

Local Legislation Act 1930

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An Act to confer certain Powers on certain Public Bodies and to validate certain Transactions.

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

1 Short Title

This Act may be cited as the Local Legislation Act 1930.

County councils.

2 Validating certain rates struck by Opotiki County Council

Whereas the Opotiki County Council (hereinafter referred to as the said Council) made and levied for the year commencing on the first day of April, nineteen hundred and twenty-eight, and ending on the thirty-first day of March, nineteen hundred and twenty-nine, rates (hereinafter referred to as the said rates) in respect of the Upper Waioeka and Coast Ridings of the Opotiki County which were in excess of the limit prescribed by paragraph (b) of section ninety-two of the Rating Act 1925, and by the Counties Act 1920: And whereas on the first day of November, nineteen hundred and twenty-eight, the said Council made and delivered demands in writing for payment of the said rates, and the majority of the ratepayers in the said Ridings have, in pursuance of such demands, paid their rates for the said year ending on the thirty-first day of March, nineteen hundred and twenty-nine: And whereas it is advisable in the public interest and to

prevent injustice to validate the said rates, and to empower the said Council to recover the balance still unpaid: Be it therefore enacted as follows:—

- (1) The said rates as appearing in the rate-book wherein the same were recorded shall be valid and be deemed to have been valid from the fifth day of October, nineteen hundred and twenty-eight, the date when the said Council purported to make and levy the same; the demands made by the said Council for payment of the said rates shall be and be deemed to have been valid, and the said rates shall be recoverable by the said Council, notwithstanding that the said rates were in excess of the limit prescribed by the aforesaid Acts, and notwithstanding the omission of any condition whatsoever precedent to the making or levying of the said rates, or any irregularity, mistake, or omission in the form or manner of making or levying the same or otherwise; and valid demands upon all persons liable for the said rates shall be conclusively presumed to have been duly made and delivered in accordance with law on the said first day of November, nineteen hundred and twenty-eight.
- (2) Nothing contained in this section shall be construed to take away the power of the said Council under subsection two of section fifty-seven of the Rating Act 1925, to correct errors (if any) existing in the said rate-book on the said fifth day of October, nineteen hundred and twenty-eight, which the said Council could or ought to have corrected.
- (3) The additional charge of ten per centum chargeable in respect of the said rates under the provisions of section seventy-six of the Rating Act 1925, may be added to all the said rates remaining unpaid at the expiration of six months and fourteen days from the passing of this Act, and not otherwise; and shall be payable and recoverable accordingly; but such additional charge of ten per centum shall not be recoverable until the said Council shall have publicly notified that the same will be added.
- (4) Judgment for the amount of any of the said rates due may be given or signed at any time within three years after the passing of this Act:

Provided, however, that judgment for so much of the said rates as may be due in respect of Maori land may be given against

any owner or occupier of that land at any time within four years after the passing of this Act.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

3 Validating agreement between the Crown and the Raglan County Council relating to erection and contribution towards cost of overhead bridge at Tuakau Station

Whereas by deed of agreement (hereinafter called the said deed) dated the sixteenth day of April, nineteen hundred and twenty-eight, and made between the Minister of Railways (acting for and on behalf of His Majesty the King) of the one part, and the Corporation of the County of Raglan (hereinafter called the Corporation) of the other part, it was agreed and provided that the Minister should acquire certain land and erect an overhead bridge on the Auckland-Marton line of railway at Tuakau, with necessary approaches thereto, and that the Raglan County Council (hereinafter called the Council) should contribute a sum of one thousand two hundred dollars towards the cost of such work by instalments of at least one hundred and twenty dollars per annum over a period of ten years from the date of commencement of the work, with interest on the unpaid balance at six per centum per annum payable half-yearly as therein set forth: And whereas the said bridge and approaches thereto have been completely constructed and finished and the Council has duly paid the instalments of its said contribution towards the cost and the interest becoming due under the provisions of the said deed: And whereas the entering into such contract for payment by instalments with interest on unpaid balances was on the part of the Corporation without authority in law and the respective payments in connection therewith were unlawfully made: And whereas it is expedient that the action of the Corporation in entering into such contract and the said deed and all payments made in terms thereof should be validated and confirmed: Be it therefore enacted as follows:—

- (1) The said deed and all the terms, conditions, and provisions therein contained are hereby validated, and shall be deemed to have been from the date of execution thereof good, valid, and effectual for all intents and purposes.
- (2) All payments of instalments and of interest on unpaid balances as aforesaid made by the Council pursuant to the terms of the

said deed are hereby validated, and declared to have been lawfully made.

The expressions “one thousand two hundred dollars”, and “one hundred and twenty dollars” were substituted, as from 10 July 1967, for the expressions “six hundred pounds”, and “sixty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

4 Validating expenditure by Grey County Council on jubilee celebrations of Grey district

The expenditure by the Grey County Council during the financial year ended the thirty-first day of March, nineteen hundred and twenty-nine, of the sum of seventy-six dollars and twenty cents, in respect of the celebration of the jubilee of the district of Grey, is hereby validated, and declared to have been lawfully incurred.

The expression “seventy-six dollars and twenty cents” was substituted, as from 10 July 1967, for the expression to “thirty-eight pounds two shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

5 Validating sale of certain land at Mahina Bay by Hutt County Council

Whereas in the year nineteen hundred and fifteen the Hutt County Council (hereinafter referred to as the Council) purchased certain land at Mahina Bay, being part Sections 28 and 31, Harbour District, and being the land in Deposited Plan Number 7015, part of the land comprised in certificates of title, register-book Volume 324, folio 159, and register-book Volume 328, folio 89, Wellington Registry, for the purpose of road-widening, stone-quarries, and workers' dwellings: And whereas in the year nineteen hundred and twenty-five the Council resolved that it no longer required portions of such land, being Lots numbered 1 and 2, 4 to 6, and 8 to 18 on the said Deposited Plan Number 7015 (hereinafter referred to as the said lots) for the purposes of the county, and resolved to sell the same: And whereas in pursuance of such resolution the Council on the tenth day of February, nineteen hundred and twenty-six, sold certain of the said lots by public auction: And whereas by inadvertence the Council failed with respect to the sale of such land either to make a special order under section one hundred and fifty-two of the Counties Act 1920, or to obtain an Order in Council under section thirty of the Public Works Act 1908, as amended by section five of the Public Works Amendment

Act 1909: And whereas it is expedient that the action of the Council in selling certain of the said lots should be validated, and that the Council should have the power to sell the remainder of the same and certain other lots: Be it therefore enacted as follows:—

- (1) The sales made by the Council of the lots sold by it as aforesaid are hereby validated.
- (2) The Council may sell upon such terms as it thinks fit all or any of the said lots not heretofore sold, and also the lots numbered 3 and 7 on the said Deposited Plan Number 7015, and may in like manner resell any of the said lots the sale of which is rescinded by reason of failure to comply with the terms of the agreement of sale.

6 Validating certain payments by the Buller County Council

Whereas on or about the twenty-second day of July, nineteen hundred and twenty-nine, the Buller County Council (hereinafter referred to as the said Council) paid to Malcolm McLean, of Karamea, merchant, the sum of twenty-one dollars and eighty-eight and a third cents for certain goods supplied by him: And whereas at the date of such payment the said Malcolm McLean was Chairman of the said Council, but owing to the isolation of the Karamea district caused by earthquake the goods supplied by him could not readily be obtained elsewhere: And whereas the said Malcolm McLean continued to act as Chairman of the said Council: And whereas the said Council sent seven workmen employed by the said Council to stay at Charleston while effecting certain road improvements in the vicinity in or about the month of November, nineteen hundred and twenty-nine: And whereas on or about the fourth day of December, nineteen hundred and twenty-nine, the said Council paid to John Henry Powell, of Charleston, hotelkeeper, the sum of one hundred dollars for the board of the said workmen: And whereas it was for purposes of economy that the said workmen were sent to stay at Charleston as aforesaid: And whereas the said John Henry Powell was at the date of such payment and still is a member of the said Council: And whereas the hotel conducted by the said John Henry Powell is the only place of accommodation

at Charleston: And whereas it is desirable to validate the said payments: Be it therefore enacted as follows:—

The payments by the said Council of the sum of twenty-one dollars and eighty-eight and a third cents to the said Malcolm McLean, for the supply of certain goods to the said Council, and the sum of one hundred dollars to the said John Henry Powell, for the board of certain workmen employed by the said Council, are hereby validated, and declared to have been lawfully made, and, notwithstanding anything to the contrary in the Counties Act 1920, or any other Act, the acceptance by those persons of the said sums shall not at any time operate or be deemed heretofore to have operated to disqualify them from continuing to hold office as members of the Buller County Council.

The expressions “twenty-one dollars and eighty-eight and a third cents”, and “one hundred dollars” were substituted, as from 10 July 1967, for the expressions “ten pounds eighteen shillings and tenpence”, and “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

7 Validating certain unauthorized expenditure by Waimairi County Council

The payment by the Waimairi County Council during the financial year ended the thirty-first day of March, nineteen hundred and twenty-nine, of the sum of ten dollars and fifty cents, by way of a grant to the Sumner Life-boat Fund is hereby validated, and declared to have been lawfully made.

The expression “ten dollars and fifty cents” was substituted, as from 10 July 1967, for the expression “five pounds five shillings” pursuant to section 7(1) Decimal Currency Act 1964x (1964 No 27).

8 Temporary validation of certain by-laws made by Vincent County Council relative to water-supply

- (1) The Vincent County Council (Clyde Town) By-law No 2, 1930, and the Water-supply By-law No 3, 1930 (hereinafter referred to as the said by-laws), made by the Vincent County Council and sealed with the Common Seal of the Corporation on the twenty-ninth day of September, nineteen hundred and thirty, are hereby declared to have been lawfully made, and all rates or charges heretofore made, levied, or imposed pursuant

to the said by-laws are hereby declared to have been lawfully so made, levied, or imposed.

- (2) The said by-laws shall be deemed for all purposes to have come into force on the making thereof, and shall continue in force until the thirty-first day of March, nineteen hundred and thirty-two, and shall then be deemed to be revoked, save that all rates or charges then due under the said by-laws may be thereafter recovered by the Council as if the said by-laws had not been revoked.

9 Validating certain payments of interest by Waiapu County Council

The payments made by the Waiapu County Council amounting to the sum of fifty dollars thirty-two and a half cents in the financial year ended the thirty-first day of March, nineteen hundred and twenty-nine, and amounting to the sum of one hundred dollars twenty-six and two-thirds cents in the financial year ended the thirty-first day of March, nineteen hundred and thirty, for interest on purchase-money payable in respect of the purchase of a cottage which was acquired for county purposes, are hereby respectively validated and declared to have been lawfully made.

The expressions “fifty dollars thirty-two and a half cents”, and “one hundred dollars twenty-six and two thirds cents” were substituted, as from 10 July 1967, for the expressions “twenty-five pounds three shillings and threepence”, and “fifty pounds two shillings and eightpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

10 Validating purchase of motor-truck by Waiapu County Council by instalments

The purchase by the Waiapu County Council of a motor-truck for the sum of six hundred and eighty-three dollars fifty-eight and a third cents, payable by instalments involving payments during the financial years ended the thirty-first day of March, nineteen hundred and twenty-nine, and the thirty-first day of March, nineteen hundred and thirty, respectively, is hereby validated, and the payment of interest amounting to thirteen dollars twenty-six and two-thirds cents on the unpaid purchase-money is hereby declared to have been lawfully made.

