the Reserves and Domains Act 1953 for the use and enjoyment of the public.

1953, No. 69

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

All that parcel of land situated in Blocks X and XI, Rangitoto Survey District, containing one hundred and forty-eight acres, more or less, being the island of Motukorea, commonly known as Brown's Island: as the same is more particularly delineated on a plan deposited in the Land Registry Office at Auckland as Number 16315, and being all the land described in certificate of title, Volume 364, folio 284, Auckland Registry.

Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations.

37. The Waimate County Council and the Waimate Borough Council are hereby authorized and empowered to expend out of their General Accounts sums not exceeding five hundred pounds in the case of each of the said Councils for the purpose of celebrating and commemorating the one hundredth anniversary of the arrival of the first white settler in the Waimate district, and any expenditure heretofore incurred or made by either of the said Councils for that purpose is hereby validated and declared to have been lawfully incurred and made.

Fixing date of next general elections of members of Auckland Electric Power Board, Auckland Transport Board, Christchurch Transport Board, and Christchurch Drainage Board.
1953, No. 16

38. (1) Notwithstanding anything contained in subsections two to five of section four of the Local Elections and Polls Act 1953, the next general elections of members of the Auckland Electric Power Board, the Auckland Transport Board, and the Christchurch Transport Board, and the next general elections of members for the several subdistricts of the Christchurch Drainage District, shall be held on the third Saturday in May, in the year nineteen hundred and fifty-five.

(2) Notwithstanding anything contained in any Act, the Governor-General may, by Order in Council, alter any times or dates prescribed by law for the preparation of rolls for the said general elections, and for the election of the Chairman of any of the said Boards or of the

Christchurch Drainage Board, and may make such other provisions as may be necessary to give full effect to this section.

Miscellaneous

39. The expenditure by the Auckland Milk Treatment Corporation of the sum of one hundred and fifty-five pounds in connection with a function on the occasion of the opening of a new building in October, nineteen hundred and fifty-two, is hereby validated and declared to have been lawfully incurred.

Validating
certain
expenditure
incurred by
Auckland Milk
Treatment
Corporation.

40. Whereas by a memorandum of agreement dated the ninth day of September, nineteen hundred and fifty-four, a copy of which is deposited in the Department of Internal Affairs, at Wellington, under Number I.A. 174/354, made between the Taranaki Rugby Football Union Incorporated (in this section referred to as the Union) of the first part, the Star Rugby Football Club Incorporated (in this section referred to as the Club) of the second part, and the Corporation of the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section referred to as the Corporation) of the third part, the Union agreed to transfer to the Corporation for the purposes of a gymnasium certain lands owned by the Union and situated in the City of New Plymouth, subject to the terms and conditions set out in the said agreement: And whereas doubts have arisen as to the validity of the said agreement and it is desirable that it should be validated: Be it therefore enacted as follows:

Validating
agreement
made between
Taranaki
Rugby Football
Union, Star
Rugby Football
Club, and
New Plymouth
City Council.

Notwithstanding anything contained in the Municipal Corporations Act 1933, or in any other Act, or in the rules of the Union or the Club respectively, or in any rule of law, the parties to the said agreement shall be deemed to have been at all times authorized and empowered to enter into and execute the said agreement which shall be binding on the parties thereto and shall for all purposes, without further authority than this section, be effective according to its tenor.

1933, No. 30

41. Whereas the Westshore Public Hall, a body duly incorporated under the Libraries and Mechanics Institute Act 1908 (in this section referred to as the Corporation), is the owner of an estate in fee simple of the land described in subsection two of this section, together with the building erected thereon: And whereas the Corpora-

Authorizing
Westshore
Public Hall to
borrow moneys.
See Reprint
of Statutes,
Vol. IV,
p. 1108

tion has incurred expenses amounting to approximately five hundred pounds in connection with certain repairs, renovations, and improvements to the said building: And whereas, in order to meet the said expenses, the Corporation desires to borrow an amount not exceeding the sum of five hundred pounds on the security of the said land but doubts have arisen as to the powers of the Corporation to borrow moneys: Be it therefore enacted as follows:

(1) It shall be lawful for the Corporation to borrow, subject to the provisions of the Local Government Loans Board Act 1926, an amount not exceeding the sum of five hundred pounds and to execute a memorandum of mortgage of the land described in subsection two of this section as security for the moneys so borrowed, and the District Land Registrar of the Land Registration District of Hawke's Bay is hereby authorized and directed to register the said mortgage against the title to the said land.

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

All that parcel of land containing twenty perches and thirty-five hundredths of a perch, more or less, being Lots 2, 4, and 5, on Deposited Plan Number 6705, and being part of Town Sections 53 and 54 of the Town of Westshore (Westshore Extension Number 20), and being also the whole of the land comprised and described in certificate of title, Volume 103, folio 21, Hawke's Bay Registry, together with the sewage rights and incidental rights relative to a septic tank on Lot 1 of the said Deposited Plan Number 6705 (part certificate of title, Volume 103, folio 22, Hawke's Bay Registry, appurtenant to the said Lot 5, created and reserved by Transfer 68641).

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