The expressions “six hundred and eighty-three dollars fifty-eight and a third cents”, and “thirteen dollars twenty-six and two third cents” were substituted, as from 10 July 1967, for the expressions “three hundred and forty-one pounds fifteen shillings and tenpence”, and “six pounds twelve shillings and eightpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

11 Authorizing Maniototo County Council to levy separate rates for certain drainage-works

Whereas by section eleven of the Local Legislation Act 1927, the Maniototo County Council (hereinafter referred to as the Council) was empowered to raise a loan of one thousand four hundred dollars in respect of the carrying-out of certain drainage-works in a portion of the Township of Ranfurly, in the County of Maniototo: And whereas the Council was authorized to pledge as security for the said loan a special rate over that portion of the County of Maniototo comprising all that area contained in Block XI, and Sections 1, 2, 3, 4, 5, and 7, Block X, Ranfurly Township, in the Riding of Mount Ida (hereinafter referred to as the Ranfurly Drainage Area): And whereas it is necessary to construct further drainage-works (hereinafter referred to as the further works) in extension of the drainage-works referred to in the said section eleven: And whereas it is desirable that the Council be empowered to make and levy a separate rate over the Ranfurly Drainage Area for the purpose of meeting the cost of the further works: Be it therefore enacted as follows:—

- (1) The cost of constructing the further works shall in the first place be charged against the Mount Ida Riding Account.
- (2) The Council may recoup the said Riding Account in respect of the expenditure so charged against it, by instalments extending over such period as it may fix by resolution in that behalf, and for that purpose may, without further authority than this Act, make an annually recurring separate rate over the Ranfurly Drainage Area, leviable year by year without further proceeding on the part of the Council until the said account is so recouped.
- (3) Such rate shall be of an amount sufficient to produce in each year the amount of the instalment for that year and interest at a rate not exceeding five per centum per annum on the total amount for the time being outstanding, and the proceeds of such rate shall when received be credited to the said Riding Account.

The expression “one thousand four hundred dollars” was substituted, as from 10 July 1967, for the expression “seven hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

City and borough councils.

12 Authorizing certain payments by the Wanganui City Council

Whereas Francis Powell Talboys was duly elected a Councillor at the election held on the first day of May, nineteen hundred and twenty-nine, pursuant to the provisions of the Municipal Corporations Act 1920, for the offices of Mayor and Councillors of the City of Wanganui: And whereas the said Francis Powell Talboys was at the time of his said election concerned or interested in the firms of C C Brownie and Company and the Wanganui Glass Company, Limited, carrying on business in the City of Wanganui: And whereas the firm of C C Brownie and Company in the month of May, nineteen hundred and twenty-nine, supplied goods to the Wanganui City Council to the amount of thirty-one dollars and ninety cents, and the Wanganui Glass Company, Limited, in the months of June and July, nineteen hundred and twenty-nine, supplied goods to the Council to the amount of forty-eight dollars and twenty cents: And whereas the said Francis Powell Talboys by reason of such supply became disqualified from holding his office as Councillor and vacated his seat: And whereas the Council is satisfied that the said goods were supplied without any personal knowledge or consent on the part of the said Francis Powell Talboys: And whereas it is just and expedient that payment for the said goods should be made by the said Council: Be it therefore enacted as follows:—

The Wanganui City Council may, and it is hereby expressly authorized, notwithstanding the provisions of section 43 of the Municipal Corporations Act 1920, to pay to C C Brownie and Company and the Wanganui Glass Company, Limited, respectively, the sums of thirty-one dollars and ninety cents and forty-eight dollars and twenty cents respectively, for goods supplied to the said Council.

The expressions “thirty-one dollars and ninety cents”, and “forty-eight dollars and twenty cents” were substituted, as from 10 July 1967, for the expressions

“fifteen pounds nineteen shillings”, and “twenty-four pounds two shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

13 Validating certain irregularities in connection with raising of loan of \$85,000 by Invercargill City Council

Whereas the Invercargill City Council lately proceeded to raise by way of special loan under the Local Bodies' Loans Act 1926, the sum of eighty-five thousand dollars for the purpose of paying off part of the Invercargill City Tramways Number 1 Loan of one hundred and fifty thousand dollars: And whereas proceedings in connection with the said loan were irregular or defective, and did not comply with the requirements of the Local Government Loans Board Act 1926, in that a portion of the said loan was raised by the issue of debentures prior to the following statutory steps being taken: (a) The obtaining of the sanction of the Local Government Loans Board and the consent of the Governor-General in Council to the raising of the said loan; (b) the passing of a special order authorizing the raising of the said loan; (c) the making of a special rate for the purpose of securing the repayment of the said loan and the interest thereon: And whereas the said debentures were issued prior to such steps being taken for the purpose of obtaining a lower rate of interest than would otherwise have been possible: And whereas all such steps were subsequently taken: And whereas it is deemed expedient to validate the irregularities or defects as aforesaid: Be it therefore enacted as follows:—

- (1) The proceedings in connection with the said loan of eighty-five thousand dollars and the issue of the said debentures are hereby validated.
- (2) The validity of the said debentures and the validity of the security for the said loan shall not be questioned in any proceedings.

The expressions “eighty-five thousand dollars”, and “one hundred and fifty thousand dollars” were substituted, as from 10 July 1967, for the expressions “forty-two thousand five hundred pounds”, and “seventy-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

14 Authorizing Timaru Borough Council to transfer closed portion of street to Canterbury Education Board

Whereas the Timaru Borough Council (hereinafter called the Council) by special order on the tenth day of June, nineteen hundred and twenty-nine, stopped that portion of Victoria

Street bounded on the north by a line drawn in continuation of the southern side of Queen Street in the Borough of Timaru, and on the west by a line drawn in continuation of the eastern side of Craigie Avenue in the aforesaid borough, containing one rood eighteen perches, more or less; as the same is more particularly delineated on a plan prepared by the Borough Engineer and thereon coloured pink, the said plan being deposited in the Department of Internal Affairs at Wellington under Number IA 19/204/78: And whereas the Council desires to transfer the said parcel of land to the Education Board of the District of Canterbury (hereinafter termed the Board) provided the Timaru South School Committee pays all legal costs in connection with such transfer: Be it therefore enacted as follows:—

Notwithstanding anything contained in any Act, it shall be lawful for the Council to transfer the parcel of land hereinbefore described to the Board for school purposes upon such terms and conditions as may be agreed upon between the Council and the Board.

15 Authorizing Blenheim Borough Council to lease certain land to Royal New Zealand Society for the Health of Women and Children

Whereas the Corporation of the Borough of Blenheim is the registered proprietor of all that parcel of land situate in the said borough, containing twenty-one and ninety-five hundredths perches, more or less, being Lot 2 of the subdivision of parts of Lots 90 and 91 on the plan of the said borough, being also part of Section 1, District of Omaka, being part of the land comprised in certificate of title, Volume 13, folio 55, Marlborough Registry: And whereas the Corporation desires to lease the parcel of land hereinbefore described to the Royal New Zealand Society for the Health of Women and Children (Incorporated), (hereinafter called the Society) for the purposes of the Society: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or any other Act, it shall be lawful for the Corporation to lease the said parcel of land to the Society for the purposes of the Society

at such rental (nominal or otherwise), for such term or terms, with such rights of renewal, and generally upon such terms and conditions as the Blenheim Borough Council thinks fit.

16 Diverting purpose of expenditure of portion of loan of \$193,456 by Oamaru Borough Council

Whereas the Oamaru Borough Council on the third day of September, nineteen hundred and twenty-four, submitted to a poll of the ratepayers of the Borough of Oamaru a proposal to raise under the Local Bodies' Loans Act 1913, a special loan of one hundred and ninety-three thousand four hundred and fifty-six dollars, known as the Oamaru Borough Drainage and Waterworks Loan: And whereas the sum of eleven thousand two hundred and eighty-four dollars (hereinafter referred to as the said allocation) was allotted on the loan proposal for the purpose of the making of advances to the owners of any premises for or in respect of any work done to such premises or materials provided by the Council for drainage or sewerage connections as set out in section 228 of the Municipal Corporations Act 1920: And whereas the said poll was duly carried: And whereas the sum borrowed for the completion of the sewerage and waterworks-extension works has been insufficient to complete the works contemplated and authorized under the said loan proposals: And whereas no applications have been made to the Oamaru Borough Council for advances under the said allocation: And whereas owing to extensions of the Borough of Oamaru which have occurred since the loan proposals were submitted to the ratepayers further drainage and waterworks-extension works have now become necessary: Be it therefore enacted as follows:—

- (1) The Oamaru Borough Council is hereby authorized and empowered to expend an amount not exceeding five thousand four hundred and twenty-two dollars out of the said allocation in carrying out such works in connection with the sewerage or water works within the Borough of Oamaru as the Council may deem to be necessary, and in recouping to the District Fund of the Borough of Oamaru any sum or sums which may have already been expended therefrom in carrying out the original proposals authorized under the aforesaid loan.
- (2) The balance of the said allocation shall not be raised unless it is required for the purpose of making advances to owners for

the purpose of drainage or sewerage connections as set out in section 228 of the Municipal Corporations Act 1920.

The expressions “one hundred and ninety-three thousand four hundred and fifty-six dollars”, “eleven thousand two hundred and eighty-four dollars”, and “five thousand four hundred and twenty-two dollars” were substituted, as from 10 July 1967, for the expressions “ninety-six thousand seven hundred and twenty-eight pounds”, “five thousand six hundred and forty-two pounds”, and “two thousand seven hundred and eleven pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

17 Authorizing Te Kuiti Borough Council to lease certain reserves

Whereas by a Proclamation published in the *Gazette* of the twenty-third day of December, nineteen hundred and fifteen, certain lands therein described were taken under the Public Works Act 1908, and vested in the Corporation of the Borough of Te Kuiti for recreation purposes: And whereas the said lands are no longer required for those purposes: And whereas the Te Kuiti Borough Council desires to have power to lease the said lands or any part or parts thereof or any building or buildings thereon in the same way and to the same extent as it may lease any other lands or buildings of the Corporation: Be it therefore enacted as follows:—

The reservation for recreation purposes over the said lands is hereby cancelled, and the said lands are hereby declared to be vested in the Corporation of the Borough of Te Kuiti as a reserve for municipal purposes other than the use, enjoyment, or recreation of the inhabitants, and the Te Kuiti Borough Council shall have in respect of the said lands, or any part or parts thereof, or any building or buildings thereon, the same powers of leasing as it enjoys in respect of lands and buildings of the Corporation held under the Municipal Corporations Act 1920.

18 Changing purposes of reservation over certain land vested in Tauranga Borough Corporation

Whereas by section ninety-nine of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, Allotment 298 of Section 1, Town of Tauranga, containing two acres two roods, more or less, was, with other lands, vested in the Corporation of the Borough of Tauranga (hereinafter

referred to as the Corporation) in trust as a reserve or reserves for purposes of public recreation: And whereas a portion of said allotment containing about one rood, more or less, has been severed from the rest of said allotment and the reserve by the East Coast Main Trunk Railway, and is no longer of use for recreation purposes; and the Corporation is desirous of having the said trust revoked as to such portion, and having the same vested in the Corporation as a municipal endowment as it formerly was: Be it therefore enacted as follows:—

The reservation for purposes of public recreation over that portion of Allotment 298 of Section 1, Town of Tauranga, lying on the eastern and northern side of the East Coast Main Trunk Railway is hereby cancelled, and such portion of the said Allotment 298 is hereby declared to be vested in the Corporation of the Borough of Tauranga as a municipal endowment.

19 Validating expenditure by Cambridge Borough Council out of special loan-moneys

Whereas the Cambridge Borough Council (hereinafter called the Council) was duly authorized by a poll of ratepayers of the Borough of Cambridge taken on the twentieth day of June, nineteen hundred and twenty-four, to raise under the Local Bodies' Loans Act 1913, a special loan of seventy-five thousand eight hundred dollars for the purpose of establishing a gravitation water-supply and for purposes incidental thereto: And whereas one of the said purposes was stated as follows in the proposal submitted to the ratepayers—namely, “to purchase land for a catchment-area”: And whereas the Council, instead of purchasing a catchment-area in its own name and for its own exclusive use, combined with His Majesty the King and neighbouring local bodies in the purchase in common of certain lands now known as the Maungatautari Scenic Reserve, which said lands formed a sufficient catchment-area for all the water-supply requirements of the Council: And whereas the sum of five hundred and nineteen dollars and sixty-five cents was paid by the Council out of the said special loan of seventy-five thousand eight hundred dollars as its share or contribution of the purchase-money of the said lands: And whereas doubts have arisen as to the validity

of the payment of the said sum of five hundred and nineteen dollars and sixty-five cents out of the said special loan of seventy-five thousand eight hundred dollars, instead of out of the General Account of the Council: And whereas it is desired that the said payment should be validated: Be it therefore enacted as follows:—

Notwithstanding anything contained in the Local Bodies' Loans Act 1926, or any other Act, the said payment by the Council of the said sum of five hundred and nineteen dollars and sixty-five cents out of the said special loan of seventy-five thousand eight hundred dollars is hereby validated, and declared to have been lawfully made.

The expressions “seventy-five thousand eight hundred dollars”, and “five hundred and nineteen dollars and sixty-five cents” were substituted, as from 10 July 1967, for the expressions “thirty-seven thousand nine hundred pounds”, and “two hundred and fifty-nine pounds sixteen shillings and sixpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

20 Authorizing Taihape Borough Council to sell a certain municipal reserve

Whereas by an Order in Council issued under section nine of the Public Reserves, Domains, and National Parks Act 1928, dated the seventh day of April, nineteen hundred and thirty, and published in the *Gazette* of the tenth day of the same month, the land hereinafter described was vested as a reserve in the Corporation of the Borough of Taihape in trust for municipal purposes: And whereas it is expedient that the Taihape Borough Council should have power to sell the said land to the Vacuum Oil Company Proprietary, Limited, and to apply the proceeds towards the purchasing of other land to be held in trust for municipal purposes: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in any Act, the Taihape Borough Council may sell the said land to the Vacuum Oil Company Proprietary, Limited, freed and discharged from the reservation aforesaid.
- (2) The net proceeds of such sale shall be applied to the purchase of other land which shall thereupon become vested in the Corporation of the Borough of Taihape in trust for municipal purposes subject to the provisions of the said Public Reserves, Domains, and National Parks Act 1928.

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

All that area in the Wellington Land District, containing by admeasurement one rood twenty-eight perches, more or less, and being Section 5, Block XI, Town of Taihape.

21 Authorizing Tauranga Borough Council to grant a lease of Lot 259, Section 1, Town of Tauranga, and removing trusts therefrom

Whereas by section nine of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1907, Lot 259, Section 1, Town of Tauranga, containing twenty perches, more or less, was vested in the Corporation of the Borough of Tauranga in trust for public library purposes, and there was reserved to the Governor-General power by Order in Council to resume the land for the Crown in the event of the trust not being satisfactorily performed in the public interest: And whereas a public library and reading-room was duly erected on the said Lot 259: And whereas the said Corporation has now provided for a public library and reading-room on other lands belonging to the Corporation, and desires to use the said Lot 259, or parts thereof, for the purpose of a ladies' rest-room and Plunket rooms and to have the said trusts revoked: Be it therefore enacted as follows:—

The trusts imposed by the said section nine of the said Act are hereby revoked, and the said land is hereby declared to be vested in the Corporation of the Borough of Tauranga as an endowment, and the powers of leasing contained in the Municipal Corporations Act 1920, shall apply thereto, and in addition the said Corporation may, upon such terms and conditions as it thinks fit, grant to the Tauranga Branch of the Royal New Zealand Society for the Health of Women and Children (commonly known as the Plunket Society) a lease of the whole or any part of the said land or any buildings erected thereon for the general purposes of the Society or a license to use the same for such purposes.

22 Vesting portion of closed cemetery in Devonport Borough Corporation

Whereas by an Order in Council dated the third day of February, eighteen hundred and ninety-one, made under the Cemeteries Act 1908, and published in the *Gazette* of the fifth day of February, eighteen hundred and ninety-one, it was ordered and directed that from and after the first day of September, eighteen hundred and ninety-one, burials in the burial-grounds in the Borough of Devonport—being all that area of land containing by admeasurement three acres two roods twelve perches, more or less, being subdivisions E, M, and W of Lot 26A, Parish of Takapuna, bounded towards the north-east by Lot 16 of the said parish; towards the south-east by Mount Victoria Recreation Reserve; towards the south by Lot 26 of the said parish; towards the west by Victoria Road; and towards the north-west by Albert Street—should be wholly discontinued: And whereas no corporate body or persons were named in the said Order in Council in which or in whom the said area of land should vest as a public reserve: And whereas part of the above-described land was conveyed to the Corporation of the Borough of Devonport (hereinafter called the Corporation) by virtue of a certain deed of conveyance registered in the Deeds Register Office at Auckland as Number 392672, and made pursuant to section twenty-eight of the Local Legislation Act 1928 And whereas certain other parts of the said piece of land have since the date of the said Order in Council become vested in the Roman Catholic Church Bishop of the Diocese of Auckland and in the Presbyterian Church Property Trustees: And whereas the Corporation is now desirous of having the residue of the said piece of land described in the said Order in Council vested in it as a closed burial-ground under and subject to the provisions of the Cemeteries Act 1908: Be it therefore enacted as follows:—

- (1) All that part of the piece of land described in the said Order In Council, being all the piece of land containing three roods three and four-fifths perches, situated in the Borough of Devonport, being Lot 2 on a plan deposited in the Land Transfer Office at Auckland under number 24804, and being portion of the Allotment East 26A of Section 2, Parish of Takapuna, is hereby vested in the Corporation as a closed burial-ground under and subject to the provisions of the Cemeteries Act 1908.

- (2) The said vesting shall have the same force and effect in all respects as though the lands thereby vested were from and after the date hereof a closed burial-ground vested in the Corporation pursuant to section seventy-eight of the Cemeteries Act 1908.

Section 22 was amended, as from 25 October 1930, by section 11(1) Local Legislation Act 1936 (1936 No 54), by inserting in the Preamble, after the words “Local Legislation Act 1928”, the words “And whereas certain other parts of the said . . . in the Presbyterian Church Property Trustees”.

Subsection (1) was substituted, as from 25 October 1930, by section 11(1) Local Legislation Act 1936 (1936 No 54).

23 Authorizing Westport Borough Council to grant a lease to the Royal New Zealand Society for Health of Women and Children, Westport Branch, Incorporated

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1920, or any other Act, the Westport Borough Council is hereby authorized to lease to the trustees for the time being of the Royal New Zealand Society for the Health of Women and Children, Westport Branch, Incorporated, such portion as it deems fit of the lands vested in it as described in certificate of title, Volume 12, folio 266, Nelson Registry, being Section 1019 on the plan of the Town of Westport, or to grant to the said trustees any rights, easements, or privileges affecting the said land as it may deem fit.
- (2) Every such lease or grant shall be for a term not exceeding twenty-one years, and may contain such provision for rights of renewal for further terms not exceeding twenty-one years each as may be agreed upon between the parties; and shall be at such rental (whether nominal or otherwise) and upon such terms and conditions as may be agreed upon between the parties.

24 Amending section 21, Local Legislation Act 1929

Section twenty-one of the Local Legislation Act 1929, is hereby amended as from the passing of that Act by omitting the words “financial year ended the thirty-first day of March, nineteen hundred and twenty-nine”, and substituting the words “period of two financial years ending on the thirty-first day of March, nineteen hundred and thirty”.

25 Amending section 86, Reserves and other Lands Disposal and Public Bodies Empowering Act 1922

Section eighty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby amended by omitting from subsection one thereof the words “by the Picton Borough Council”; and by adding to that subsection the words “The Picton Borough Council may, with the consent of the Minister of Lands and subject to such terms and conditions as he thinks fit, grant a lease of any part of the said land for the erection thereon by the lessee of such baths”.

26 Validating certain expenditure incurred by Waimate Borough Council on celebrating jubilee of Borough of Waimate

The expenditure by the Waimate Borough Council during the financial year ended the thirty-first day of March, nineteen hundred and thirty, of the sum of four hundred and twenty dollars in connection with the Waimate Borough jubilee celebrations is hereby validated and declared to have been lawfully incurred.

The expression “four hundred and twenty dollars” was substituted, as from 10 July 1967, for the expression “two hundred and ten pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

27 Authorizing Dannevirke Borough Council to sell certain endowment lands

Whereas by Warrant made under section seventeen of the Land Act 1885, dated the ninth day of February, eighteen hundred and eighty-six, and published in the *Gazette* of the eleventh day of the same month, the lands hereinafter described were reserved for an endowment in aid of the Dannevirke Town Board funds, and vested in the Town of Dannevirke: And whereas the said lands are now vested in the Corporation of the Borough of Dannevirke, and are subject to the provisions of the the Public Reserves, Domains, and National Parks Act 1928: And whereas it is expedient that the Dannevirke Borough Council should have power to sell the said lands, and to apply the proceeds towards the purchase of other lands to be held for the purpose of recreation: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in any Act, the Dannevirke Borough Council may, pursuant to special order in that behalf, sell the said lands or any part or parts thereof.
- (2) The net proceeds of such sale shall be applied to the purchase of such other lands as are approved by the Minister of Internal Affairs, to be held by the Corporation of the borough for the purpose of recreation.
- (3) The lands to which this section relates are particularly described as follows:—
Section 49, Block VIII, Town of Dannevirke; area, three roods fifteen perches: Section 51, Block VIII, Town of Dannevirke; area, three roods eight perches.

**28 Validating payment of compassionate allowance by
Pukekohe Borough Council**

Whereas the Pukekohe Borough Council on the seventeenth day of February, nineteen hundred and thirty, unanimously voted to Edith Anne Deane, widow of the late Joseph Franklin Deane, formerly Town Clerk of the Borough of Pukekohe, the sum of two hundred dollars by way of compassionate allowance and as a tangible recognition of the said Joseph Franklin Deane's eighteen years' faithful and efficient service in the employ of the said Borough Council: And whereas the said sum has been paid to the said Edith Anne Deane: And whereas such payment was made without lawful authority: Be it therefore enacted as follows:—

The said sum of two hundred dollars shall be deemed to have been lawfully paid to the said Edith Anne Deane.

The expression "two hundred dollars" was substituted, as from 10 July 1967, for the expression "one hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**29 Authorizing changing of purposes of portion of loan of
\$13,000 by Timaru Borough Council**

Whereas the Timaru Borough Council was authorized on the first day of May, nineteen hundred and twenty-nine, by a vote of the ratepayers in accordance with the provisions of the Local Bodies' Loans Act 1926, to raise a loan of thirteen thousand dollars for the purpose, *inter alia*, of additions to

Caroline Bay Hall for the purpose of additional tea-rooms and additional shelters at a cost of five thousand dollars: And whereas the said Council is desirous of expending the said sum of five thousand dollars upon new tea-rooms instead of upon the aforesaid additions to the Caroline Bay Hall: Be it therefore enacted as follows:—

The expenditure by the Timaru Borough Council of the said sum of five thousand dollars upon the erection of new tea-rooms at Caroline Bay instead of upon additions to the Caroline Bay Hall is hereby authorized.

The expressions “thirteen thousand dollars”, and “five thousand dollars” were substituted, as from 10 July 1967, for the expressions “six thousand five hundred pounds”, and “two thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

30 Validating expenditure by Lyttelton Borough Council on jubilee celebrations

The expenditure by the Lyttelton Borough Council during the year ended the thirty-first day of March, nineteen hundred and twenty-nine, of the sum of seventeen dollars and eighty-five cents in respect of the celebration of the jubilee of the Borough of Lyttelton is hereby validated and declared to have been lawfully incurred.

The expression “seventeen dollars and eighty-five cents” was substituted, as from 10 July 1967, for the expression “eight pounds eighteen shillings and sixpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

31 Declaring King Street, Petone, to be a public street

Whereas the piece of land known as King Street in the Borough of Petone was, on the twenty-third day of August, eighteen hundred and ninety-two, approved by the Petone Borough Council as a private way: And whereas the said piece of land now serves as frontage and access to numerous dwellinghouses, and the Petone Borough Council desires that the same should be constituted a public street: Be it therefore enacted as follows:—

- (1) The piece of land within the Borough of Petone, known as King Street, being parts of Sections 5 and 6, Hutt District, as the same is more particularly delineated upon a plan deposited in the Land Transfer Office at Wellington as Number 565, is

hereby declared to be a public street within the meaning of the Municipal Corporations Act 1920.

- (2) All moneys heretofore expended upon the said piece of land by the Petone Borough Council are hereby declared to have been lawfully expended.

32 Purchase of site of offices of Wellington Education Board and Technical School by Wellington City Council

Whereas by section sixty-seven of the Local Legislation Act 1928, the Education Board of the District of Wellington (hereinafter referred to as the Board) was authorized to sell the land described in subsection six of that section: And whereas the Wellington City Council (hereinafter referred to as the Council) has agreed to purchase from the Board and the Board has agreed to sell to the Council the said land for the sum of one hundred and two thousand dollars payable by instalments: Be it therefore enacted as follows:—

The Wellington City Council is hereby authorized to purchase the said land by instalments, and may from time to time raise a special loan or special loans by way of special order and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act 1926 (such special loans not exceeding in the aggregate the sum of one hundred and two thousand dollars) to meet the instalments of purchase-money (including the first instalment) payable in respect of such purchase as such instalments respectively fall due.

The expression "one hundred and two thousand dollars" was substituted, as from 10 July 1967, for the expression "fifty-one thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

33 Authorizing Takapuna Borough Corporation to transfer certain areas of land

Whereas the Corporation of the Borough of Takapuna (hereinafter called the Corporation) is seised in fee-simple, first, of all that piece or parcel of land containing by admeasurement two and four-tenths perches, a little more or less, being Lot Number 1 on a plan deposited in the office of the District Land Registrar at Auckland under Number 23334 (hereinafter called the land first described); and, secondly, of all that piece or parcel of land containing by admeasurement five

and five-tenths perches, a little more or less, being Lot Number 2 on the said plan Number 23334 (hereinafter called the land secondly described): And whereas the two several pieces or parcels of land aforesaid are parts of the land comprised and described in certificate of title, Volume 240, folio 272, of the Register-book of the District Land Registrar at Auckland, which said land so comprised and described was vested in the Corporation under and by virtue of the Takapuna Borough Foreshore Vesting Act 1914: And whereas Frederick William Gaze, of Auckland, hosiery and jersey manufacturer, is seised in fee-simple of the land called or known as Lot Number 16 on Deposited Plan Number 7578, being a part of Allotment 190 of the Parish of Takapuna, and being the whole of the land comprised and described in certificate of title, Volume 372, folio 246, Auckland Registry (hereinafter called the land thirdly described): And whereas Caroline Lawson Hills, of Auckland, spinster, is seised in fee-simple of the land called or known as Lot Number 17 on Deposited Plan Number 15608, being a portion of Allotment Number 190 of the Parish of Takapuna, and being the whole of the land comprised and described in certificate of title, Volume 403, folio 300, Auckland Registry (hereinafter called the land fourthly described): And whereas the Corporation some time since constructed a public road known as Inga Road along the frontage of the lands thirdly and fourthly described, thereby severing them from access to the Wairau Stream and leaving the two several lots first and secondly described lying between the seaward boundary of the said lands thirdly and fourthly described and the said road: And whereas the said Frederick William Gaze has agreed with the Corporation to accept the land first described and the said Caroline Lawson Hills has agreed with the Corporation to accept the land secondly described in full settlement of all claims of every kind that they the said Frederick William Gaze and Caroline Lawson Hills may now or hereafter have respectively with respect to, touching, or arising out of the construction of the said road: And whereas the lands first and secondly described are of no use or value to the Corporation, but will be of use to the said Frederick William Gaze and Caroline Lawson Hills respectively: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in any Act, the Corporation is hereby authorized and empowered to transfer the said land first described to the said Frederick William Gaze and

the said land secondly described to the said Caroline Lawson Hills in each case for the consideration in the premises recited, and for that purpose the Corporation is hereby further authorized and empowered to make, give, and execute all necessary documents or writings and to pay all costs, duties, and charges entailed in the preparation, execution, completion, and registration thereof.

- (2) The District Land Registrar at Auckland is hereby authorized and directed to register according to its tenor any memorandum of transfer which the Corporation may give or execute pursuant or to give effect to the powers upon it by this section conferred.

34 As to erection of abattoir and dwellinghouse by Taumarunui Borough Council

Whereas the land hereinafter described (hereinafter referred to as the said land) is vested in the Corporation of the Borough of Taumarunui (hereinafter called the Corporation), and held by it for water-power purposes: And whereas the said land is not at present and will not hereafter be required for such purposes: And whereas the Taumarunui Borough Council (hereinafter called the Council) has erected a municipal abattoir on the said land: And whereas the Council proposed to raise a special loan for the purpose of erecting a dwellinghouse on the said land for the use and occupation of its employees: And whereas it is doubtful whether the erection of such dwelling is an extension of the said abattoir within the meaning of section two of the Slaughtering and Inspection Amendment Act 1927 [Repealed]: And whereas it is desirable and expedient to change the purposes for which the said land is held by the Corporation, and to authorize it to utilize the same as hereinafter provided: Be it therefore enacted as follows:—

- (1) The reservation over the said land for water-power purposes is hereby cancelled, and the said land is hereby declared to be vested in the Corporation for the purposes of a municipal abattoir, and the action of the Council in erecting an abattoir thereon is hereby validated.
- (2) The Council is hereby directed to pay the sum of two hundred dollars out of its Abattoir Account into its Electricity Account in respect of the value of the said land.

- (3) The Council is hereby authorized to raise a special loan of one thousand five hundred dollars for the purpose of erecting a dwellinghouse on the said land, and for such purpose the erection of such dwellinghouse shall be deemed to be an extension of the said abattoir within the meaning of section two of the Slaughtering and Inspection Amendment Act 1927 [Repealed].
- (4) The District Land Registrar for the Land Registration District of Wellington shall, upon presentation to him of the certificate of title in respect of the said land, cancel the memorial thereon that the said land is held for water-power purposes, and shall substitute a memorial that the said land is held for the purposes of a municipal abattoir.
- (5) The said land is more particularly described as follows:—
All that piece of land situate in the Land Registration District of Wellington, containing nine acres and thirty-nine and two-tenths perches, be the same a little more or less, situate in Block V, Hunua Survey District, being Lot 2 on a plan deposited in the Land Transfer Office at Wellington as Number 9422, being Section 6 and part of Sections 3 and 5, Piriaka Suburbs, and being the whole of the land comprised in certificate of title, Volume 409, folio 96, Wellington Registry.
- The expressions “two hundred dollars”, and “one thousand five hundred dollars” were substituted, as from 10 July 1967, for the expressions “one hundred pounds” and “seven hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

35 Making provision with respect to proceeds of sale of electric plant to Wanganui-Rangitikei Electric-power Board by Wanganui City Council

Whereas by section three of the Wanganui-Rangitikei Electric-power Board Enabling Act 1924 repealed, it was enacted that the Wanganui-Rangitikei Electric-power Board (hereinafter referred to as the Board) should purchase from the Corporation of the City of Wanganui (hereinafter referred to as the Corporation), and the Corporation should sell to the Board, certain properties and assets of the Corporation, referred to in the said Act and in this section as the city power plant, as described in the draft agreement between the Board and the Corporation set out in Schedule 1 to the said Act, at the price,

upon the terms, and in the manner provided in the said agreement and Act: And whereas the said agreement was duly entered into by the Board and the Corporation and executed on the first day of October, nineteen hundred and twenty-four: And whereas the Corporation is required by paragraph (a) of section ten of the said Act to pay or apply certain annual instalments on account of part of the purchase-money payable by the Board under the said agreement, and the balance of such purchase-money payable on the first day of December, nineteen hundred and thirty-one, as a sinking fund in or towards payment of certain loans raised or partly raised for purposes connected with the supply of electric current (hereinafter referred to as the said electricity loans) and is required by paragraph (c) of the said section to apply the interest payable by the Board on such purchase-money in or towards payment of the interest payable on the said electricity loans: And whereas by the Wanganui City Council Special Rate Empowering and Enabling Act 1924 [Repealed], the Corporation is authorized to make and levy a special rate upon all the rateable property in the City of Wanganui for the purpose of providing for the payment of the interest and sinking funds in respect of the loans enumerated in Schedules 1, 2, 3, and 5 Schedules to that Act: And whereas the said electricity loans are, *inter alia*, enumerated in Schedule 1 to that Act, as follows— “34, £24,000 Tramways Loan; 35, £140,000 Tramways Loan; 36, £50,000 Tramways Loan; 37, £40,000 Tramways and Electric Light Loan; 39, £14,000 Tramways Additional Loan”: And whereas the Board has in pursuance of the said agreement paid to the Corporation all such annual instalments of purchase-money payable in the years nineteen hundred and twenty-four to nineteen hundred and twenty-nine inclusive, averaging in each year the sum of six thousand four hundred and fifty-five dollars and five cents, and has also paid all interest payable in respect of such purchase-money up to and inclusive of the half-yearly payment of interest due on the first day of June, nineteen hundred and thirty: And whereas the Corporation paid all such instalments and interest payable in the years nineteen hundred and twenty-four to nineteen hundred and twenty-six inclusive into the Tramway Account of the Corporation, and paid all such instalments and interest payable in the years nineteen hundred and twenty-seven to nineteen hundred and twenty-nine inclusive and the interest due on the first day of June, nineteen hundred and thirty, into the District Fund Account of the

Corporation to the credit of the Interest Account to which the moneys raised by the making and levying of the said special rate under the Wanganui City Council Special Rate Empowering and Enabling Act 1924 [Repealed], are credited: And whereas the Corporation has paid and disbursed out of the said accounts all the said instalments and interest so paid into them respectively, first, as to part thereof, in payment of all payments of interest and sinking funds for the time being payable in respect of the said electricity loans; and, secondly, as to the balance thereof, towards payment of the interest and sinking funds payable in respect of the other loans enumerated in the said Schedules to the Wanganui City Council Special Rate Empowering and Enabling Act 1924 [Repealed]: And whereas doubts have arisen as to whether such instalments of purchase-money and interest or portions thereof have been properly applied: And whereas it is expedient that the acts of the Corporation in so paying or applying the said instalments and interest should be validated, and that the Corporation should be authorized and empowered to pay or apply all future payments of such purchase-money and the interest thereon as hereinafter provided: Be it therefore enacted as follows:—

- (1) The payments by the Corporation of the interest and instalments of purchase-money received by the Corporation from the Board as aforesaid into the Tramway Account of the Corporation, and into the District Fund Account to the credit of the said Interest Account, respectively, and all payments and disbursements of such interest and instalments thereout respectively are hereby validated.
- (2) Notwithstanding anything contained in the Wanganui-Rangitikei Electric-power Board Enabling Act 1924 [Repealed], the Corporation may pay the instalment of such purchase-money payable by the Board on the first day of December, nineteen hundred and thirty, and all interest hereafter payable by the Board on such purchase-money into the District Fund Account of the Corporation to the credit of the said interest account, and may pay or apply all such moneys out of the said account, first, in payment of all payments of sinking funds for the time being payable in respect of the said electricity loans, and, secondly, as to the balance (if any) of such moneys, towards payment of the sinking funds payable in respect of the other loans enu-

merated in the said Schedules to the Wanganui City Council Special Rate Empowering and Enabling Act 1924 [Repealed].

- (3) The Corporation shall pay or apply the balance of such purchase-money payable by the Board on the first day of December, nineteen hundred and thirty-one, in or towards payment of the sinking-funds in respect of such of the said electricity loans as have not been fully repaid or any one or more thereof.

The expression “six thousand four hundred and fifty-five dollars and five cents” was substituted, as from 10 July 1967, for the expression “three thousand two hundred and twenty-seven pounds ten shillings and sixpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

36 Validating payment of compassionate allowance by Invercargill City Council

The payment by the Invercargill City Council during the financial year ended the thirty-first day of March, nineteen hundred and thirty, of the sum of fifty dollars as a compassionate allowance to the mother of the late James Kirkland, a former employee of the Council, is hereby validated and declared to have been lawfully made.

The expression “fifty dollars” was substituted, as from 10 July 1967, for the expression “twenty-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

37 As to rates of Mount Albert Borough Council for year ended 31st March, 1930

Whereas on the twenty-seventh day of April, nineteen hundred and twenty-seven, a proposal to adopt the system of rating on the basis of the unimproved value in the Borough of Mount Albert (hereinafter referred to as the said Borough) was carried, and, pursuant to section forty-three of the Rating Act 1925 (hereinafter referred to as the said Act), became effective as from the thirty-first day of March, nineteen hundred and twenty-eight: And whereas a valuation roll of the rateable property in the said borough was not prepared and supplied in terms of section forty-seven of the said Act after the adopting proposal had been carried: And whereas the High Court, on the sixth day of December, nineteen hundred and twenty-nine, adjudged that, as a valuation roll had not been prepared and supplied in terms of section forty-seven of the said Act, the rates made and levied by the Mount Albert Borough Council (hereinafter referred to as the said Council)

for the year ended on the thirty-first day of March, nineteen hundred and thirty (hereinafter referred to as the first-mentioned rates), were not validly made and levied: And whereas a large proportion of the first-mentioned rates was, prior to the said judgment, paid by various ratepayers in the said borough: And whereas a valuation roll (hereinafter referred to as the said roll) was prepared by the Valuer-General and supplied to the said Council in terms of section forty-seven of the said Act on or about the thirty-first day of January, nineteen hundred and thirty, and public notification thereof was duly given: And whereas alterations were made in the valuations contained in the said roll pursuant to objections under section forty-seven of the said Act and pursuant to notices to the Valuer-General under section forty-five of the Valuation of Land Act 1925: And whereas on the fourth day of June, nineteen hundred and thirty, the said Council purported again to make and levy certain rates for the year ended on the thirty-first day of March, nineteen hundred and thirty (hereinafter referred to as the second-mentioned rates), over all rateable property within the said borough and, for the purposes of such rates, used the said roll as prepared and supplied in manner hereinbefore appearing with alterations subsequently made therein pursuant to objections and notices made and given as aforesaid: And whereas it is advisable to make provision in manner hereinafter appearing with respect to the matters aforesaid, and with respect to the amount that the said Council may borrow during the current financial year in anticipation of its revenues: Be it therefore enacted as follows:—

- (1) The said Council shall be deemed to have been lawfully empowered to make and levy the second-mentioned rates for the year ended on the thirty-first day of March, nineteen hundred and thirty.
- (2) The said roll as altered in manner aforesaid shall be the valuation roll for the district and shall be deemed to have been the valuation roll in force for the purposes of the second-mentioned rates, and, in so far as may be necessary for those purposes, that roll shall be deemed to have been in force for the year ended on the thirty-first day of March, nineteen hundred and thirty:

Provided that no person shall be liable as occupier of any land for payment of the second-mentioned rates if he was not the occupier thereof within the meaning of the Rating Act 1925,

during some portion of the year ended on the thirty-first day of March, nineteen hundred and thirty.

- (3) In collecting from any person any sum of money for which he is liable in respect of the second-mentioned rates the said Council shall set off against that sum any sum duly paid by that person to the said Council in respect of the first-mentioned rates; and if the sum so paid by any person in respect of the first-mentioned rates is greater than the sum payable by him in respect of the second-mentioned rates the said Council shall refund to that person a sum equal to the excess.
- (4) It shall be lawful for the Minister of Internal Affairs during and in respect of the year ending on the thirty-first day of March, nineteen hundred and thirty-one, to authorize the said Council to borrow in anticipation of its revenue moneys in excess of the sums authorized to be borrowed by section three of the Local Bodies' Finance Act 1921-22.

The words "High Court" were substituted, as from 1 April 1980, for the words the "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

38 Authorizing raising of additional 10 per cent of loan of \$26,800 by Takapuna Borough Council

Whereas in the year nineteen hundred and twenty-four the Takapuna Borough Council (hereinafter referred to as the Council) raised by way of a special loan under the provisions of the Local Bodies' Loans Act 1913, the sum of one hundred and thirty-seven thousand four hundred dollars for the purpose of carrying out certain street works in the Borough of Takapuna—namely, widening and supporting Marine Terrace; construction and improvement of Marine Parade, King Edward Avenue, Victoria Road, Lake Road, Hurstmere Road, Kitchener Road, Shakespeare Road, Taharoto Road, Anzac Street, the Terrace, and East Coast Road; and kerbing, channelling, forming footpaths, and provision of improved storm-water drainage, for the said streets: And whereas in consequence of such moneys and an additional sum, being ten per centum thereof, being insufficient to pay the cost of such works the Council in the year nineteen hundred and twenty-six raised by way of special loan under the provisions of the above-mentioned Act a further sum of twenty-six thousand eight hundred dollars (hereinafter referred to as the said second loan), be-

ing the amount estimated to complete the widening, supporting, and construction of Marine Terrace: And whereas the Council has completed the above-mentioned works for which the loan-moneys were raised (hereinafter referred to as the completed works) out of moneys belonging to its District Fund Account, and desires to carry out certain other works (hereinafter referred to as the proposed works) rendered necessary by the regrading of Marine Terrace—namely, the cutting-down, grading, and construction of that portion of Beresford Street in the Borough of Takapuna where it joins Marine Terrace, so as to conform with the new level of Marine Terrace—the estimated cost of the proposed works being four hundred dollars: And whereas, in order to reimburse to the Council's District Fund Account the amount expended in completing the completed works and to make provision for the payment of the cost of the proposed works, it is expedient that the Council be empowered to raise by way of loan, under section nineteen of the Local Bodies Loans Act 1926, a sum equivalent to ten per centum of the said second loan as if that loan were the first loan raised for the purposes of the said works: Be it therefore enacted as follows:—

- (1) It shall be lawful for the Council to pay the cost of the proposed works out of the loan-moneys to be raised as hereinafter provided.
- (2) For the purpose of repaying its District Fund Account the amount expended in completing the completed works, and for the purpose of providing for the cost of the proposed works, the Council is hereby empowered to raise under section nineteen of the Local Bodies' Loans Act 1926, in accordance with the provisions of that Act and subject to the provisions of the Local Government Loans Board Act 1926, a loan not greater than one-tenth of the amount of the said second loan as fully and effectually as if that loan were the first loan raised by the Council for the works aforesaid.

The expressions "one hundred and thirty-seven thousand four hundred dollars", "twenty-six thousand eight hundred dollars", and "four hundred dollars" were substituted, as from 10 July 1967, for the expressions "sixty-eight thousand seven hundred pounds", "thirteen thousand four hundred pounds", and "two hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

39 Authorizing Wairoa Borough Council to raise a loan to recoup General Account

Whereas the Wairoa Borough Council raised special loans aggregating ninety-six thousand eight hundred dollars for the purposes of a water-supply: And whereas the said sum was insufficient to complete the work, and the Council expended out of its General Account the further sum of one thousand seven hundred and forty-two dollars ninety-one and two-thirds cents for such purpose: And whereas the Council raised loans aggregating nine thousand four hundred and sixty dollars for the purpose of Lambton Square Sports Ground: And whereas the said sum was insufficient to complete the works, and the Council expended out of its General Account the further sum of four thousand two hundred and twenty-nine dollars ninety-nine and one-sixth cents for such purpose: And whereas the Council raised a loan of six thousand dollars for the purpose of erecting workers' dwellings in accordance with section 333 of the Municipal Corporations Act 1920: And whereas the said sum was insufficient to complete the work, and the Council expended out of its General Account the further sum of one thousand three hundred and fifty-four dollars ninety-four and a sixth cents for such purpose: And whereas the Council expended out of its General Account the sum of four hundred and eighteen dollars on unemployment relief works: And whereas the Council expended out of its General Account the sum of nine hundred and seventy-four dollars thirty-five and five-sixths cents on urgent bridge-protection works: And whereas at the thirty-first day of March, nineteen hundred and twenty-nine, the Council had exceeded the limit of its overdraft as imposed by section three of the Local Bodies' Finance Act 1921-22: And whereas the said excess was occasioned primarily by reason of the aforesaid expenditure out of the Council's General Account: And whereas it is expedient to authorize the Council to borrow by way of special loan under the Local Bodies' Loans Act 1926, a sum equal to the amount of the excess overdraft as at the thirty-first day of March, nineteen hundred and twenty-nine, and to provide for the payment of the sum so borrowed into the General Account: Be it therefore enacted as follows:—

The Council may borrow by way of special loan under the provisions of the Local Bodies' Loans Act 1926, an amount not greater than the sum certified by the Audit Office to be the amount of the excess overdraft of the Council as at the thirty-first day of March, nineteen hundred and twenty-nine, and shall pay the proceeds of any such loan into its General Account.

The expressions "ninety-six thousand eight hundred dollars", "one thousand seven hundred and forty-two dollars ninety-one and two-thirds cents", "nine thousand four hundred and sixty dollars", "four thousand two hundred and twenty-nine dollars ninety-nine and a sixth cents", "six thousand dollars", "one thousand three hundred and fifty-four dollars ninety-four and a sixth cents", "four hundred and eighteen dollars", and "nine hundred and seventy-four dollars thirty-five and five-sixths cents" were substituted, as from 10 July 1967, for the expressions "forty-eight thousand four hundred pounds", "eight hundred and seventy-one pounds nine shillings and twopence", "four thousand seven hundred and thirty pounds", "two thousand one hundred and fourteen pounds nineteen shillings and elevenpence", "three thousand pounds", "six hundred and seventy-seven pounds nine shillings and fivepence", "two hundred and nine pounds", and "four hundred and eighty-seven pounds three shillings and sevenpence" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

40 Authorizing refund of certain excess rates by Tauranga Borough Council

Whereas a clerical error was made in the valuation roll supplied to the Tauranga Borough Council (hereinafter referred to as the Council) in the year nineteen hundred and twenty-three in the valuation of Allotments 533, 534, 535, Section 2, Town of Tauranga (hereinafter referred to as the said lands), inasmuch as the capital value was shown as one thousand five hundred dollars, the unimproved value as one thousand five hundred dollars, and improvements as nil: And whereas the correct valuation should have been shown as capital value one thousand four hundred and twenty dollars, unimproved value four hundred and twenty dollars, and improvements one thousand dollars: And whereas the Council rates on the unimproved value, and rates have been made and levied on the said lands on an unimproved valuation of one thousand five hundred dollars in each year of the period of seven financial years ending on the thirty-first day of March, nineteen hundred and thirty-one, and such rates have all been paid except for the last year of such period: And whereas the Council desires to make

a refund of the excess rates so paid: Be it therefore enacted as follows:—

The Council is hereby authorized to refund to the owner or occupier of the said lands the amount of the difference between the rates paid on the unimproved valuation of the said lands as appearing in the valuation roll and the rates that would have been payable on the valuation of the said lands if such valuation had been correctly entered in the valuation roll, or such part of such amount as the Council deems fit.

The expressions “one thousand five hundred dollars”, “one thousand four hundred and twenty dollars”, “four hundred and twenty dollars”, and “one thousand dollars” were substituted, as from 10 July 1967, for the expressions “seven hundred and fifty pounds”, “seven hundred and ten pounds”, “two hundred and ten pounds”, and “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Town boards and road boards.

41 Validating agreement entered into between Tuakau Town Board and the Crown relative to erection of bridge at Tuakau

Whereas on the fifteenth day of March, nineteen hundred and twenty-eight, the Tuakau Town Board entered into an agreement with the Minister of Railways for the construction of a certain traffic-bridge over the Government railway at Tuakau and the approaches to such bridge, whereby the said Town Board agreed to pay to the said Minister the sum of three hundred and forty dollars by ten annual payments of thirty-four dollars each, together with interest upon outstanding amounts computed at the rate of six per centum per annum: And whereas the said Town Board has already made one payment in pursuance of the said agreement: And whereas doubts have arisen as to the legality of any payment made or to be made under the said agreement, and it is desirable that the payment of all moneys payable by the said Town Board under the said agreement should be validated: Be it therefore enacted as follows:—

- (1) The entering into and making of the said agreement shall be deemed to be and at all material times to have been within the powers of the said Board.
- (2) All payments heretofore made and hereafter to be made by the said Board to the said Minister in pursuance of the said

agreement shall be deemed to be and to have been at all times valid and within the powers of the said Board.

The expressions “three hundred and forty dollars”, and “thirty-four dollars” were substituted, as from 10 July 1967, for the expressions “one hundred and seventy pounds”, and “seventeen pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

42 Validating unauthorized expenditure by Tuakau Town Board

The expenditure by the Tuakau Town Board during the financial year ended the thirty-first day of March, nineteen hundred and thirty, of the sum of twenty-two dollars and ten cents towards the erection of a Maori hostel at Tuakau is hereby validated and declared to have been lawfully incurred.

The expression “twenty-two dollars and ten cents” was substituted, as from 10 July 1967, for the expression “eleven pounds one shilling” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

43 Authorizing diversion of loan-money by Mount Roskill Road Board

Whereas the Mount Roskill Road Board (hereinafter called the Board) was duly authorized by a poll of ratepayers of the Mount Roskill Road District, taken on the first day of November, nineteen hundred and twenty-six, to borrow the sum of eleven thousand dollars for the purpose of the purchase and erection of a stone-crushing plant and equipment and the development of a stone-quarry on the metal reserve, Three Kings, Mount Roskill: And whereas the said loan was duly raised, and after the expenditure of the sum of one thousand seven hundred and forty-four dollars and eighty-four and a sixth cents on the said work it was ascertained that the erection of a crushing-plant was unnecessary, the stone being of such a nature as the result of volcanic action that it was road-ready when screened, and the Board accordingly abandoned the work, and now holds an unexpended balance of the said loan of nine thousand two hundred and fifty-five dollars fifteen and five-sixths cents: And whereas the Board desires to spend the unexpended balance of the said loan in and upon other works in the said district: And whereas the Board is unable to proceed under the provisions of section forty-seven

of the Finance Act 1929 [Repealed], as the original work for which the said loan was raised has not been completed: Be it therefore enacted as follows:—

It is hereby declared that the public work for which the said loan was raised shall be deemed to have been completed for the purposes of section forty-seven of the Finance Act 1929, and that the unexpended balance of the said loan may be used for any other public work in accordance with the provisions of that section, but not otherwise.

The expressions “eleven thousand dollars”, “one thousand seven hundred and forty-four dollars and eighty-four and a sixth cents”, and “nine thousand two hundred and fifty-five dollars fifteen and five-sixths cents” were substituted, as from 10 July 1967, for the expressions “five thousand five hundred pounds”, “eight hundred and seventy-two pounds eight shillings and fivepence”, and “four thousand six hundred and twenty-seven pounds eleven shillings and sevenpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

44 Authorizing Howick Town Board to acquire strip of land for purposes of a street

[Repealed]

Section 44 was repealed, as from 22 December 1933, by section 36 Local Legislation Act 1933 (1933 No 46).

45 Validating fixing of water charges by Leamington Town Board according to the quantity used

Whereas by Order in Council made under section 11 of the Municipal Corporations Amendment Act 1928, dated the twenty-third day of June, nineteen hundred and thirty, and published in the *Gazette* of the twenty-sixth day of the same month, the Leamington Town Board was authorized to fix water charges in respect of the ordinary as well as the extraordinary supply according to the quantity of water consumed by any person receiving the same as measured by meter: And whereas the said Board has been so fixing water charges since the first day of April, nineteen hundred and twenty-eight, and it is expedient to validate its action in that respect: Be it therefore enacted as follows:— The Leamington Town Board shall for all purposes be deemed to have been lawfully empowered as from the first day of April, nineteen hundred and twenty-eight, to fix water charges according to the authority

conferred by the aforesaid Order in Council as if that Order in Council had taken effect on that date.

Harbour boards.

46 Validating certain expenditure incurred by Wellington Harbour Board in jubilee celebrations

The expenditure by the Wellington Harbour Board during the financial year ended the thirtieth day of September, nineteen hundred and thirty, of the sum of one thousand nine hundred and thirty-six dollars and fifty-seven and a half cents in compiling and publishing an historical hand-book and otherwise in connection with the celebration of the jubilee of the Board is hereby validated, and declared to have been lawfully incurred.

The expression “one thousand nine hundred and thirty-six dollars and fifty-seven and a half cents” was substituted, as from 10 July 1967, for the expression “nine hundred and sixty-eight pounds five shillings and ninepence” pursuant to section 7(1) Decimal Currency Act 1964 (1933 No 46).

47 Authorizing transfer of certain land by Whakatane Harbour Board to Whakatane Borough Corporation for Plunket rooms and women’s rest-room

Whereas the Whakatane Harbour Board (hereinafter called the Board) is the owner in fee-simple of that parcel of land situated in the Borough of Whakatane, containing two and one-fifth perches, being Lot Number 24 on the plan of subdivision of part of Section 5, Block II, Whakatane Survey District, deposited in the Land Transfer Office at Auckland under Number 13036, and part of the land in certificate of title, Volume 303, folio 212, Auckland Registry: And whereas the Board desires to transfer the said land to the Corporation of the Borough of Whakatane, without payment of consideration, for the purpose of the erection thereon of a building for use as Plunket rooms and as a women’s rest-room: Be it therefore enacted as follows:—

It shall be lawful for the Board, without payment of consideration, to transfer and assure the said parcel of land hereinbefore described to the Corporation of the Borough of Whakatane for the purpose of the erection thereon of a building for the use of the Whakatane Branch of the Royal New Zealand Society for

the Health of Women and Children (commonly known as the Plunket Society) and for use as a women's rest-room.

48 Authorizing Otago Harbour Board to lease certain land to Crown

Whereas the land hereinafter described is required as a site for a drill-hall for the Royal Naval Volunteer Reserve: And whereas the said land is vested in the Otago Harbour Board, and the said Board is prepared, subject to the necessary power being conferred upon it by legislation, to lease such land to His Majesty the King for the term and in manner hereinafter mentioned: Be it therefore enacted as follows:—

The Otago Harbour Board is hereby empowered to lease to the Crown all that piece of land in the City of Dunedin, containing seventeen and sixty-eight hundredths perches, more or less, being part of Section 28, Block 63, on the plan deposited in the Land Registry Office at Dunedin, as Number 1900, and being part of the land comprised in certificate of title, register-book, Volume 176, folio 184 (which said piece of land is situated at the corner of Tewsley and Willis Streets, and is all the land contained in memorandum of lease registered in the Land Registry Office at Dunedin, and therein numbered 4578, which expired on the thirtieth day of June, nineteen hundred and thirty), for a period of twenty-one years, commencing on the first day of July, nineteen hundred and thirty, and with, upon, and subject to such other terms, conditions, and provisions as may be agreed upon between the Crown and the said Board, including provisions for payment of valuation for improvements and for renewal for one or more or for recurring periods of twenty-one years.

49 Authorizing Wairoa Harbour Board to divert certain excess special rates

Whereas the Wairoa Harbour Board has in hand certain moneys paid in respect of special rates levied and collected for the purpose of meeting interest and other charges on certain loans as a security for which such special rates were made, levied, and collected: And whereas the sum of three thousand dollars, part of the sums aforesaid, is in excess

of the sum required for the purpose of meeting interest and other charges due and accruing due in respect of the said loans: And whereas it is desirable that the said sum of three thousand dollars be applied by the Board in payment of a liability of the said Board not secured by any of the said special rates—namely, the sum of three thousand dollars due and owing by the said Board to the New Zealand Shipping Company, Limited, in respect of a wharf erected for and on the property of the said Board in the County of Wairoa on the northern bank of the Wairoa River in the Wairoa Harbour: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act, the Wairoa Harbour Board is hereby authorized and empowered to apply the said sum of three thousand dollars in payment of the said liability to the New Zealand Shipping Company, Limited.

The expression “three thousand dollars” was substituted, as from 10 July 1967, for the expression “one thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

50 Authorizing conveyance of certain land to the Missions to Seamen Society (Port of Auckland)

Whereas the land described in subsection three hereof (hereinafter referred to as the said land) was with other land conveyed to the Auckland Sailors’ Home (a body incorporated under the Companies Act 1908) by the Auckland Harbour Board, and is held by the said Sailors’ Home for the purposes of and upon the trusts and subject to the conditions set out in sections twenty and twenty-one of the Auckland Harbour Board Act 1885, and sections nine and ten of the Auckland Harbour Board and Birkenhead Borough Empowering Act 1907 (hereinafter referred to as the said enactments): And whereas the Auckland Sailors’ Home is desirous of conveying the said land to the Missions to Seamen Society (Port of Auckland), a body incorporated under the Religious, Charitable and Educational Trusts Act 1908, for the purposes and upon the trusts and subject to the conditions aforesaid, and upon further trusts and conditions set out in an agreement made between the said bodies on the fourteenth day of March, nineteen hundred and thirty, and recorded in the Department of Internal Affairs at Wellington as IA 19/73/331: And whereas the Auckland Harbour Board has consented to the conveyance of the

said land as aforesaid, and is desirous of conveying to the said Missions to Seamen Society the land described in subsection four hereof to be held by that society upon the same terms as it will, under the said agreement, hold the said land: And whereas it is desirable to authorize the carrying-out of the said agreement and to empower the Auckland Harbour Board to convey to the said Missions to Seamen Society the land described in subsection four hereof: Be it therefore enacted as follows:—

- (1) The said agreement shall for all purposes be deemed to have been lawfully made and on registration thereof under the Deeds Registration Act 1908, the Auckland Sailors' Home may, notwithstanding anything to the contrary in the said enactments, convey the said land to the Missions to Seamen Society (Port of Auckland), and that society shall thereupon hold the same for the purposes of and upon the trusts and subject to the conditions set out in the said enactments and in the said agreement.
- (2) Upon the conveyance of the said land to the said Missions to Seamen Society, the Auckland Harbour Board may convey to the said society the land described in subsection four hereof and the said society shall hold the same for the same purposes and upon the same trusts and subject to the same conditions as the said land conveyed to it pursuant to the last preceding subsection in all respects as if it were part of the said land.
- (3) The said land is particularly described as follows:—

All that piece or parcel of land in the City of Auckland, being part of Allotment 85A of land reclaimed from the sea by the Auckland Harbour Board, bounded (commencing at a point one hundred and seven feet eleven inches from the junction of Albert Street and Sturdee Street) towards the north-east by other part of said Allotment 85A, fifty-nine feet six inches; towards the north by other part of said Allotment 85A, six feet six inches; towards the east by other part of said allotment, thirty feet; towards the south by Allotment 85 of said reclamation, sixty-two feet nine inches; towards the west and north-west by other part of said reclamation, forty-seven feet and twenty-eight feet; and towards the north by Sturdee Street aforesaid, twelve feet seven inches, to the commencing-point.

- (4) The land which the Auckland Harbour Board may transfer to the Missions to Seamen Society is particularly described as follows:—
- All that parcel of land, containing thirty-seven hundredths of a perch, more or less, being portion of Lot 85A of the City of Auckland, commencing at a point on the southern side of Sturdee Street, one hundred and twenty feet six inches in a south-westerly direction from its junction with Albert Street; thence south-westerly along Sturdee Street, fifteen feet, to the western boundary of said Lot 85A; thence southerly along that boundary a distance of sixteen feet six inches; and thence by a straight line in a north-easterly direction to the commencing-point: As the same is shown coloured yellow in outline on the plan recorded in the Department of Internal Affairs at Wellington as IA 19/73/331.
- (5) In addition to the powers hereinbefore conferred upon it, the Auckland Sailors' Home may grant a lease (with provision for rights of renewal), for such period and upon such terms and conditions as may be agreed upon between it and the lessee, to any person or body of persons, of any part of the remaining land held by it, or of any buildings erected thereon; and the lessee shall hold the same for the purposes of, and upon the trusts and subject to the same conditions, as the said land is held by the said Sailors' Home.

51 Authorizing Auckland Harbour Board to lease certain land to Devonport Borough Council

Notwithstanding anything to the contrary in the Harbours Act 1923, or in any other Act, the Auckland Harbour Board is hereby authorized and empowered to grant to the Devonport Borough Council for recreation purposes for a term not exceeding fifty years, and at such rental and upon such terms and conditions as may be agreed upon between the parties, a lease of a portion, not exceeding ten acres, of the lands vested in the Board situated in Ngataringa Bay, Auckland Harbour, and adjoining part of the land conveyed to the Devonport Borough Corporation by the Auckland Harbour Board under and by the

authority of the Auckland Harbour Board and the Devonport Borough Council Empowering Act 1905.

Electric-power boards.

52 Validating certain expenditure by Waitomo Electric-power Board

Whereas in anticipation of raising a special loan of forty thousand dollars for the purpose of the erection of offices and showrooms in the Borough of Te Kuiti and Town District of Otorohanga, the purchase of static condensers, and reticulation, the Waitomo Electric-power Board borrowed the sum of twenty-one thousand eight hundred and thirty-two dollars and twenty-five cents from its Power Fund, and expended the same for the purposes for which the said special loan was to be raised, and upon obtaining authority for and raising the said loan of forty thousand dollars repaid out of the proceeds thereof the said sum of twenty-one thousand eight hundred and thirty-two dollars and twenty-five cents previously advanced from its Power Fund as aforesaid: And whereas, although such expenditure was made in good faith, the same was in contravention of the provisions of the Local Bodies Loans Act 1926, and it is desirable to validate the same: Be it therefore enacted as follows:—

The payment by the Waitomo Electric-power Board out of the said special loan of forty thousand dollars of the sum of twenty-one thousand eight hundred and thirty-two dollars and twenty-five cents in repayment of moneys of that amount borrowed from the Power Fund of the Board before such special loan was authorized and raised is hereby validated and declared to have been lawfully made.

The expressions “forty thousand dollars”, and “twenty-one thousand eight hundred and thirty-two dollars and twenty-five cents” were substituted, as from 10 July 1967, for the expressions “twenty thousand pounds”, and “ten thousand

nine hundred and sixteen pounds two shillings and sixpence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

River boards.

53 As to overdraft authority of Kaipara River Board

- (1) The authority conferred on the Minister of Internal Affairs by subsection five of section three of the Local Bodies’ Finance Act 1921-22, to fix the limits of the power to borrow by way of bank overdraft in the case of local authorities constituted after the commencement of that Act is hereby extended so as to enable that Minister to fix the limits of the power of the Kaipara River Board to borrow by way of bank overdraft until the thirty-first day of March, nineteen hundred and thirty-one.
- (2) In the case of the said River Board the limits imposed by subsection two of the aforesaid section three shall not apply with respect to any year prior to the year beginning on the first day of April, nineteen hundred and thirty-two.

54 Authorizing Motueka River Board to pay certain expenses incidental to constitution of Motueka River District

The Motueka River Board is hereby empowered to pay out of its funds the expenses incurred by any ratepayers within the Motueka River District prior to the election of the said Board, whether before or after the constitution of the said district, in preparing, promoting, and maintaining the petition for the constitution of the said district (including the cost of advertising the said petition), save that no such expenses or costs shall be so paid unless the Audit Office certifies that they are reasonable and have been incurred in good faith for any of the purposes aforesaid.

Drainage boards.

55 As to overdraft authority of Tirohia-Rotokohu Drainage Board

- (1) The authority conferred on the Minister of Internal Affairs by subsection five of section three of the Local Bodies’ Finance Act 1921-22, to fix the limits of the power to borrow by way of bank overdraft in the case of local authorities constituted

after the commencement of that Act is hereby extended so as to enable that Minister to fix the limits of the power of the Tirohia-Rotokohu Drainage Board to borrow by way of bank overdraft until the thirty-first day of March, nineteen hundred and thirty-one.

- (2) In the case of the said Drainage Board the limits imposed by subsection two of the aforesaid section three shall not apply with respect to any year prior to the year beginning on the first day of April, nineteen hundred and thirty-two.

56 Special provision with respect to union of Hungahunga, Waitoa, Elstow, and Tahuna Drainage Districts

- (1) In the event of the Governor-General declaring by Order in Council pursuant to section fifteen of the Land Drainage Act 1908, that the Hungahunga, Waitoa, Elstow, and Tahuna Drainage Districts, or any two or more of such districts, shall form one united district, the Governor-General may in the said or any subsequent Order in Council declare that the Board of Trustees for the united district shall consist of not less than five nor more than twelve persons.
- (2) In the event of the united district being divided into subdivisions the Board shall consist of the members for each subdivision, but so that there shall be not less than five nor more than twelve members of the Board, nor less than one nor more than five members for each subdivision.

57 Validating payment of preliminary costs by Mangapu Drainage Board

The payment by the Mangapu Drainage Board of the sum of three hundred and twenty dollars and twenty-two and a half cents for legal expenses incurred in connection with the constitution of the Mangapu Drainage District and the formation of the said Mangapu Drainage Board is hereby validated and declared to have been lawfully made.

The expression “three hundred and twenty dollars and twenty-two and a half cents” was substituted, as from 10 July 1967, for the expression “one hundred

and sixty pounds two shillings and threepence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Hospital boards.

58 Authorizing payment of annuity by the Marlborough Hospital Board

Whereas Jabez Blizzard, of Picton, clerk, has been in the employ of the Picton Hospital Board for a period of twenty-three years: And whereas the Picton Hospital District now forms part of the Marlborough Hospital District, and the said Picton Hospital Board has ceased to exist: And whereas it is desired to grant a pension to the said Jabez Blizzard in recognition of his services: Be it therefore enacted as follows:—

The Marlborough Hospital Board is hereby authorized to grant to Jabez Blizzard, of Picton, clerk, a life pension not exceeding fifty dollars per annum.

The expression “fifty dollars” was substituted, as from 10 July 1967, for the expression “twenty-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

59 Vesting in Opotiki Hospital Board certain land at present vested in Bay of Plenty Hospital Board

Whereas all that piece of land, containing two acres three roods twenty-eight and forty-nine hundredths perches, more or less, being Allotments 365, 366, and 411 of Section 2 of the Town of Opotiki, was by section twelve of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1913, vested in the Bay of Plenty Hospital Board: And whereas it is desirable that the said land should be vested in the Opotiki Hospital Board: Be it therefore enacted as follows:—

- (1) The vesting of the said land in the Bay of Plenty Hospital Board is hereby cancelled and the said land is hereby vested in the Opotiki Hospital Board as an endowment without power of sale.

- (2) Section twelve of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1913, is hereby consequentially repealed.

Fire boards.

60 Validating purchase of land by Masterton Fire Board for new fire brigade station

Whereas on the first day of February, nineteen hundred and thirty, the Masterton Fire Board purchased from William Gascoyen Beard, of Masterton, as a site for a new fire brigade station at Masterton, the area of land hereinafter described, for the sum of five thousand dollars, upon terms, *inter alia*, providing for the payment of the purchase-money by instalments extending over a period of six years: And whereas the prior consent of the Minister of Internal Affairs was duly obtained in accordance with the provisions of the Fire Brigades Act 1926: And whereas the Board, in good faith, but acting under a misapprehension, omitted to comply with the provisions of the Local Government Loans Board Act 1926, and it is desired to validate the said omission: Be it therefore enacted as follows:—

- (1) The Masterton Fire Board shall be deemed to have been lawfully empowered to purchase the said area of land in manner hereinbefore appearing in all respects as if the provisions of the Local Government Loans Board Act 1926, had been duly complied with.
- (2) The area of land to which this section relates is particularly described as follows:—

All that piece or parcel of land situated in the Provincial District of Wellington, containing three roods twenty-six and one-tenth perches, more or less, being part of Section 24, Masterton Small Farm Settlement, and being the whole of the land on Deposited Plan Number 9810, and being part of the land in certificates of title, Volume 358, folio 167, and Volume 31, folio 243, Wellington Registry.

The expression “five thousand dollars” was substituted, as from 10 July 1967, for the expression “two thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

61 Validating purchase of certain land by Wanganui Fire Board

Whereas on the first day of April, nineteen hundred and thirty, the Wanganui Fire Board purchased from Sarah Jane Wild, wife of Albert William Wild, of Wanganui, settler, for the purpose of providing accommodation for married men in the service of the Board, the area of land hereinafter described, for the sum of two thousand five hundred dollars upon terms, *inter alia*, providing for the payment of the purchase-money by instalments extending over a period of fifteen years: And whereas the prior consent of the Minister of Internal Affairs was duly obtained in accordance with the provisions of the Fire Brigades Act 1926: And whereas the Board, in good faith, but acting under a misapprehension, omitted to comply with the provisions of the Local Government Loans Board Act 1926, and it is desired to validate the said omission: Be it therefore enacted as follows:—

- (1) The Wanganui Fire Board shall be deemed to have been lawfully empowered to purchase the said area of land in manner hereinbefore appearing in all respects as if the provisions of the Local Government Loans Board Act 1926, had been duly complied with.
- (2) The area of land to which this section relates is particularly described as follows:—

All that parcel of land containing twenty-six and seven-tenths perches, more or less, being part of Section 221, Town of Wanganui, and being the whole of the land comprised in certificate of title, Volume 93, folio 129, Wellington Registry.

The expression “two thousand five hundred dollars” was substituted, as from 10 July 1967, for the expression “one thousand two hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

62 Validating payment by Westport Fire Board to a member of the Board

Whereas James Scanlon, builder, of Westport, a member of the Westport Fire Board (hereinafter referred to as the Board), contracted with the Board to carry out urgent temporary repairs to the Westport Fire-station on account of damage by earthquake on the seventeenth day of June, nineteen hundred and twenty-nine: And whereas the cost of such repairs, amounting to thirty-four dollars and twenty cents, was duly paid by the

Board to the said James Scanlon: And whereas such payment by the Board was illegal, and it is desirable to validate such payment: Be it therefore enacted as follows:—

The payment to the said James Scanlon by the Board of the sum of thirty-four dollars and twenty cents as aforesaid is hereby validated and declared to have been lawfully made, and, notwithstanding anything to the contrary in the Fire Brigades Act 1926, or any other Act, the acceptance by the said James Scanlon of that sum shall not at any time operate or be deemed to have operated to disqualify him from continuing to hold office as a member of the Westport Fire Board.

The expression “thirty-four dollars and twenty cents” was substituted, as from 10 July 1967, for the expression “seventeen pounds two shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Affecting two or more classes of local authorities.

63 Validating agreement between Southland Electric-power Board and Invercargill City Council in respect of purchase of electrical energy

Whereas the Southland Electric-power Board (hereinafter called the Board) and the Corporation of the City of Invercargill (hereinafter called the Corporation) entered into an agreement bearing the date the twenty-fifth day of August, nineteen hundred and thirty, a certified copy of which agreement is recorded in the Department of Internal Affairs at Wellington as IA 19/73/350, whereby the Corporation agreed to contribute to the revenues of the Board, in respect of the purchase by the Corporation of electrical energy from the Board, an additional sum of seven thousand two hundred dollars per annum upon the terms and conditions set out in the said agreement: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows:—

The Board and the Corporation shall for all purposes be deemed to have been lawfully empowered to enter into the agreement hereinbefore recited, and the said agreement shall be binding on the Board and the Corporation according to the tenor thereof.

The expression “seven thousand two hundred dollars” was substituted, as from 10 July 1967, for the expression “three thousand six hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

64 Validating agreement entered into between the Manukau County Council and Howick Town Board relative to water-supply

Whereas by Order in Council dated the fifteenth day of December, nineteen hundred and two, and published in the *Gazette* of the eighteenth day of the same month, the lands hereinafter described were declared to be vested in the Pakuranga Road Board in trust as a reserve for a site for a quarry: And whereas the Pakuranga Road District has since been merged in the County of Manukau, and the Pakuranga Road Board abolished: And whereas the Howick Town Board (hereinafter called the Board), being desirous of establishing a water-supply system, has requested the Manukau County Council (hereinafter called the Council) to allow the Board to use the said lands for water-supply purposes: And whereas by agreement dated the eighteenth day of March, nineteen hundred and thirty, made between the Board and the Council, a copy of which agreement is recorded in the Department of Internal Affairs at Wellington as IA 19/204/80, it has been agreed that the Council shall grant to the Board for a term of thirty years from the first day of April, nineteen hundred and thirty, at an annual rental of ten cents, the right to fence the said lands and to take water therefrom, and to undertake pumping and other works thereon as more fully set out in the said agreement: And whereas by the said agreement the Board agreed, if called upon, to supply to the Council and to certain residents and properties in the county water upon the terms therein set out, and also to provide all additional plant necessary to obtain and use all water obtainable from the said lands: And whereas the said parties further entered into and agreed upon the several obligations, agreements, restrictions, and provisions more fully set out in the said agreement: And whereas doubts have arisen as to the powers of the said parties to enter into and carry into effect the said agreement: Be it therefore enacted as follows:—

- (1) The lands mentioned and described in the said Order in Council shall be and be deemed from the date of the merger of the Pakuranga Road District in the County of Manukau to have been vested in the Council (a) as to that portion thereof de-

scribed in the said agreement (containing two roods, being part of Allotment 20 of Section V of Small Farms near Howick: bounded as shown coloured pink on the plan annexed to the said agreement) in trust as a reserve for water-supply purposes; and (b) as to the residue of the lands described in the said Order in Council in trust as a reserve for quarry purposes.

- (2) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or any other Act, the Board and the Council are hereby and shall be deemed to have been at all times authorized and empowered to enter into the said agreement and to grant accept and undertake the rights, privileges, and obligations therein mentioned.
- (3) The Board and the Council are hereby authorized and empowered to enter into and execute all such further leases, licenses, contracts, and agreements as they may deem necessary and expedient to give full effect to the objects and purport of the said agreement and to confirm to the Board the benefit and uninterrupted user and enjoyment of the rights and privileges therein mentioned.

The expression “ten cents” was substituted, as from 10 July 1967, for the expression “one shilling” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Miscellaneous.

65 Validating merger of Otahuhu Trotting Club and Auckland Trotting Club

Whereas the Otahuhu Trotting Club has tentatively agreed to merge into and become part of the Auckland Trotting Club, and the latter club has agreed to accept such merger: And whereas by section six of the Gaming Amendment Act 1924, it is provided that on the dissolution of a trotting club the assets remaining are to be disposed of as therein provided: And whereas doubts have arisen as to whether such provision is applicable to the assets of the Otahuhu Trotting Club in the proposed merger, and it is expedient to authorize the proposed merger and the vesting of the assets of the Otahuhu Trotting Club in the trustees for the time being of the Auckland Trotting Club upon the trusts expressed in a declaration of trust of the eighth day of October, nineteen hundred and eighteen, respect-

ing the assets of the Auckland Trotting Club: Be it therefore enacted as follows:—

The merger of the Otahuhu Trotting Club with and into the Auckland Trotting Club is hereby authorized, and all the property and assets of the Otahuhu Trotting Club subject to any encumbrances thereon shall upon such merger vest in the trustees for the time being of the Auckland Trotting Club to be held by them subject to and upon the trusts expressed in a declaration of trust dated the eighth day of October, nineteen hundred and eighteen, respecting the assets of the Auckland Trotting Club.

66 Validating expenditure by Manawatu Gorge Board of Control in erection of tablet

The expenditure by the Manawatu Gorge Board of Control during the year ended the thirty-first day of March, nineteen hundred and twenty-seven, of the sum of seventy-seven dollars and sixty cents in respect of the erection of a tablet at the Manawatu Gorge to commemorate the completion of the work for which the Board was constituted is hereby validated and declared to have been lawfully made.

The expression “seventy-seven dollars and sixty cents” was substituted, as from 10 July 1967, for the expression “thirty-eight pounds sixteen shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

67 Authorizing changing of purposes of expenditure of Auckland Transport Board’s Tramway Development Loan (1929)

Whereas the Auckland Transport Board (hereinafter called the Board) on the eighth day of May, nineteen hundred and twenty-nine, took a poll of the ratepayers of the Auckland Transport District on a proposal to raise a special loan of one million and fifty-three thousand two hundred dollars, now known as the Transport Development Loan (1929), for, *inter alia*, certain tramway extensions, including an extension described as **on Mount Eden Road**: And whereas it was always intended by the Board that the said extension should be made not only on Mount Eden Road, but on Three Kings Road, which road is a continuation of Mount Eden Road, and a sum estimated to be sufficient for the whole of such extension was included in the estimates for the said loan, and it is desirable

to authorize the construction of such extension accordingly: And whereas the Board has since the taking of the said poll decided that certain variations in the routes of other extensions referred to in the said proposal should be made, and that tramways should in order to adequately serve the districts concerned be constructed on roads and streets not mentioned in the said loan proposal, and in consequence of savings effected in connection with some of the works included in the said proposal it is apparent that moneys will be available for other works, and it is desirable that the Local Government Loans Board should be empowered to consider, and, if found advisable, to authorize, variations in the said extensions and the employment of loan-moneys in carrying out other works: Be it therefore enacted as follows:—

- (1) It shall be and shall be deemed to have been lawful for the Board, out of the proceeds of the Transport Development Loan (1929), to construct a tramway extension along Mount Eden Road and Three Kings Road as if the tramway extension mentioned in the proposal for the said loan and therein described as **on Mount Eden Road** had been described therein as **on Mount Eden Road and Three Kings Road**.
- (2) It shall be lawful for the Local Government Loans Board under the provisions of section forty-seven of the Finance Act 1929 [Repealed], to authorize the expenditure by the Board of portion of the Transport Development Loan (1929) on tramway extensions on roads or streets not mentioned in the proposal for the raising of the said loan which will serve the districts indicated in the said proposal, and to sanction the expenditure by the Board upon other works of moneys forming part of the said loan which the Local Government Loans Board is satisfied will not be required for any of the works for which the said loan was raised, notwithstanding that the whole of the works included in the said proposal have not been carried out.

The expression “one million and fifty-three thousand two hundred dollars” was substituted, as from 10 July 1967, for the expression “five hundred and twenty-six thousand six hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

68 Authorizing the Selwyn Plantation Board to grant a lease of certain land to the Canterbury Education Board
[Repealed]

Section 68 was repealed, as from 1 April 1954, by section 30(1) Selwyn Plantation Board Act 1953 (1953 No 96) [Repealed].

69 Conferring extended powers of leasing on the trustees of the Ngaruawahia Public Library, Incorporated

Whereas by certificate of title bearing date the twenty-third day of December, eighteen hundred and eighty, Volume 20, folio 299, Auckland Registry, the trustees for the Ngaruawahia Public Library, Incorporated, were declared to be seised of an estate in fee-simple in all that piece of land containing by admeasurement twenty-five perches, more or less, situate in the Newcastle Survey District, and being Allotment 48 of the Town of Newcastle, in trust as a site for a public library: And whereas the said land was not and is not for the time being required for the purpose to which it is dedicated: And whereas the said trustees now stand seised of the said land subject to memorandum of lease to one Eliza Grant, which lease bears date the sixth day of November, nineteen hundred and twenty-five, and is registered in the said registry under number 12242: And whereas it is expedient to confer upon the said trustees additional leasing-powers in respect of the said land: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the said trustees are hereby empowered to grant to the said Eliza Grant, her successors, or assigns, a lease of the said Allotment 48 of the Town of Newcastle for a term of fifty years commencing from the twenty-second day of September, nineteen hundred and twenty-five, at an annual rental of two hundred and forty-two dollars for the first fourteen years of the said term and an annual rental of three hundred and thirty dollars for the remainder of the said term, the said rental to be payable half-yearly on the twenty-second day of the months of March and September in each year, and on such other terms and conditions as may be prescribed or approved by the Governor-General.

- (2) The said trustees may in respect of the said land accept a surrender of the said memorandum of lease number 12242, Auckland Land Registry.

The expressions “two hundred and forty two dollars”, and “three hundred and thirty dollars” were substituted, as from 10 July 1967, for the expressions “one hundred and twenty-one pounds”, and “one hundred and sixty five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**70 Provision for distribution of assets, liabilities, etc, of
Manawatu Gorge Board of Control**

[Repealed]

Section 70 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.